

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6377
FAX (510) 286-4882

Received

JAN 23 2007



Flex your power!
Be energy efficient!

Solano Cty. CAO

December 15, 2003

Ms. June Guidotti
3703 Scally Road
Suisun, CA 94585

*add to BOS -
Meeting Minutes
1-23-07
as part of the record
1 of 22 pages*

Dear Ms. Guidotti:

I appreciated the opportunity to meet with you on October 29, 2003 to discuss past flooding on your property located at 3703 Scalley Road. The area in question is outside State right of way bounded by Kildeer Road and Potrero Hills Lane. Both of these roadways are Solano County facilities.

I agree with you that the extent of flooding as evidenced by the pictures you provided is most likely exacerbated by the small culvert beneath Potrero Hills Lane which currently acts as access to the Potrero Hills Landfill. This raised roadway essentially acts as a dam and has significantly reduced the natural tidal circulation from Hill Slough onto your property. Additionally, coincident with high tides and storm events, the raised roadway and culvert appear to restrict the runoff from your property back to Hill Slough. In my opinion, the portion of Potrero Hills Lane which crosses the historic tidal marsh should have been placed on a bridge.

Caltrans doesn't own, operate, or maintain the culvert beneath Potrero Hills Lane, therefore, we have no obligation or authority to address your flooding problem. If you have any questions regarding this issue please contact me at (510) 286-6377.

Sincerely,

Joseph E. Peterson

JOSEPH E. PETERSON
District Office Chief
Engineering Services II

c: Hydraulics File

RECEIVED
Solano County
Resource Management

JUN 02 2007

12:34:56 PM

RECEIVED
DISTRICT ATTORNEY
2007 JAN 23 PM 12:21
FAIRFIELD DRAGON
COUNTY OF SOLANO

"Caltrans Improves mobility across California"

SOLANO COUNTY WATER AGENCY



April 29, 1997 12/14/02

Lieutenant Colonel Richard G. Thompson
District Engineer, Attn.: Regulatory Branch
333 Market Street
San Francisco, Ca. 94105-2197

RECEIVED
Solano County
Water Management

JUN 02 2002

PM

7:50 AM JUN 02 2002

Re: Public Notice #20527N Comments

Dear Colonel:

The Solano County Water Agency has been looking at wide spread flooding in Solano County. On behalf of Mrs. June Guidotti, adjoining land owner to the proposed project parcel of Larry Birch Solano Garbage Company, Inc./Potrero Hills Landfill, Inc., the Solano County Water Agency would like to submit the following comments for review prior to issuance of the final corps permit.

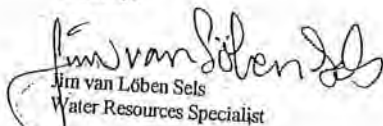
I. Review the contours and areas affected by the construction of a berm at the 4' elevation (figure 3 Public Notice 20527N). The construction of this berm may back water onto land owners other than those requesting the corps permit. Any landowners negatively impacted should be notified that their lands may be unusable as a result of the issuance of the corps permit.

II. Additionally, flooding is significant during normal rainfall events. Scally Road can go under 2-3 feet of water and becomes impassable. Please review the permit and confirm that the natural drainage pre-project has not been altered. Currently there is a flap gate at Emmington Road, this should be removed as proposed in the application. This will re-establish the natural drainage that existed prior to the construction of existing roads.

Our recommendation would be to review the permit request in order that drainage problems are not exacerbated along Scally Road any more than natural existing conditions permit. Drainage/flooding problems along Scally Road may have existed prior to the installation of Emmington or Potrero Hills Landfill roads, but certainly not to the extent of recent flooding. Please see to it that any enhancements made in this permit minimize flooding and drainage problems.

If you should have any additional questions or concerns, please call David Okita at 707-451-2904 or Jim van Löben Sels at 707-451-2852.

Sincerely,


Jim van Löben Sels
Water Resources Specialist

448-6847

cc: Jane Hicks
June Guidotti

a8014-25.Jet

508 Elmira Road, Vacaville, California 95687
(707) 451-2852, FAX (707) 448-7347



July 17, 2004

June Guidotti
3703 Scally Road
Suisun, CA 94585

Karol Schmit
State of California
Department of Transportation
Legal Division
595 Market Street, Suite 1700
San Francisco, CA 94120

RECEIVED
Solano County
Waste Management

JUN 02 2004

PM
1 2 3 4 5 6

Dear Mr. Schmit:

Per our telephone conversation, enclosed are letters wrote to Charles Lamoree, Attorney for Solano Transportation Authority.

1. My problem is I do not want Cal-Trans to widen Scally Road, as in the plans for Solano 12 Road Rehab Projects (EAOT0900-OT1010). Because of the drainage and hydraulics related problems and the safety for the public on the trucks turning and using a road that is for Agricultural use only, that is not safe.*1
2. Second problem, for years Tom Hannington was working for Cal-Trans and his wife was on the Deed for the Gas and Oil Mineral Rights, for the Potrero Hills Landfill that use the road.
3. Third problem, Tom Hannington wanted SID Water to go up Scally Road, in the road off of Highway 12, to put a 3 million gallon water tank in the Potrero Hills. Today Bob Issac and Susan Butterfield still will not put the tank in because it has to go in the road for agricultural use only.
4. 1. Willy Brown changed-5 Senate Bill-in Solano County. 2. Solano County changed the General Plan and needs to put it back. 3. Bill King is the attorney for the Directors Guild, in Los Angeles, and was the attorney for the Lambrecht will (70 acres) Cal Trans needs to widen on to Scally Road.
5. To my understanding Cal-Trans has paid Solano County for 11 years to fix the problem on the road; the problem is still the same. Cal-Trans took the bridge out on Scally Rd. when they put Route 12 in a year ago. Enclosed is a letter from Joseph Peterson dated December 15, 2003, stating it is Solano County's problem. And in his opinion the portion of Potrero Hills Lane which crosses the Historical Tidal Marsh should have been placed on a bridge.
6. My problem is Solano County is leasing the South End of Emmington Road, which is for cattle right away only. And for Agricultural use only. Dittners owns 16 ½ feet and I own 16 ½ feet.

June Guidotti

*1 I am asking the 16 counties to bring their garbage in, put the bridge and an all weather road in that was vested with BCDC. In the laws of the Suisun Marsh Act.

David Smith 455 7103
Mike Reagan Tel: 784-6130
Jim Daniels 455 4815

Area water plan takes shape

BY BARRY EBERLING
DAILY REPUBLIC

FAIRFIELD — Two different routes through Solano County are under consideration to bring water from a proposed, alternate North Bay Aqueduct intake in the Sacramento River. One approximately 32-mile route cuts north to south across rural farmland from near West Sacramento to the North Bay River. Treatment Plant near Travis Air Force Base. The other 25-mile route cuts east to west over farmland from near Courtland to the plant. Property owners along the potential routes are being contacted by the state Department of Water Resources for entry permits so the land can be studied. That will allow further refinements to the possible

See Water, Page A6

Proposed, alternate North Bay Aqueduct intake routes

Source: Solano County Water Agency

Weather
51 42
Cloudy with a little rain. Complete forecast on B10

Reader's Choice voting:
www.dailyrepublic.com/readerschoice

12/22/2010 as part of my comment, please make comment to the proponent, alternate North Bay Aqueduct intake

Per Amy Brown

Monday before Christmas is the busiest day of the year.

Water: Reagan prefers a north-south route

From Page One

alignments, Solano County Water Agency General Manager David Okita wrote to his board.

The SCWA sees an advantage to the longer, north-south route. The new North Bay Aqueduct pump intake could be located upriver from a Sacramento sewer plant outfall, rather than below it.

All of this is part of an environmental impact report being done for the possible project. Okita said a draft should be finished in late 2011.

The North Bay Aqueduct which is part of the state Water Project -- presently pumps water from Barker Slough in rural eastern Solano County near Highway 113. It provides Sacramento-San Joaquin Delta water to Fairfield, Vacaville, Vallejo, Benicia, Napa and American Canyon.

But Barker Slough has long had periodic water quality problems, in part because of organic material from decaying vegetation.

State proposals to establish wildlife preserves with tidal wetlands in the area for the rare Delta smelt have raised further concerns about the long-term reliability of the Barker Slough pumping location. Local water officials fear the wetlands could mean more organic

materials in the water, which make the water harder to treat. They also fear more Delta smelt will be near the pumps, possibly leading to pumping restrictions under the Endangered Species Act to keep the fish from being sucked up and killed.

As a result, the SCWA proposes having an alternate pumping location on the Sacramento River. The Department of Water Resources is preparing the environmental impact report, which must consider various, possible routes.

The pipe carrying the water would be underground and about 6 to 7 feet in diameter, Okita said. An easement 50 to 100 feet wide would be needed, since equipment would have to be brought in if the pipe ever had to be dug up, he said. Property owners could still farm on the easement, he said.

Within the proposed alignments, there is room to zig-zag to avoid things, such as an orchard a property owner doesn't want to disrupt, Okita said.

The proposed routes don't follow an existing easement, such as the Union Pacific railroad tracks.

"It's a matter of cost," Okita said. "The railroad rights-of-way are a little bit out of the way of where we'd want the pipeline to be."

The better option is to ne-

'Better water quality. That's the issue I'll be looking at.'

— Supervisor Mike Reagan



gotiate with landowners for the more direct route, he said.

Either route would cut across Solano County Supervisor, Mike Reagan's district, Reagan said he prefers the north-to-south route, because he wants a new intake to be upriver from the Sacramento sewer outfall.

"Better water quality," Reagan said. "That's the issue I'll be looking at."

A preliminary study put the North Bay extension cost at \$315 million to \$436 million. Construction money must still be found. One possible issue is objections by residents living in Sacramento's Pocket area, which is near where new North Bay pumps could be built in the Sacramento River. Sacramento City Councilman Robbie Waters wrote an opinion piece appearing last January in the Sacramento Bee talking about dust, lights, noise and pile-driving for the intakes hurting the quality of life for Pocket residents.

A North Bay Aqueduct pump relocation isn't the only idea on the table. The Tehama-Colusa Canal Authority about a year ago approached SCWA about instead extending the 111-mile Tehama-Colusa canal another 40 miles to Solano County. The canal gets water from the Sacramento River near Red Bluff.

One of the major undertakings with the North Bay Aqueduct extension is the construction of the water intake, Reagan, said. The Tehama-Colusa canal already has intakes, he said.

Okita said a Tehama-Colusa canal extension becomes more of a possibility if Yolo County also shows interest, since the longer canal would pass through that county. But Yolo County at this point is looking at another alternative to get Sacramento River water.

Reach Barry Eberling at 425-4646, ext. 232, or beberling@dailyrepublic.net

Food: About 20 months

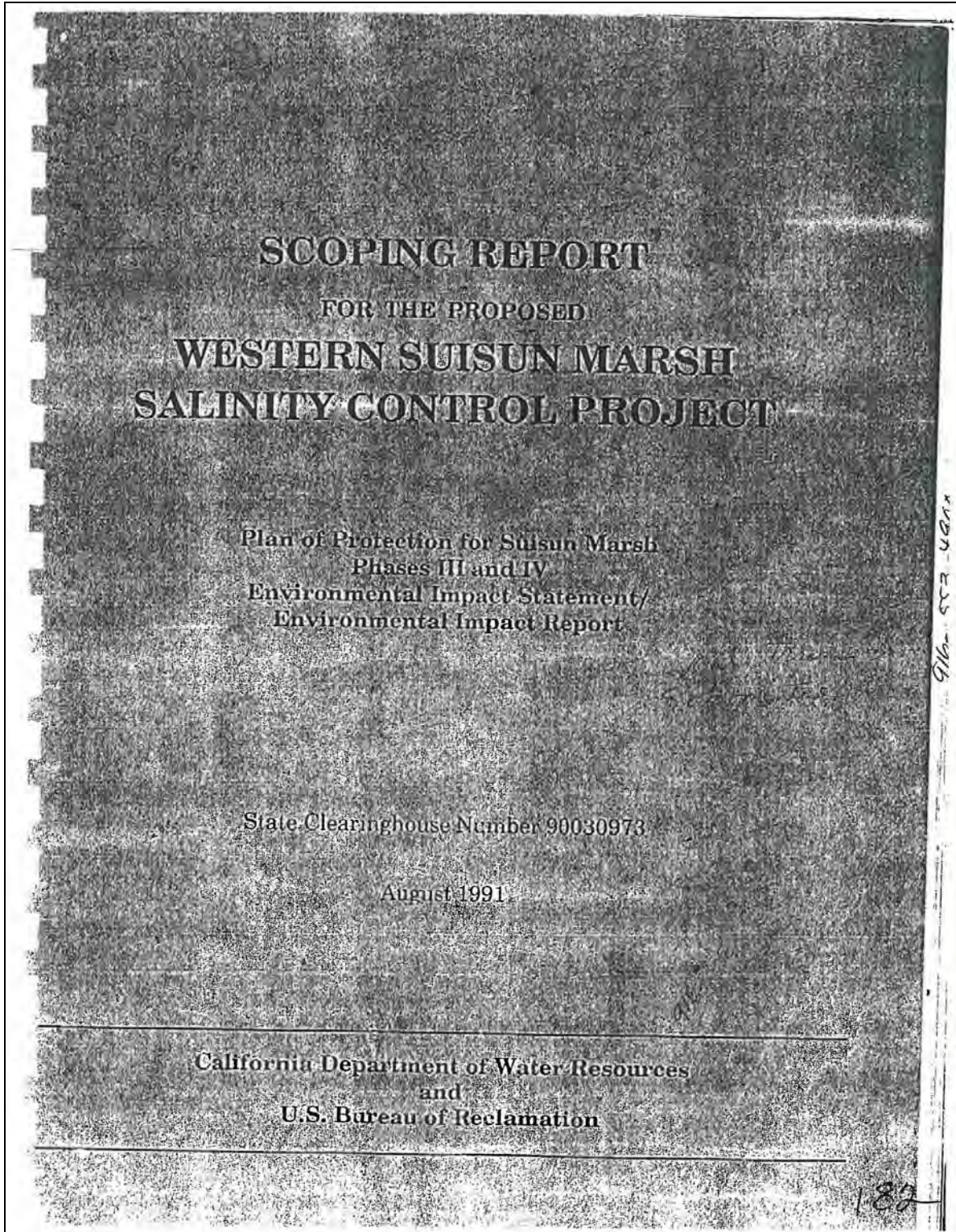
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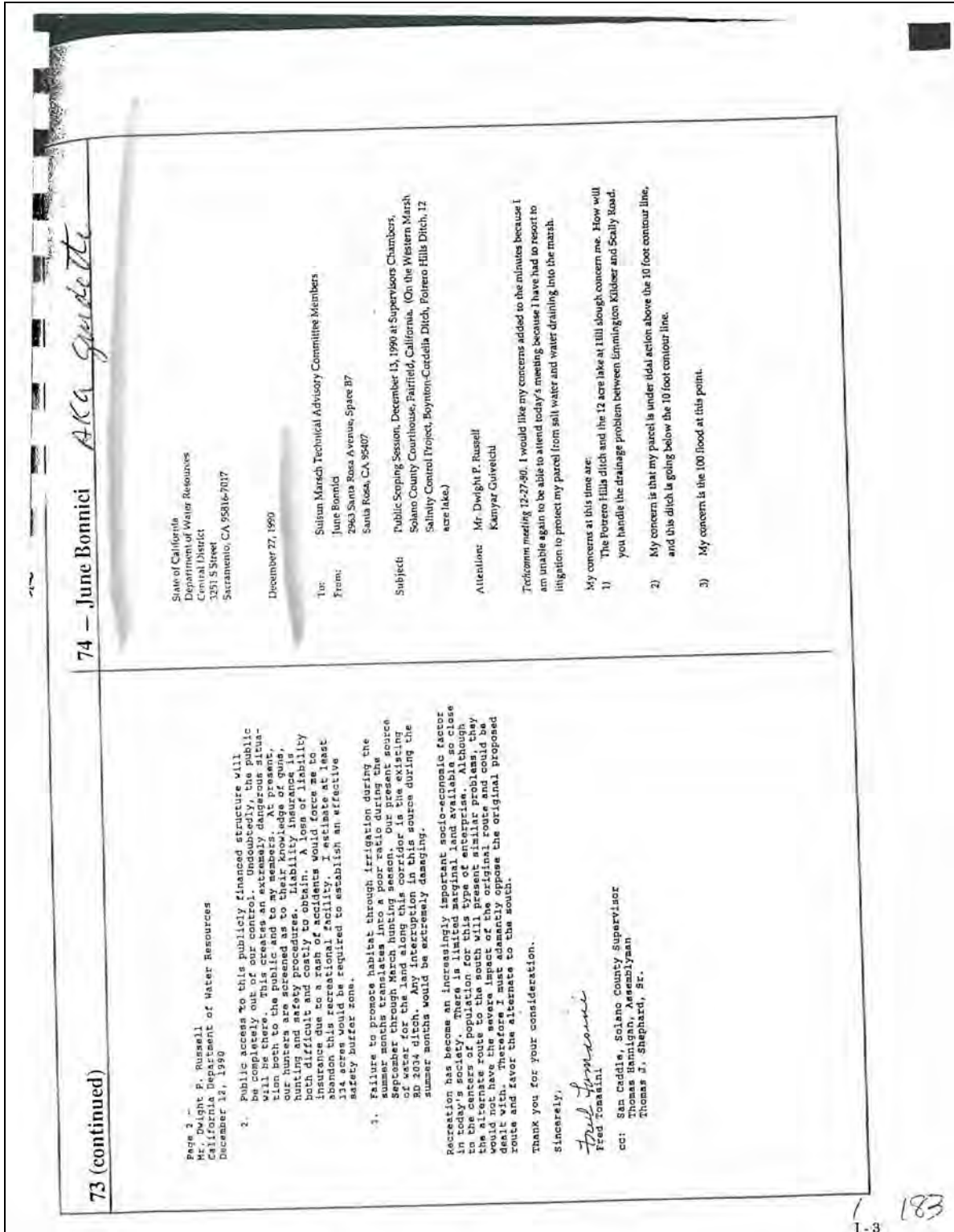
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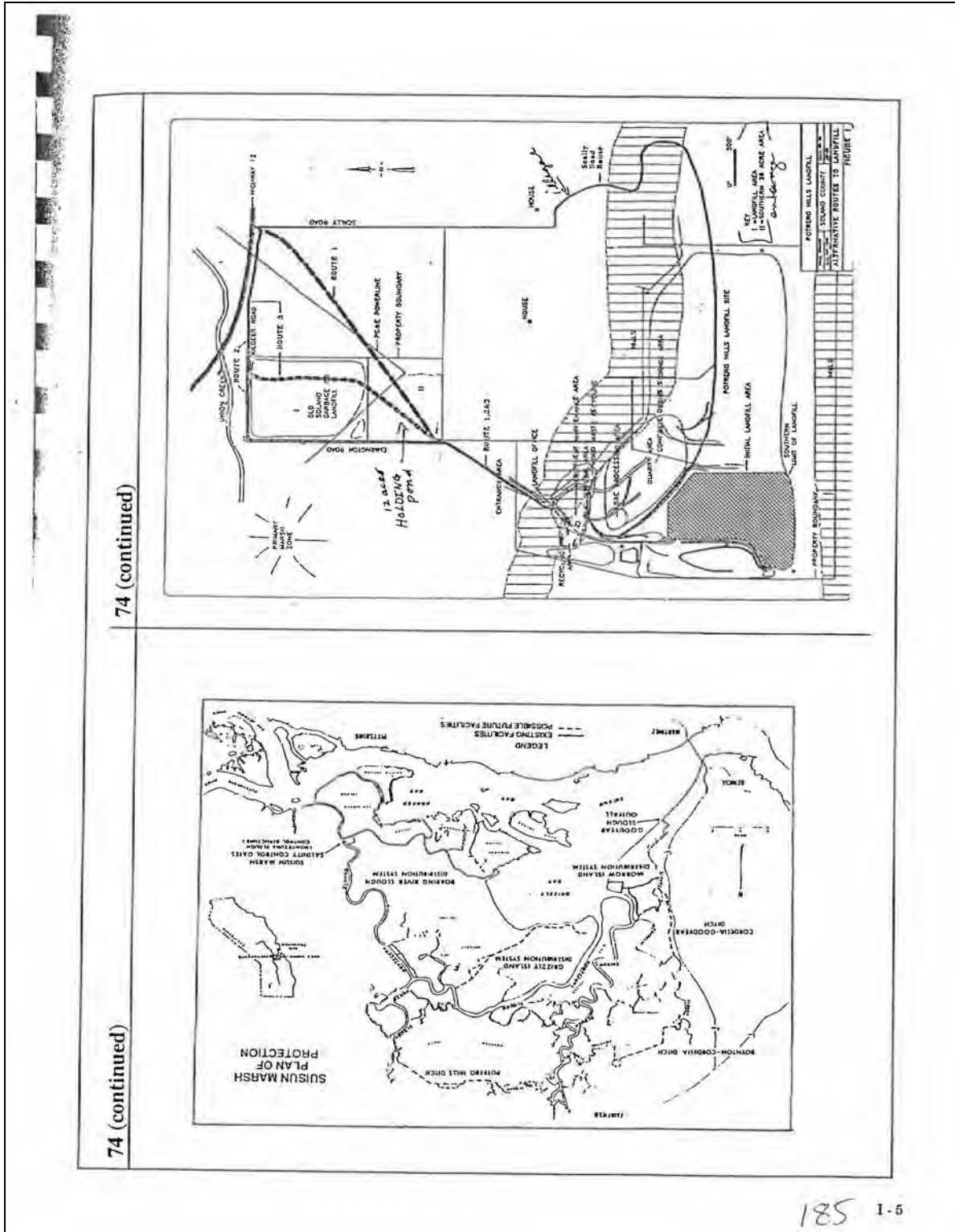
small twin- was report- a 65-mile n Springs to Aviation Ad- kesman Ian





<p>74 (continued)</p>	<p>4) I'm concerned about where you are going to put the bridge across the 90 foot channel. The bridge is 154 feet wide. How much easement will be needed to allow for the bridge?</p> <p>5) Public access to the Potrero Hills is a concern.</p> <p>6) Will the ranchers be able to use the water out of the ditch for irrigation for farming, and produce agriculture for the needs of the people.</p> <p>7) It concerns me that we will be charged a large amount for the water if we will be able to do this.</p> <p>8) My concern is that agriculture continue for the needs of the people, that shipping if needed be allowed, like during World War II. The Rush Ranch was planted in grain, which was shipped from a warehouse at Rush landing. This is and was agriculture providing for the needs of the people.</p> <p>9) It concerns me that the farmers and ranchers rights be protected for producing cattle, sheep, horses from the desires of the duck hunters and Empire builders.</p> <p>10) My concern is that this ditch will only be for the garbage company to haul their garbage up to the landfill in the Potrero Hills, and for the 200 privately owned duck clubs.</p> <p>11) My concern is that the governor again has given all this money for just the rich, and the duck clubs.</p> <p>12) Going back to the garbage being shipped up the ditch from San Francisco and Contra Costa, maybe this should be considered if the shipping can be done quietly and if the garbage is covered. The garbage trucks and vans are making too much impact on the wetlands and wildlife due to the importation of all garbage to this area. The garbage trucks are noisy, smelly, and are leaking.</p> <p>13) My concern is that Easter is one of the best times in the marsh. It's important that the baby ducks make it to the slough or the Potrero Hills ditch. The garbage trucks and vans run them over and throw dust on the nesting birds.</p>
<p>74 (continued)</p>	<p>14) I am concerned about the speed limit and that there is no one to police the Potrero Hills. What will you do about this?</p> <p>15) Write to Fish and Game and BCDG It concerns me that the laws of the Suisun Marsh be protected.</p> <p>16) I'm concerned about where Solano County is putting the Waste to Energy Recovery Plant? Is it going into the Potrero Hills? I do not want the bridge put where the pipeline to Travis Air Force Base was supposed to go. How will this be handled?</p> <p>17) My concern is about how all this is going to work. We need food, electricity, fuel, the garbage company, agriculture, the wildlife and the marsh, wetlands and possibly shipping of fuel in time of war. We rely on seasonal fresh water.</p> <p>18) When you put in the handicapped rest stop, I would like to see a cement ramp installed that leads down to the water.</p> <p>19) I'm concerned about the FGE electric line in the marsh. How will this be handled?</p> <p>20) I'm concerned about groups who want to use and control other people's property to enhance their jobs, their sports and pleasures and leaving the real owners only one civil right, that of paying confiscating taxes. Will you protect us and our land and water, or must we resort to litigation and the courts?</p> <p>Thank you for allowing the above to be added to the minutes of this meeting.</p> <p><i>Gene Bonnici's Family</i> June Bonnici <i>Aka Giudatta</i></p>

184



SUMMARY OF WRITTEN COMMENTS ON THE PROPOSED WESTERN SUISUN MARSH SALINITY CONTROL PROJECT

DIVIDUALS

Paul W. Crapuchettes (10/31/89)

With regard to the proposed project, recommends that:

1. Alternatives to actions proposed in the Plan of Protection be considered in the EIS/EIR.
2. Facilities to service Grizzly Island should be constructed next.
3. The Tree Slough alternative to the Grizzly Island Distribution System should be evaluated.
4. Relative impacts of flow improvement in Cutoff Slough versus the Potrero Hills Ditch alternative should be assessed.
5. Cutoff Slough and Frank Horan Slough alternatives should be considered.
6. A sheet piling barrier from the Tip End Club 4000 feet into Grizzly Bay should be considered.

73. Fred Tomasini (12/12/90)

With regard to the proposed northern alignment for the Boynton-Cordelia Ditch, the following should be considered:

1. The Suisun Marsh Hunting Preserve's operations and income would be irreparably harmed.
2. Increased public access to the hunting area would be unsafe for the public and hunters, and would require increased liability insurance and a safety buffer zone along the ditch.
3. Any interruption of flow in the Reclamation District 2034 ditch would obstruct or prevent irrigation of adjacent lands required during the summer.

Favors the southern alignment for the Boynton-Cordelia Ditch because it would diminish the stated impacts.

74. June Bonnici (12/27/90) AKA *quidotte*

With respect to proposed marsh facilities, and in particular, the future assessment of the Potrero Hills Ditch, recommends that the following be considered:

1. Drainage problems and floodflow drainage.
2. Impacts on tidal action upstream of the project.
3. The extent of easements around proposed facilities and associated features such as bridges.
4. Increased public access.

186 H-1

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Solano County
Environmental Management
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5. Potential water fees for water flowing through proposed facilities.

6. Identify the involvement of BCDC and DFG.

7. Impacts on existing infrastructure, such as, electrical lines, roads, etc.

75. James R. Bancroft (1/2/91)

In response to SRCD's notice to Marsh landowners regarding the proposed project, Mr. Bancroft and Joice Island landowners look forward to any successful effort to improve water quality in Suisun Slough.

76. Stacy R. Mettier, M.D. (1/3/91)

With respect to the proposed project, is concerned of possible adverse impacts on water quality and other aspects related to duck hunting at the Cordelia Gun Club.

77. Paul Erman - Pierce Harbor (1/10/91)

In a telephone conversation with Michael Lewis, SRCD manager, expressed concern that Goodyear Slough water quality is currently adversely impacted by the operation of the Morrow Island Distribution System and the Goodyear Slough Outfall. Future facilities should not compound these problems.

78. William L. Frost (1/11/91)

With regard to the proposed projects for the northwestern Suisun Marsh, is concerned that water originating from Suisun Slough will be more brackish than the existing channel water.

Proposed an alternative of partially restricting flow through the west end of Montezuma Slough with rip rap to allow less Grizzly Bay water from entering the Marsh.

79. Tom Cundith (2/12/91)

With regard to the use of Cat and Volanti sloughs to transfer water from Montezuma Slough near Beldons Landing to Suisun Slough, the following concerns should be considered:

1. Natural channels and coves would be blocked from Cat and Volanti sloughs.
2. Actual and effective wetland acreage would be reduced.
3. Wetland vegetation, invertebrate and young fish habitat would be destroyed.
4. Existing water management on adjacent duck clubs would require alteration.
5. Waterfowl use and flight patterns of the adjacent Joice Island sanctuary and private duck clubs would be altered.
6. Historical duck boat access to duck club ponds/blinds via Cat and Volanti sloughs would be impossible.
7. Increased public/agency traffic in the area would be harmful.
8. Productivity and value of adjacent private wetlands would decline.

187

Lawrence P. ...

October 30, 1975

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MAY 20 2010

COUNTY OF SOLANO
RESOURCE MANAGEMENT

Ang

Mr. Frank Ottolini
Solano Garbage Company
537 Jackson Street
Fairfield, Ca 94533

Dear Frank:

I contacted BCDC concerning the Bonnici property to determine whether it is within their jurisdiction.

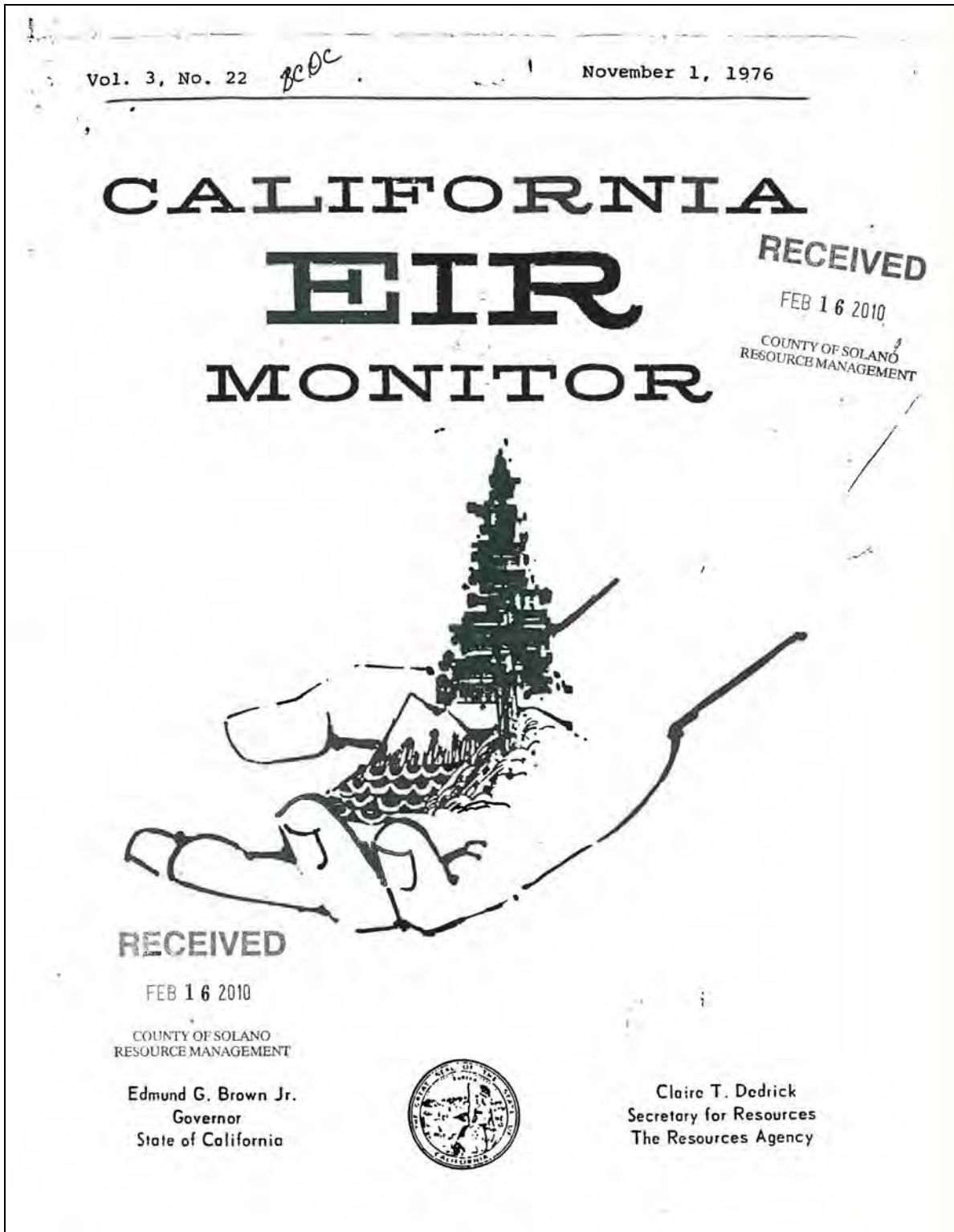
It is not, however he points out that the site is within the "buffer zone" as outlined in the Suisun Marsh legislation adopted by the State Legislature. I am enclosing a copy of Alan Pendleton's letter.

As you know, as a member of the Solid Waste Study Committee, that area is to be a major waste disposal area. I believe it can be worked out.

Sincerely yours,

F. R. HENREIN
Industrial Development Consultant

FRH:ps
encl.



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FEB 16 2010

COUNTY OF SOLANO
 SOURCE MANAGEMENT

IMPACT AREA
 CITY OF LOYALTON, COUNTY OF SIERRA

SPONSOR'S PROJECT TITLE
 WATER AND SEWER IMPROVEMENTS

SPONSOR
 CITY OF LOYALTON

TYPE OF DOCUMENT
 NEG DECLARATION

PROJECT DESCRIPTION
 TRANSMIT NEGATIVE DECLARATION FOR SEWER FRAC. PRO. INCLUDES
 REPLACEMENT & RELOCATION OF MAIN WATER LINE FROM STORAGE TAN
 KS TO CITY. CONSTRUCTION OF FIRE HYDRANTS & PLACEMENT OF ER
 OSTION PROTECTION AT SEWER POND EMPANKMENT. ALL WORK WITHIN 1
 MILE OF CITY.

STATE REVIEW TERM
 76/11/11

FUNDING AGENCY PROGRAM TITLE
 PUBLIC WORKS EMPLOY. ACT

CONTACT
 KEITH SAUERS
 916 273 7264 EXT

IMPACT AREA
 NORTH SOLANO COUNTY

SPONSOR'S PROJECT TITLE
 ADDITION TO CITY HALL AND COURT FACILITIES

SPONSOR
 CITY OF DIXON

TYPE OF DOCUMENT
 NEG DECLARATION

PROJECT DESCRIPTION
 CONSTRUCTION OF A 40x60 SQ. FT. ADDITION TO THE EXISTING CITY
 HALL AND REMODELING OF APPROXIMATELY 1877 SQ. FT. OF THE P
 RESPT BUILDING. THE NEW FACILITY WILL AGGREGATE POLICE, FME
 AGENCY AND SOCIAL SERVICES IN TO THE SAME STRUCTURE.

STATE REVIEW TERM
 76/11/04

FUNDING AGENCY PROGRAM TITLE
 LOCAL PUBLIC WORKS

CONTACT
 JACK WELTNE
 916 678 2326 EXT

IMPACT AREA
 COUNTY OF SOLANO

SPONSOR'S PROJECT TITLE
 SOLICIT WASTE DISPOSAL USE PERMIT - CLASS II-2 LANDFILL

SPONSOR
 WASTE MANAGEMENT DEPARTMENT
 ENVIRONMENTAL SERVICES
 PATRICK
 94532

TYPE OF DOCUMENT
 NEG DECLARATION

PROJECT DESCRIPTION
 APPLICANT REQUESTS A USE PERMIT TO CONTINUE OPERATION OF A S
 LID WASTE DISPOSAL FACILITY ON A 70-ACRE SITE LOCATED 4 MIL
 FS WOUTHEAST OF THE CITY OF FAIRFIELD, SOUTH OF HWY. 12 AT T
 HE CORNER OF FARMINGTON AND KILDEER ROADS. OPERATIONS HAVE BE
 EN CONDUCTED SINCE 1956, AND APPROXIMATELY TWO-THIRDS OF THE


STATE REVIEW TERM
 76/11/04

FUNDING AGENCY PROGRAM TITLE
 C70A

CONTACT
 TIM HANDED
 916 450 5111 EXT

-200-

ACKNOWLEDGEMENT
Project Notification and Review System
Office of the Governor
(916) 445-0613



PROJECT: _____
State Clearinghouse Number (SCH) 76100443

Please use the State Clearinghouse Number on future correspondence with this office and with agencies approving or reviewing your project.
Date Received: 09-27-76
Date Review Period Ends: 11-04-76

This card does not verify compliance with preapplication and/or environmental document review requirements. A letter containing the State's comments or a letter confirming no State comments will be forwarded to you after the review is complete.
Please contact the Clearinghouse immediately if you do not receive the letter by the end of the review period.

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FEB 16 2010
COUNTY OF SOLANO
RESOURCE MANAGEMENT

OPR 2
Rev. 2/76
State of California

*Agenda 52, 53, 54
when Willy Brown was speaker of the
add to the BCS meeting 1-9-2007*

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FEB 16 2010

COUNTY OF SOLANO
RESOURCE MANAGEMENT



*Willy Brown
changed
Senate Bill
for Solano
County, on
Solid Waste.
was taken
into a Grand
jury
investigation*

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Solano County
Resource Management

JAN 09 2007
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

*Attention
12-21-2010 Suisun Marsh Habitat (Buddy Victorone)*

January 6, 2004

To: Solano County Environmental Management
470 Chadbourne Road
Fairfield, California 94534

From: Cherri Bonnici
3703 Scally Road
Suisun, California 94585

Re: Draft Environmental Impact Report for the Potrero Hills Landfill and
Solano County Expansion Project: SCH#200032112 & Marsh Permit
MD 88-09 90-91

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Solano County
Environmental Management
JAN 07 2004
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Environmental Management Department:

I'm requesting the denial of the Potrero Hills Landfill and Solano County Expansion Project: SCH#200032112 & Marsh Permit MD 88-09 90-91. All Federal, State, County, and Marsh Laws are to be followed and it appears that the Draft EIR in many instances is not in compliance with all of the Laws. An unbiased outside party needs to oversee Potrero Hills Landfill Expansion, as I believe Solano County has a conflict of interest (conflict of interest as defined by The World Book Dictionary: "the actual of potential conflict, arising when an official of government (or corporation) holds an interest in a company doing business with his employer, between his personal advantage and the advantage of his employer", which I would consider the tipping fee the County receives from the Landfill.

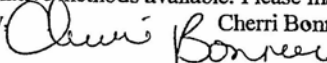
Solano County is not even enforcing their own Zoning Regulations as per the Zoning Regulations Chapter 28 of the Code of Solano County (page 26.52) (4) states: "THAT THE APPLICANT HAS EXHIBITED PROOF THAT SUCH USE WILL NOT CONSTITUTE A NUISANCE OR BE DETRIMENTAL TO THE HEALTH, SAFETY, COMFORT, OR GENERAL WELFARE OF THE PEOPLE OF THE COUNTY, OR BE DETRIMENTAL TO ADJACENT PROPERTY OR IMPROVEMENTS TO THE NEIGHBORHOOD." On that regulation alone Potrero Hills Landfill Expansion Project should be DENIED, AS POTRERO HILLS LANDFILL IS A PUBLIC NUISANCE IN REGARDS TO THE DISGUSTING ODOR (WITH 3 CONFIRMED COMPLAINTS FROM THE BAY AREA AIR QUALITY DISTRICT), THE FLIES, AND THE LITTER WITH WHICH IT COMES ALONG THE TRESPASSING OF THE POTRERO HILLS LANDFILL WORKERS ONTO MY MOM'S (JUNE GUIDOTTI'S PROPERTY). I guarantee you that if anybody working at the County had to smell the odor coming from the Landfill for over a year now something would have been done about it. As for the PUBLIC NUISANCE ISSUE OF THE LITTER, a letter (enclosed in my mom's response to the Draft EIR) dated 11/18/03 from Larry Burch (the Landfill) to June Guidotti states: "WITHOUT YOUR PERMISSION TO RECOVER THE LITTER FROM YOUR PROPERTY, IT IS A SITUATION BEYOND OUR CONTROL." In response to Larry Burch's comment 1st of all the litter problem has been around for a long time and it is the Landfill's problem to solve at the source (THE LANDFILL). SECOND OF ALL IF THE LITTER HAS BEEN A SITUATION BEYOND THEIR CONTROL

FOR YEARS NOW, WHO ARE THEY GOING TO BLAME WHEN THEY BRING IN THE BIOSOLIDS AND MIX IT WITH THE COMPOST, AS THEY ARE PROPOSING IN THEIR EXPANSION PROJECT? HOW ARE THEY GOING TO SOLVE A DISGUSTING ODOR PROBLEM FROM TRAVELING IN THE AIR TO ADJACENT NEIGHBORS? IS THAT GOING TO BE MY MOM'S FAULT TOO FOR NOT LETTING THEM "RECOVER THE ODOR FROM HER PROPERTY?" – that is how ridiculous it sounds for the County, Fish & Game, or BCDC to allow the Landfill to dispose of the biosolids in the manner they propose, especially since there is an alternative solution to the disposal of biosolids a PYROLYSIS PLANT.

I DO NOT APPRECIATE THE FACT THAT THE COUNTY LEFT OUT OVER 300 PAGES OF PAPERWORK THAT MY MOM SUBMITTED AND HAD STAMPED IN BY THE COUNTY FOR THE DRAFT EIR. WHY WAS HER PAPERWORK OMITTED? MY MOM JUST GOT BACK FROM SPEAKING WITH RON GLASS TODAY (1/6/04) AND JUST BECAUSE RON GLASS DOES NOT FEEL MY MOM'S PAPERWORK IS RELEVANT DOESN'T GIVE HIM THE RIGHT TO PICK AND CHOOSE WHAT GOES INTO THE EIR- HIS JUDGEMENT SEEMS TO BE IMPAIRED BY A TIPPING FEE, AS I WOULD CONSIDER THE PAPERWORK MY MOM SUBMITTED RELEVANT AS IT EXPOSES LAWS AND REGULATIONS THE COUNTY IS NOT FOLLOWING. YOU ARE ACTING LIKE A DEFENSE ATTORNEY FOR THE LANDFILL, WHEN IN FACT YOU ARE A PUBLIC SERVANT AND SHOULD BE REPRESENTING EVERYONE. MR. RON GLASS YOU NEED TO PUT ALL MY MOMS PAPERWORK INTO THE FINAL EIR AND STOP MANIPULATING THE SYSTEM – IT IS NOT YOUR DECISION TO PICK AND CHOOSE THE DOCUMENTS THAT MAKES THE LANDFILL LOOK GOOD OR BAD (STICK THE PAPERWORK IN!!!!!!) MY MOM IS VERY KNOWLEDGEABLE OF THE ISSUES SHE STATES AND DESERVES THE RIGHT TO BE HEARD AND OTHER PEOPLE NOT KNOWLEDGEABLE OF THE ISSUES HAVE THE RIGHT TO SEE EVERYTHING.

I also agree with my mom that POTRERO HILLS LANDFILL OR SOLANO COUNTY NEEDS TO GIVE THE SUISUN FIRE PROTECTION DISTRICT –FIRE CONTROL AND SERVICES A NICKEL FOR EVERY TON OF GARBAGE, as it is my understanding that the firemen are up at the Landfill quite often.

I would like to see Solano County, Fish&Game, the Corps of Engineers, and BCDC ENFORCE all laws and regulations, especially pertaining to the Marsh and the public's Health & Wealthfare. There are alternatives ways to solve these problems and the cheapest route isn't always the answer, especially when it affects our health and environment. My 15-year old daughter is being exposed to these biosolids, that are in my opinion being improperly handled -who really knows the long-term effects? I'm requesting that a SEPARATE EIR be done on the effects of biosolids and sludge in the Wetlands and the effects on human lives. Why take a chance on a child's life when there are alternative methods available. Please make the right choices.

Sincerely,  Cherri Bonnici

William S. Reustle
Attorney & Counselor at Law
547 Jefferson Street, Suite "C"
Fairfield, CA 94533

Phone: 707 427-1662
Fax: 707 425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

Received
DEC 08 2008
Solano County
Board of Supervisors

December 6, 2008

RESOURCE MANAGEMENT
BUILDING DIVISION

DEC 08 2008

RECEIVED BY *SK*

RECEIVED

FEB 16 2010

COUNTY OF SOLANO
RESOURCE MANAGEMENT

Solano County Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, CA 94533

RE: Agenda #38 Public Hearing to further consider certification of the Final Environmental Impact Report for the Potrero Hills Landfill Expansion Project and approval of modifications to Use Permit No. U-88-33 (Revision No. 2) for the Potrero Hills Landfill Expansion Project

Dear Ladies and Gentlemen:

I am submitting this letter on behalf of my client, June Guidotti. Please consider this letter and include the following comments and recommendations in the meeting record.

It's hard to improve upon perfection. Attorney Kelly Smith's letter, dated 12/8/2008, expressed almost every word I wanted to say. About the only thing lacking was ... an objection to a public entity siding with a private enterprise to take my client's land, or vested rights of her land, away from her. She has survived death of a family member, fires, vandalism, terrorist threats, nuisance, litter, dust, odor and bio-solids across her property from the landfill next door, trespassers, loss of water in her pond, landfill gasses, and the nastiest tasting water on this planet. Many of these things bear a direct relationship to the Landfill, which is not necessarily a great neighbor.

My client, June Guidotti, went so far as to sue (and prevail, I might add) Solano County. It was ordered by Judge Paul Beeman that Solano County must "reconsider" the certification of the EIR in accordance with CEQA and CEQA guidelines or to reconsider and/or modify the conditional use permit prior to any decision to proceed. I submit that these "fixes" have not yet been satisfied. Submission of an *addendum*, knowing it will only fail again is probably not the most efficient way to proceed.

An analogy I liken to what you are trying to accomplish is the K.I.S.S. system, or Keep It Simple Stupid. Why don't you simply fix what was ordered and then prepare a NEW Environmental Impact Report, instead of publishing in the Daily Republic about a public meeting on an addendum? To also avoid a Hatfield & McCoy situation, I strongly urge you take other avenues of access to the landfill without the taking of more of my

RECEIVED
Solano County
Resource Management

DEC 03 2008

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

client's property. She has already lost an easement of 16 ½ feet because the landfill did not use the Amos & Andrews quarry road to the west of Emmington Road, but established a 32 foot wide commercial industrial road to the landfill. I am not going to allow anyone to take any more land or property rights from her without litigation.


It is incumbent upon the County to make the "fixes" and then prepare and submit to the public a new revised EIR that fully complies with CEQA.

Enclosed for the record are letters from 7/6/07, 8/20/07, 8/25/07, 11/30/07, and a map, which you probably should look at carefully. On the map, item #13 is shown as the Solano Garbage Company, but really part of #13 is my land. Solano Garbage Company and Ms. Guidotti's property is in the Potrero Hills, but the Potrero Hills Landfill is in the nearby canyon. Burning is not allowed in the canyon thus a power plant is not appropriate. Ms. Guidotti's land was previously identified as a site for a solid waste to energy plant which satisfied the original land use permit requirements. Solano Garbage Company actually had an option to lease a portion of the Guidotti Ranch for a few years after which the option was not renewed. Solano County did not challenge the failure of Solano Garbage Company to maintain the requisite site.

These items should be addressed in the Joint Technical Document and the Landfill Closure plan. These documents must be certified and made available to the public.

Finally, included as part of the record reference is made to all environmental laws (Federal, State, Local and County) and especially to Solano Superior Court Case Nos. FCS026779 and FCS026839 (Protect The Marsh). Also see enclosed a Complaint for Mandate from California Water Impact Network (C-WIN) and California Sportfishing Alliance (CSPA), Felix Smith (an individual).

Sincerely,


William S. Reustle
Attorney for June Guidotti

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FEB 16 2010

COUNTY OF SOLANO
RESOURCE MANAGEMENT

AUG-14-2004 08:32A FROM:

TO: 7846665

P.2/13

January 14, 2008

Solano County Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, California 94533-6342

RE: Special Board of Supervisor Meeting to Review and Comment on :1) Preferred Agriculture Preliminary Goals, Policies, and Programs and 2) Preferred Circulation Preliminary Goals, Policies and Programs, which were recommended by the General Plan Citizens Advisory Committee and County Planning Commission

Dear Chair Reagan and Supervisors:

The following letter contains my comments and requested changes to the Agriculture and Circulation Preliminary Goals, Policies and Programs. My suggested additions to policies are underlined and deletions are indicated by ~~strikethrough~~. Comments are identified as comments.

Agriculture Preliminary Goals, Policies and Programs

Page 9. Policy AR-4 – Delete this policy

~~Require farmland conversion mitigation for either of the following actions:~~

- ~~a. A general plan amendment that changes the designation of any land from an agricultural to a non-agricultural use;~~
- ~~or~~
- ~~b. Application for a development permit that changes the use of land from agriculture to a nonagricultural use, regardless of the General Plan designation (CAC)~~

~~(Note: This policy does not include a specific mitigation ratio. Such a standard is created through an implementing farmland mitigation ordinance – see proposed implementation program "e")~~

Page 1

AUG-14-2004 08:32A FROM:

TO: 7846665

P. 3/13

Page 9, Policy AR-5: Delete this policy

~~Create an Agricultural Resource Overlay designation on the Land Use Diagram to identify lands in which mitigation for farmland conversion would be encouraged. (PC).~~

Comment: I am opposed to socialist policies that result in the limitation or taking of property rights and land value and results in a benefit to other property owners or redistribution of that value by local government. Property rights need to be returned to the landowner.

Page 9, Policy AR-12: Questions

What did staff add to this policy to reflect prior Board input? Please provide an example or two of what is meant by "agricultural services" and "compatible activities".

Page 10, Policy AR-15: Question

Please provide a definition or example(s) of "limited agricultural service uses" – are these the same as "agricultural services" identified in AR-12?

Page 10, Policy AR – 23: Comment and Questions

It is not clear in this policy what recreation and open space activities are considered "complementary" and "secondary" to the primary agricultural activities on the land. Please provide examples within the policy or define.

This policy did not appear in the Workbook for the January 3, 2008 Planning Commission meeting. Is this a new policy or a policy that was moved from another location? Please clarify in the text.

Page 11, Policy AR-26: Proposed Revision

Recognize that agriculture is to be the predominant land use in the Dixon Ridge, Elmira and Maine Prairie, Montezuma Hills,

AUG-14-2004 08:33A FROM:

TO: 7846665

P. 5/13

Comments: Policy AR-4 as written requires the landowner to compensate the public for converting their own farmland to another use. The County should not require the preservation of private property (farmland) unless it intends to purchase it outright. Farmers are better stewards of their own land than government.

Page 18, Table AR-1: Agricultural Designations – Proposed Deletions

I recommend deleting the entire Agricultural Reserve Overlay designations. However, should this concept move forward the last sentence should be modified as follows:

"Easements would be held by the County or relevant land trusts, while the land owner maintains ownership and management control."

Comment: The County holding easements would be a conflict of interest.

Page 20, Table AR-2: Agricultural Regions – Proposed Addition

Revise the Jepson Prairie Uses to read as follows:

Provides for agricultural and energy production.

Comment: I have proposed a project for inclusion in the General Plan to develop a research project that would use agricultural by-products in a digester to produce high quality animal feed and generate electricity.

Request: My project (General Plan Amendment Proposal #13) was not included in the preliminary General Plan that is being reviewed by the CAC, Planning Commission and the Board of Supervisors. I request that you direct the appropriate staff to include my project in the appropriate location of the General Plan. If there are problems with my proposal I request that staff work with my attorney and BCDC to identify what is needed to include the project in the draft General Plan and that I receive this information in writing. If additional

Page 4

AUG-14-2004 08:34A FROM:

TO: 7846665

P. 6 of 13

information is needed or if my proposal is flawed I request a written explanation of what is needed or what is flawed.

Circulation Preliminary Goals, Policies and Programs

Page 27, Policy CIR-9, add to the policy to read as follows:

Plan, fund, build and improve roadways that support agriculture, including increased connectivity across I-80 and SR 12 and replace the Kildeer bridge for farmers and their equipment and grading/paving of unimproved rural roads.

Page 27, Potential Implementation Programs

d. Add to the Program so it reads as follows:

Create a comprehensive plan for roadway improvements that support agricultural needs. This should include increase connectivity across I-80 and SR 12 and replace the Kildeer Bridge for farmers and their equipment and grading/paving of unimproved rural roads serving agricultural areas throughout the county and agricultural-tourist centers located in Suisun and other interior valleys.

Comment: Connectivity as well as safety issues are of concern also to farmers along SR 12.

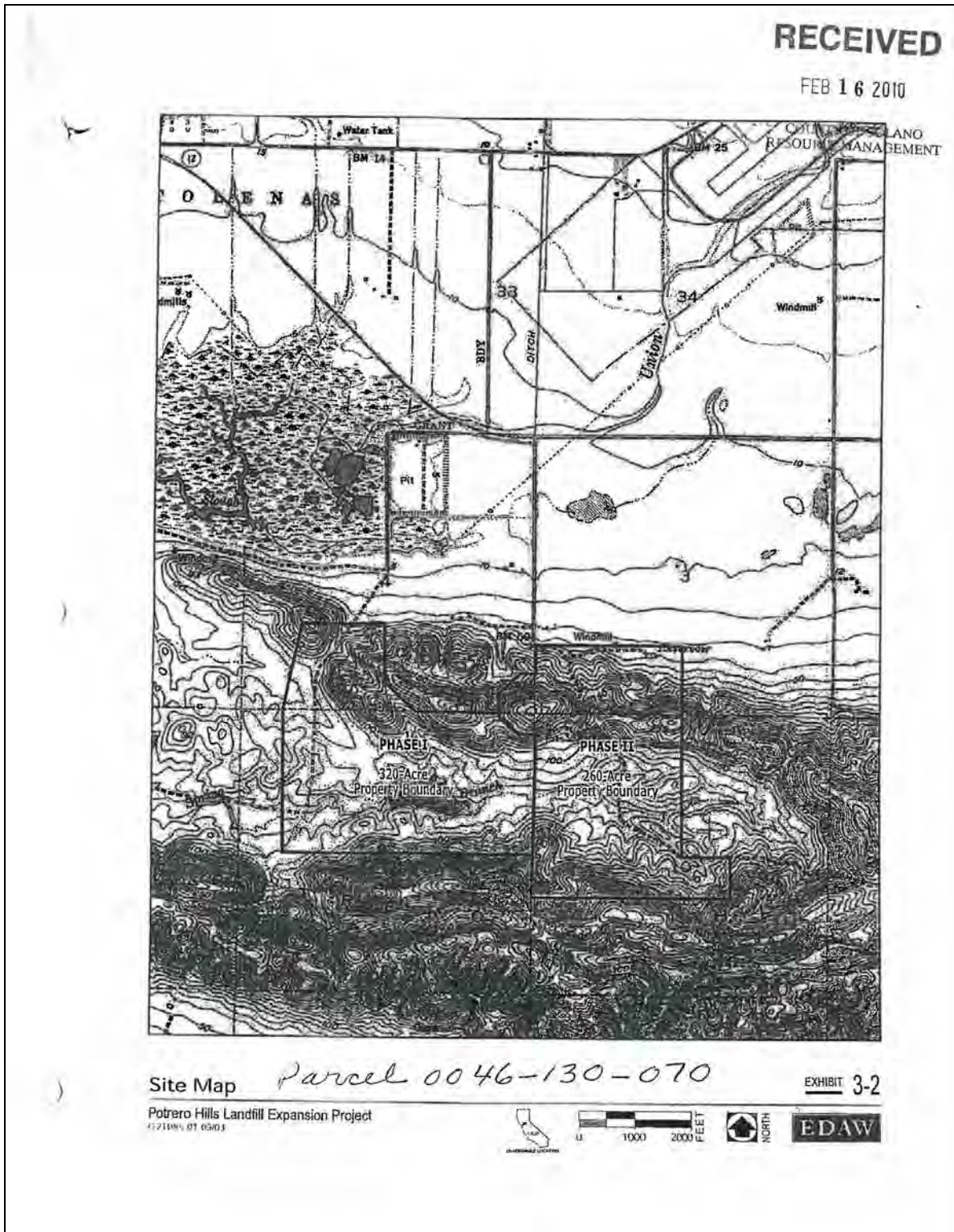
Thank you for considering my comments and requested changes to the Agriculture and Circulation Preliminary Goals, Policies and Programs and my request for staff assistance with my General Plan Amendment Proposal.

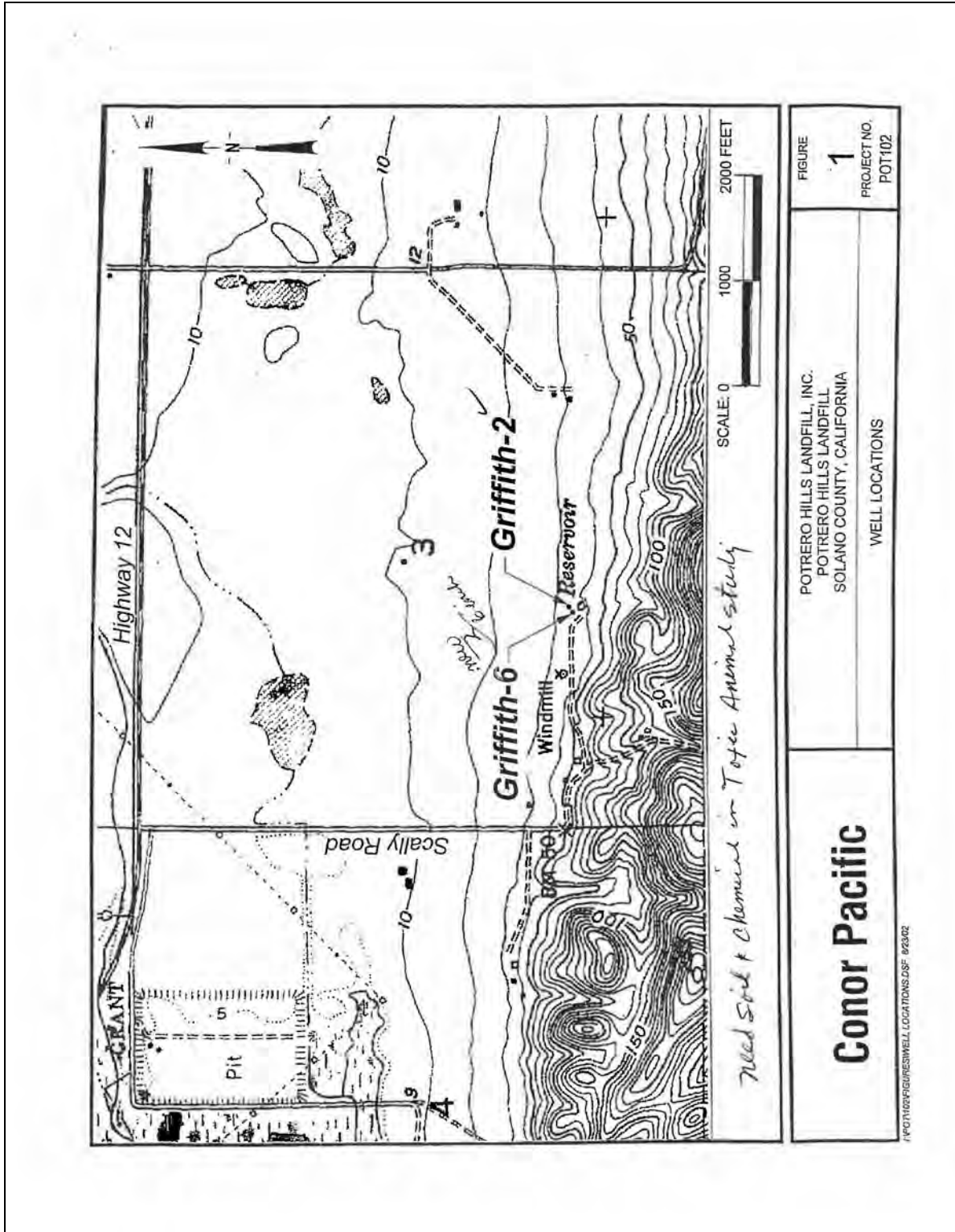
Sincerely,

June Guldotti Family and for the Public

June Guldotti
3703 Scally Road
Suisun, California 94585
(707) 631-9365 (cell phone)
(707) 429-5054 (fax)

Page 5






*red well
2001*

Water Quality Analytical Results Griffith Supply Well

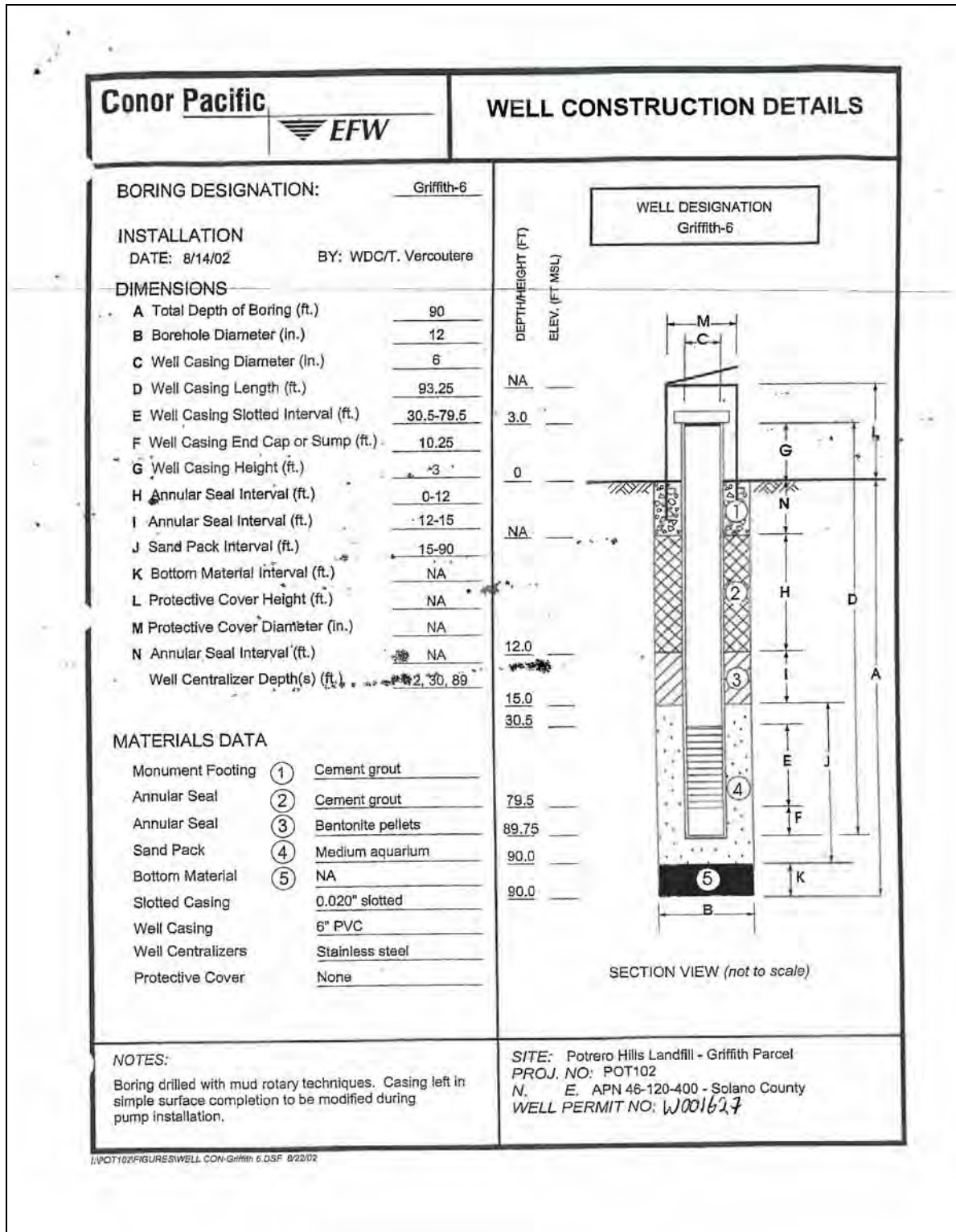
Sample Description	Griffith Well	Water Quality Objectives for Municipal Supply SF Bay Basin Plan (Table 3-5)
Sample Date	09/13/01	
<u>General Water-Quality Parameters (mg/L) (1)</u>		
Alkalinity, bicarbonate	250	NE (2)
Alkalinity, carbonate	<5.0	NE
Alkalinity, hydroxide	<5.0	NE
Total alkalinity	250	NE
Chloride	47	250
Color (color units)	<5.0	15
Cyanide	<0.010	0.2
Electrical conductivity (µmhos/cm) (3)	1700	900
Fluoride	6.8	0.8 - 1.7
Hardness	540	NE
Methylene Blue Active Substances	<0.20	NE
Nitrate + Nitrite as N	0.78	10
Nitrate as NO3	3.4	45
Nitrite as NO2	<0.10	NE
Threshold Odor Number (T.O.N.)	<1.0	3
pH (units)	7.6	6.5 - 8.5
Sulfate	5000	250
Total dissolved solids	1400	500
Turbidity (NTU) (6)	96	5
<u>Bacteria</u>		
Total Coliforms (MPN/100mL) (4)	1600	<1.1
<u>Radioactivity</u>		
Gross Alpha (pCi/L) (5)	0.57	15
Gross Beta (pCi/L)	7.53	50
<u>Total Metals (mg/L)</u>		
Aluminum	5.3	1
Antimony	<0.005	0.006
Arsenic	0.0087	0.05
Barium	0.13	1
Beryllium	<0.001	0.004
Cadmium	<0.0005	0.005
Calcium	150	NE
Chromium, total	<0.01	0.05
Copper	0.01	1
Iron	<7.5	0.3
Lead	0.0065	0.05
Magnesium	41	NE
Manganese	0.65	0.05
Mercury	<0.00002	0.002
Nickel	<0.01	0.1
Potassium	3.2	NE
Selenium	0.0058	0.05
Silver	0.001	0.05
Sodium	190	NE
Thallium	0.0043	0.002
Zinc	0.038	5
(1) mg/L = milligrams per liter unless noted (2) NE = Not Established (3) µmhos/cm = micromhos per centimeter (4) MPN/100mL = most probable number per 100 milliliters. Standard from Basin Plan, Table 3-1. (5) pCi/L = picoCuries per liter (6) NTU = nephelometric turbidity units		

egi:\POT\102\Griffith well chemistry 6/13/2005

 EINARSON GEOSCIENCE, INC.		BORING LOG		BORING NO. WELL NO. Griffith 6 SHEET 1 OF 1
SITE: <u>Potrero Hills Landfill - Griffith Parcel</u>		GROUND ELEVATION: <u>Approximately 35 feet msl</u>		
CLIENT: <u>Potrero Hills Landfill, Inc.</u>		T.O.C. ELEVATION: <u>~ 37 ft</u>		
PROJECT NUMBER: <u>POT102</u>		COORDINATES: <u>APN 46-120-400</u>		
DATE(S) DRILLED: <u>8/14-15/02</u>		DRILLING METHOD: <u>Mud rotary</u>		
DATE(S) WELL INSTALLED: <u>8/15/02</u>		BOREHOLE TOTAL DEPTH: <u>90 feet</u>		
DRILLING CO./DRILLER: <u>WDC - Jason Layton</u>		FINAL BOREHOLE DIAMETER: <u>12-inch</u>		
DRILLING SUMMARY: <u>Drill borehole with 12-inch diameter guided cone rotary bit to 90 feet with Spectator 30K drill rig. Used mud/sand separator unit. Logged stratigraphy from drill cuttings. Installed 8-inch diameter PVC well screened from 30 to 80 feet with 0.020-inch slots.</u>				

Time	Sample No.	Sample Type	Blows/ft	Recovery	Sampler	Water Level	Depth (ft)	Graphic Log	LITHOLOGY/REMARKS
10:15							0		Clay to Sandy Clay, grayish orange (10YR 7/4); sand is mostly fine to very-fine grained.
							10		
							20		Sand to Clayey Sand, grayish orange (10YR 7/4); sand is fine to coarse grained with some gravel as large as 3/4 inch, angular to subrounded. @ 20 feet decrease in sand size, little or no gravel. Drilling rate slowed.
							30		
							40		Clay to Sandy Clay, pale yellowish brown (10YR 6/4); medium plasticity clay; decrease in sand from overlying interval, more clay balls in mud. Driller noted decrease in drilling rate.
							50		
							60		Sand to Clayey Sand, grayish orange (10YR 7/4) to moderate yellowish brown (10YR 5/4); significant sand, medium to coarse grained with some gravel to 1/2 inch angular to subrounded quartz and black volcanic rock. Drilling rate rapid. @ 55 to 60 ft; clays becoming olive gray (5Y 4/1).
							70		Clay to Sandy Clay, olive gray (5Y 4/1); medium plasticity; sand is fine to medium grained. Drilling rate decreased from overlying zone.
							80		@ 70 to 90 feet; few sandy layers based on changes in sand content in the mud/sand separator - no change in drilling rate.
							90		Boring terminated at 90 feet.
							100		

8/16
 Sand pack
 Screens
 11:45
 11:45
 11:45



*Attention
12-21-2010 Suisun Marsh Habitat / Betty Victorine*

January 6, 2004

To: Solano County Environmental Management
470 Chadbourne Road
Fairfield, California 94534

From: Cherri Bonnici
3703 Scally Road
Suisun, California 94585

Re: Draft Environmental Impact Report for the Potrero Hills Landfill and
Solano County Expansion Project: SCH#200032112 & Marsh Permit
MD 88-09 90-91



Environmental Management Department:

I'm requesting the denial of the Potrero Hills Landfill and Solano County Expansion Project: SCH#200032112 & Marsh Permit MD 88-09 90-91. All Federal, State, County, and Marsh Laws are to be followed and it appears that the Draft EIR in many instances is not in compliance with all of the Laws. An unbiased outside party needs to oversee Potrero Hills Landfill Expansion, as I believe Solano County has a conflict of interest (conflict of interest as defined by The World Book Dictionary: "the actual of potential conflict, arising when an official of government (or corporation) holds an interest in a company doing business with his employer, between his personal advantage and the advantage of his employer", which I would consider the tipping fee the County receives from the Landfill.

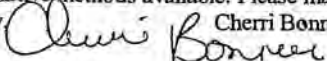
Solano County is not even enforcing their own Zoning Regulations as per the Zoning Regulations Chapter 28 of the Code of Solano County (page 26.52) (4) states: "THAT THE APPLICANT HAS EXHIBITED PROOF THAT SUCH USE WILL NOT CONSTITUTE A NUISANCE OR BE DETRIMENTAL TO THE HEALTH, SAFETY, COMFORT, OR GENERAL WELFARE OF THE PEOPLE OF THE COUNTY, OR BE DETRIMENTAL TO ADJACENT PROPERTY OR IMPROVEMENTS TO THE NEIGHBORHOOD." On that regulation alone Potrero Hills Landfill Expansion Project should be DENIED, AS POTRERO HILLS LANDFILL IS A PUBLIC NUISANCE IN REGARDS TO THE DISGUSTING ODOR (WITH 3 CONFIRMED COMPLAINTS FROM THE BAY AREA AIR QUALITY DISTRICT), THE FLIES, AND THE LITTER WITH WHICH IT COMES ALONG THE TRESPASSING OF THE POTRERO HILLS LANDFILL WORKERS ONTO MY MOM'S (JUNE GUIDOTTI'S PROPERTY). I guarantee you that if anybody working at the County had to smell the odor coming from the Landfill for over a year now something would have been done about it. As for the PUBLIC NUISANCE ISSUE OF THE LITTER, a letter (enclosed in my mom's response to the Draft EIR) dated 11/18/03 from Larry Burch (the Landfill) to June Guidotti states: "WITHOUT YOUR PERMISSION TO RECOVER THE LITTER FROM YOUR PROPERTY, IT IS A SITUATION BEYOND OUR CONTROL." In response to Larry Burch's comment 1st of all the litter problem has been around for a long time and it is the Landfill's problem to solve at the source (THE LANDFILL). SECOND OF ALL IF THE LITTER HAS BEEN A SITUATION BEYOND THEIR CONTROL

FOR YEARS NOW, WHO ARE THEY GOING TO BLAME WHEN THEY BRING IN THE BIOSOLIDS AND MIX IT WITH THE COMPOST, AS THEY ARE PROPOSING IN THEIR EXPANSION PROJECT? HOW ARE THEY GOING TO SOLVE A DISGUSTING ODOR PROBLEM FROM TRAVELING IN THE AIR TO ADJACENT NEIGHBORS? IS THAT GOING TO BE MY MOM'S FAULT TOO FOR NOT LETTING THEM "RECOVER THE ODOR FROM HER PROPERTY?" – that is how ridiculous it sounds for the County, Fish & Game, or BCDC to allow the Landfill to dispose of the biosolids in the manner they propose, especially since there is an alternative solution to the disposal of biosolids a PYROLYSIS PLANT.

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I also agree with my mom that POTRERO HILLS LANDFILL OR SOLANO COUNTY NEEDS TO GIVE THE SUISUN FIRE PROTECTION DISTRICT –FIRE CONTROL AND SERVICES A NICKEL FOR EVERY TON OF GARBAGE, as it is my understanding that the firemen are up at the Landfill quite often.

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Sincerely,  Cherri Bonnici

the physical locations of their wireless devices, and all sorts of personal information they disclose on social networking sites.

— Associated Press

R For the full story online, visit www.thereporter.com.

Today's forecast
Chance of showers
High **57°** | Low **46°**

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954.65.001015

A **Group PUBLICATION**

In Bay, sewage not a big issue
By Mike Taugher
Contra Costa Times

All but one of the major sewage treatment plants in the Sacramento-San Joaquin River Delta uses advanced treatment.

The opposite holds true around the Bay, where advanced treatment methods are the exception, mostly because the discharges are less toxic in saline waters.

In the Bay Area, the only major sewage treatment plants using tertiary treatment are in the South Bay, which

■ See Bay, Page 14A

Solano waste meeting draws public ire
By Melissa Murphy
MMurphy@TheReporter.com

An informative meeting about an amendment to the county's waste management plan, at times, was heated between the public and county administration.

The community meeting on Wednesday evening at the Solano County Government Center attracted five members of the public that not only questioned the

Countywide Integrated Management Plan but the government process in reaching the public.

On the agenda was a proposed amendment that would add the 30-year-old Tomnesen Pet Cemetery to the siting eligibility of the Countywide Integrated Waste Management Plan, which describes the solid waste disposal facilities used by the cities in Solano County and provides

analysis to determine the minimum 15-year disposal capacity required.

Although previously exempted from the requirement of a solid waste facility permit, the Tomnesen Pet Cemetery is now required by state law to obtain one.

The cemetery, according to county staff, accepts the remains and ashes of small pets for burial in common graves, which

■ See Solano, Page 14A

administration reversed their Wednesday and promised not to pursue offshore drilling at the eastern Gulf of Mexico or any where else along the nation's East Coast.

The decision was generally hailed in Florida, which depends on tourists drawn by the state's white beaches, but criticized by the oil industry, which said the administration was stifling crucial U.S. energy production and costing recession-battered job-seekers golden opportunities for new work.

The administration had backed a major expansion of offshore drilling earlier this year in part to gain support for comprehensive climate legislation in Congress, one of President Barack Obama

■ See Drilling, Page 14A

2010 On Sale

VACAVILLE COMMONS
I-80 and Nut Tree Parkway
www.vacavillecommons.com

A Thursday, December 2, 2010

Solano ...

Continued from Page 1A
adds up to about 90 percent ashes and 10 percent carcasses.

For years, the pet cemetery, near Potrero Hills Landfill in Suisun City, was considered a non-traditional facility and did not accept municipal solid waste.

But in 2009, the California Regional Water Quality Control Board updated its Waste Discharge Requirements, and classified the pet cemetery as an animal waste disposal facility or a non-municipal solid waste facility, which requires a solid waste facility permit. It is already required to obtain a permit

from the San Francisco Regional Water Quality Control Board, according to staff.

Principal Planner Harry Englebright, contracted by the county, explained that in order for the cemetery to comply with state law and receive the permit, it must be included in the site element.

Although concerns about groundwater were shared, it was the location depicted on a map of the cemetery and the Potrero Hills Landfill that created a stir.

Solano County resident June Guidotti, who lives near the Potrero Hills Landfill, explained that she thinks the county tried to pull a last one on the public by moving the location of the pet cemetery as marked on the map.

However, Englebright explained that it was simply a general location map, that nothing was incorrect, but that the graphics could be cleared up.

After Englebright repeated his answer several times, Mike Yankovich, also a principal planner with the county, stepped in and said it wasn't necessary to repeat the answer again.

But Solano County resident Michael Warnken disagreed.

"It sucks doesn't it, having to answer to the public," Warnken interjected, adding that it shouldn't be county staff informing the public about the plan, but rather the Board of Supervisors, who were elected to represent the voters.

Meanwhile, Warnken's father, Eric, explained after the meeting that he

lived north of Hay Road before the Recology Hay Road Landfill was built.

"Things get pushed through without answering any questions," he said about the landfill and his concerns about groundwater at the pet cemetery.

Michael Warnken agreed.

"When it comes down to it, will anything be done about it," he said. "I get tired of representatives shoving us to the side."

During the meeting, Englebright explained that the two landfills in the county, Recology Hay Road and Potrero Hills, have more than enough adequate capacity to accommodate the county's waste stream for 15 years, per state requirement. He added that conservative estimates show the landfills each have more than 30 years worth of room.

stional Democrats and Republicans worked separately to strike a deal with the White House on a more immediate financial issue: extending Bush-era tax cuts that expire Dec. 31. And despite talk of funding compromise ground, neither side seemed willing to yield much as negotiations began with Treasury Secretary Timothy Geithner and Budget Director Jacob Lew.

Both Democrats and Republicans seem willing to extend most of the tax cuts. But Democrats want to let Americans expire, citing damage to the federal deficit from lost revenue as a main argument.

Meanwhile, as the deficit commission — formally the Commission on Fiscal Responsibility and Reform — began moving toward a final decision, Sens. Kent Conrad

Cuts ...

Continued from Page 1A
leage, given the politically incendiary nature of many of the proposals. The tax increases it includes are deal-breakers for some Republicans, likewise social program cuts for some Democrats.

The plan calls for sweeping tax changes that would affect millions of Americans, including trimming or doing away with many popular tax breaks such as the home mortgage deduction. It would also make deep deep cuts in military spending, slash the federal work force, raise the retirement age for full Social Security benefits and make cuts in Medicare. It aims to reduce federal red ink by nearly \$4 trillion within a decade.

Although prospects for the



File/The Sacramento Bee Via Bay Area News Group
Fishermen cast their lines from boats on the Sacramento-San Joaquin River Delta with the dis-charge dump house structure above just south of the Freeport Bridge on May 27, 2008.

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6	SPRAWLDEF and DAVID TAM	
7		
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	IN AND FOR THE COUNTY OF SAN FRANCISCO	
10		
11	SPRAWLDEF, a California public benefit corporation, and DAVID TAM, an individual,	Case No.
12		
13	Petitioners,	PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF
14	vs.	
15	SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, an agency of the State of California; COUNTY OF SOLANO, a local public agency, and DOES 1-100, inclusive,	[Public Resources Code §29602; Code of Civil Procedure §1094.5]
16		
17		
18	Respondents, and	
19		
20	WASTE CONNECTIONS, INC., a California corporation or foreign corporation,	
21		
22	Real Parties in Interest.	
23	<hr/>	
24	Comes now petitioners SPRAWLDEF and DAVID TAM and allege as follows based upon	
25	knowledge and belief:	
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PETITION		

1 **I. INTRODUCTION**

2 1. Petitioners, SPRAWLDEF (“Sustainability, Parks, Recycling And Wildlife Legal Defense
3 Fund”) and DAVID TAM bring this action in the public interest following respondents’ refusal to
4 enforce the Suisun Marsh Preservation Act, and protect the Suisun Marsh from the massive ecological
5 and aesthetic impacts of a garbage landfill proposed to increase to 10 times its original size.

6 2. The expansion of the Potrero Hills Landfill located in Solano County was approved by the
7 San Francisco Bay Conservation and Development Commission (BCDC) in the face of overwhelming
8 evidence of the landfill’s massive impacts to the 85,000-acre marsh, constituting 10 percent of the
9 state’s remaining wetlands.

10 3. The BCDC improperly based its approval on the financial wants of the Wall-Street-traded
11 garbage company that owns the landfill. Furthermore the approval of the marsh development permit for
12 the landfill expansion was improper because BCDC allowed mitigation and offsets to the obvious and
13 significant impacts of the garbage dump upon the marsh ecology and aesthetics.

14 4. Petitioners seek a writ vacating the BCDC’s October 21, 2010 approval of the landfill
15 expansion’s marsh development permit, as originally issued by respondent County of Solano. Petitioners
16 also seek a declaration that the landfill is not allowed to expand beyond its original site.

17 **II. PARTIES**

18 5. Petitioner SPRAWLDEF is a California non-profit public benefit corporation with its
19 principal office in El Cerrito, California. The organization’s mission is the legal defense of environ-
20 mental programs for the promotion of socio-economic sustainability, parks, recycling, wildlife and
21 natural features of Northern California.

22 6. The organization’s members live in the San Francisco Bay area and benefit from the proper
23 enforcement and permitting of solid waste facilities. As particularly relevant here, the organization’s
24 members benefit from eliminating or reducing the impacts of the Potrero Hills Landfill upon the
25 environmentally treasured Suisun Marsh.

26 7. Petitioner David Tam is an individual, a resident of Berkeley, California. He is a board
27 member of SPRAWLDEF and was a board member of SPRAWLDEF at all times relevant to this action.
28

1 **IV. GENERAL ALLEGATIONS**

2 15. Petitioner makes the following allegations based upon its information and belief.

3 16. "Suisun Marsh" and "marsh" refer to water-covered areas, tidal marsh, diked-off wetlands,
4 seasonal marshes, lowland grasslands, upland grasslands, and cultivated lands designated for special
5 protection by the Suisun Marsh Preservation Act of 1977. California Public Resources Code §§ 29000 *et*
6 *seq.*, also referred to hereafter as the Act, or the Marsh Act.

7 17. The Suisun Marsh includes both the primary and secondary management areas as shown
8 on the Suisun Marsh Preservation Plan Map and includes the entire right-of-way of any state
9 highway that is designated as a portion of the boundary of the marsh. PRC §29101.

10 18. Potrero Hills Landfill is located within the secondary management area of the Suisun
11 Marsh, in an unincorporated area of Solano County, approximately two miles southeast of the City of
12 Fairfield.

13 19. The County of Solano approved Revision No. 2 to Marsh Development Permit MD-88-09
14 (U-88-33) on September 13, 2005 (Resolution No. 2005-203, hereafter "the Permit" or the "County
15 Permit").

16 20. Petitioners here and other members of the public timely appealed the County Permit to the
17 Bay Conservation and Development Commission (BCDC) as afforded by PRC §29523.

18 21. Reviewed as BCDC Permit No. 3-10(M), the Permit would expand the Potrero Hills
19 Landfill onto 167 acres of a 210-acre parcel adjacent to the existing landfill, and change landfill
20 operations, including changes to waste processing, increased operation hours and additional night-
21 lighting. The increased footprint would add approximately 74.7 million cubic yards of fill capacity,
22 tripling its current authorized capacity of 21.5 million cubic yards.

23 22. In addition to the physical expansion, the expansion project would involve constructing
24 various ancillary structures, such as a new truck/container washing facility, a landfill gas-to-energy
25 power plant, a visitor center, new power lines and changes to existing PG&E transmission lines, a water
26 pipeline and storage tanks, and new sedimentation basins.

27 23. Those activities create numerous impacts to the ecology of the marsh and to its aesthetics
28 which were improperly allowed by BCDC.

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THE MARSH ACT PROCEDURES

24. The Suisun Marsh Preservation Act (Marsh Act) of 1977 was passed by the legislature with the intent of preserving and protecting valuable marsh habitat and upland grass-lands within the Suisun Marsh.

25. According to the Marsh Act’s legislative findings, the Suisun Marsh consists “of approximately 55,000 acres of marshland and 30,000 acres of bays and sloughs, and comprising almost 10 per cent of the remaining natural wetlands in California.”

26. Section 29002 of the Act states that: “... the Suisun Marsh represents a unique and irreplaceable resource to the people of the state and nation; that future residential, commercial, and industrial developments could adversely affect the wildlife value of the area; and that it is the policy of the state to preserve and protect the resources of this nature for the enjoyment of the current and succeeding generations.”

27. The plan for protecting the marsh is laid out and adopted as the Suisun Marsh Preservation Plan, which includes the mapping of the marsh, including its primary and secondary management areas. PRC §29113 and Fish & Game Code §1850.

28. The Commission certified Solano County’s LPP on November 4, 1982. A local government’s decision to issue a marsh development permit may be appealed to the Commission and on appeal the Commission must issue the permit if it finds that the proposed development is consistent with the LPP under Marsh Act §29501(d).

29. Section 29500 of the Marsh Act requires that any person wishing to undertake development in the Suisun Marsh, including both the primary and secondary management areas, obtain a marsh development permit. The local government with jurisdiction over the project has primary permitting authority over development within the secondary management area after the Commission certifies the Local Protection Plan (LPP).

THE PERMIT APPROVALS

30. On September 13, 2005, the Solano County Board of Supervisors approved Amendment No. 2 to Marsh Development Permit No. MD-88-09 and Use Permit U-88-33, authorizing the landfill of

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PETITION

1 167.63 acres to the east of the existing. The amendment allowed the conversion of the additional 167.63-
2 acre area from primarily non-native upland grassland to active landfill and a height increase from 220
3 feet to 345 feet.

4 31. After the County approval, the environmental impact report certified to support the permit
5 pursuant to the California Environmental Quality Act (CEQA) was challenged in Solano County
6 Superior Court. The Court twice threw out the EIR as inadequate before finally certifying the document
7 as adequate as mitigated.

8 32. BCDC staff commented on the proposed project and the EIR while it was under considera-
9 tion by the County. BCDC staff at that time found that project was inconsistent with several provisions
10 of the Marsh Act, in particular the conversion of grasslands and agricultural land use designations to
11 permanent landfilling use.

12 33. Meanwhile, the marsh development permit issued by the County with the approval of the
13 EIR and land use permit was appealed to the BCDC. On December 1, 2005, the Commission found that
14 the appeal of modifications to MD-88-09 raised a substantial issue, staying the effect of the County's
15 marsh development permit until the Commission heard the appeal.

16 34. On June 17, 2010, the Commission held a public hearing on the appeal to Solano County's
17 modification of Marsh Development Permit No. MD 88-09 (U-88-33) to authorize an expansion of the
18 landfill.

19 35. At the BCDC public hearing, concerns were raised about the ecological and aesthetic
20 impacts of the proposed project, the adequacy of the proposed mitigation, and the need for the landfill
21 expansion.

22 36. There were concerns that the landfill expansion would change the existing topography of
23 the Potrero Hills by converting a valley into a hill and channelizing Spring Branch Creek into a pipe,
24 and that this alteration would have significant ecological and aesthetic impacts on the area.

25 37. Concerns were also raised regarding impacts on birds, the California Tiger Salamander,
26 fairy shrimp and native goldfields; that the expanded landfill would be visible to members of the
27 community; and that additional night-lighting would present substantial aesthetic impacts.

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1 38. A number of individuals commented that the proposed mitigation conserving the Southern
2 Hills and the Eastern Valley parcels is inadequate because these areas are already protected by the
3 Suisun Marsh Preservation Act and the Solano County Local Protection Plan (LPP).

4 39. Several comments questioned the need for an expansion of the landfill due to the recent
5 court decision upholding the constitutionality of Measure E, which limits the importation of out-of-
6 county waste to 95,000 tons per year into Solano County, and the general increase in recycling which
7 reduces the amount of waste coming into landfills.

8 40. While the EIR supporting the landfill expansion and marsh development permit was being
9 revised to meet the Court's writ orders, SPRAWLDEF and David Tam, petitioners here, objected that
10 the County permit violated Measure E, a County ordinance that limited was imported into the County to
11 95,000 tons a year.

12 41. Upon the once-again revised EIR's June 9, 2009 certification by the County,
13 SPRAWLDEF again raised the Measure E issue in comments. In response, during the public hearing on
14 the EIR certification, County Counsel reiterated the County's position that Measure E was unconstitu-
15 tional and that it would not be enforced. Strongly convinced of the initiative's constitutionality,
16 SPRAWLDEF filed a petition for writ of mandate in Solano County seeking an order that the County
17 enforce the measure.¹

18 42. An initial suit in Solano County court to enforce Measure E was filed July 28, 2008 by
19 SPRAWLDEF.² SPRAWLDEF's action was joined by two other actions, filed separately by Northern
20 California Recycling Association (NCRA) and Sierra Club each.³

21 43. On May 12, 2010, the Solano County Superior Court ruled that Measure E was constitu-
22 tional and enforceable. However, the ruling did not enjoin or invalidate the County's use permit.
23 SPRAWLDEF will appeal that decision.
24
25

26 ¹ Solano County Superior Court case no. FSO33700, filed June 12, 2009.

27 ² *NCRA et al v. Potrero Hills Landfill*, Solano County case no. FCS031805.

28 ³ The *NCRA v. County of Solano* case no. is FCS033687, filed June 10, 2009. *Sierra Club v. County of Solano* case no. is FCS034073, filed August 10, 2009.

1 FIRST CAUSE OF ACTION

2 Destruction of Spring Branch Creek

3 44. Petitioner incorporates all previous allegations as if fully set forth, and for a first cause of
4 action, alleges as follows:

5 45. Approximately 210 acres of upland grassland habitat would be affected by the proposed
6 expansion authorized by the Permit. In addition, the aquatic habitats on the expansion site that would be
7 affected include an approximately 0.44-acre portion of Spring Branch Creek and its tributaries, several
8 seasonal wetlands, and the filling of ponds.

9 46. The project site is located two to three miles upstream of the brackish Suisun Marsh. An
10 ephemeral surface water runoff channel, Spring Branch Creek, exists along the southern edge of the
11 valley and runs from east to west.

12 47. Spring Branch Creek is formed from two smaller waterways to the east and south, which
13 drain from the hills into swales that continue to the headwaters of the creek. Spring Branch Creek flows
14 west into First Mallard Branch, a tributary of Cutoff and Suisun Sloughs.

15 48. Spring Branch Creek downstream of the landfill flows into the stock-water pond
16 constructed offsite by the dump operator in 1995. No residential or commercial structures are located
17 within the project drainage area.

18 49. The expansion project involves destruction of the eastern portion of Spring Branch Creek
19 that falls within the landfill expansion project. The project involves constructing a buttress fill along the
20 southern edge of the landfill expansion area and allowing water that now flows in Spring Branch Creek
21 to carry flow from the eastern Potrero Hills Valley south around the landfill. The main creek flow will
22 be routed into an approximately 6,500-foot, pre-cast concrete pipeline placed at the bottom of the soil
23 buttress area.

24 50. Spring Branch Creek is identified in the *Suisun Marsh Preservation Plan Supplement*
25 (SMPP) as one of 11 streams in the Suisun Marsh Area. In 2006 BCDC appointed a five-member
26 science panel. Their report identified Spring Branch Creek as a stream, with riparian vegetation and a
27 bed and bank and supports this characterization with photographic evidence. In addition, the Solano
28 County General Plan depicts Spring Branch Creek with the symbol for "stream and creek." The terms

1 stream and creek are used interchangeably in both legal and non-legal definitions. Spring Branch Creek
2 is shown as an intermittent stream on every USGS topographic map depicting the Potrero Hills.

3 51. The California Department of Fish and Game (CDFG) defined Spring Branch Creek as a
4 jurisdictional water, meaning that it is a river, lake or stream. Potrero Hills Landfill applied for a
5 Streambed Alteration Agreement, which was approved as a matter of law.

6 52. The United States Army Corps of Engineers identified Spring Branch Creek as an inter-
7 mittent stream in at least two separate public notices describing the project, which define the tributaries
8 of Spring Branch Creek as streams as well. Both documents also note the presence of riparian
9 vegetation.

10 53. The scientific panel commissioned by BCDC evaluated the impacts on Spring Branch
11 Creek. It notes that the expansion “effectively eliminates the natural, remaining upper Spring Branch
12 Creek watershed and permanently reconfigures the Spring Branch Creek valley” and that the “changes
13 will disrupt and impede watershed run-off and stream flow, alter the creek’s water temperature, and
14 have the potential to affect other water quality parameters such as turbidity and salinity.”

15 54. The report finds that the upstream channelization and relocation of Spring Branch Creek
16 will decrease its ecological value and have repercussions, likely negative, on the lower watershed as it
17 flows west into Suisun Marsh at First Mallard Slough.

18 55. According to the U.S. Army Corps of Engineers (Corps), this would result in impacts to
19 approximately 2.42 acres of Section 404-jurisdictional wetlands and other waters of the United States,
20 0.076 acre of isolated waters of the State of California, and 0.61 acre of non-jurisdictional pond habitat.

> 21 56. Policies 3 and 6 of the LPP water quality section protect riparian vegetation and prohibit
22 stream modifications unless necessary to protect life and existing structures from floods in the watershed
23 of the Suisun Marsh. The Marsh Act and the SMPP define the watershed as “the immediate watershed of
24 the Marsh upland from the secondary management area ... including those creeks, streams, channels or
25 other water areas in the County of Solano that are tributary to, or flow into, the Marsh.” (PRC §29104
26 and SMPP, p. 32).

27 57. The Marsh Act requires that within the Marsh, the LPP must contain enforceable standards
28 “to minimize soil erosion ... and restore rather than disrupt natural patterns and volumes of surface

1 runoff,” PRC §29401(h), and “to protect riparian habitat and to prevent waterway modification or
2 vegetation removal that increases sedimentation or runoff in or into the marsh, to an extent that a signi-
3 ficant adverse environmental impact will occur in the marsh.” PRC §29401(i). These standards have
4 been incorporated into the LPP through the County’s General Plan and Zoning Ordinances.

5 58. These ordinances protect streams and riparian vegetation in the Marsh itself. The Drainage
6 and Flood Control Ordinance protects riparian habitat and prohibits sedimentation and runoff that
7 adversely impact the Marsh from designated channels in the watershed, ordinance §9-4(b). The Grading
8 and Erosion Control Ordinance requires that “every effort must be made to preserve natural channels
9 and drainageways,” §31-300(n), and that filling, grading, or excavating watercourses and removing
10 riparian vegetation “shall be allowed only where no reasonable alternative is available and where
11 allowed, shall be limited to the minimum amount necessary.” §31-300(o).

12 59. The LPP therefore requires every effort to preserve natural channels and drainage-ways,
13 and allows filling, grading or excavating watercourses or removing riparian vegetation only if there are
14 no reasonable alternatives, and only the minimum amount of modification necessary in such cases.

15 60. The BCDC staff proposed that the landfill be redesigned to avoid destroying the Spring
16 Branch Creek, resulting in a landfill footprint of 117 acres rather 167 acres.

17 61. Real Party Waste Connections however rejected this alternative on the grounds that it
18 would impact the profits from the expansion. According to the BCDC staff report: “These figures
19 support the financial analysis that Potrero Hills Landfill must be expanded to the proposed project to
20 allow it (and Waste Connections) to effectively compete in the market with similar size companies.”

21 62. The loss of the natural Spring Branch Creek, impacts to its watershed and its downstream
22 ecology constitute a significant, adverse effect upon the Suisun Marsh ecology.

23 63. The financial impacts to a private company—the publicly traded garbage company Waste
24 Connections here—are irrelevant to the requirement that the project not adversely impact the Marsh
25 ecology.

26 64. Therefore, approval of the Permit by the BCDC was a prejudicial abuse of discretion in
27 that BCDC and the County have not proceeded in the manner required by law, the decision is not
28 supported by the findings, and the findings are not supported by the evidence.

