

William S. Reustle

Attorney & Counselor at Law

609 Jefferson Street, Suite "G-1"
Fairfield, CA 94533

Tele: (707) 427-1662

FAX: (707) 427-2262



Thursday, June 09, 2011

Mr. Philip G. Wyels, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd. Floor (95814)
P O Box 100
Sacramento, CA 95812-0100

RE: Potrero Hills Landfill, Inc., Potrero Hills Landfill, Suisun City, Solano County –
Update to Waste Discharge Requirements, Issuance of Water Quality Certification, and
Rescission of Order No. 93-072

Dear Mr. Wyels:

On behalf of Mrs. June Guidotti, a property owner who lives directly adjacent of
the Potrero Hills Landfill in Solano County, I hereby submit her Petition for Review.

I request this petition be held in abeyance pending further notifications.

Thank for your attention to this matter.

Sincerely,



WILLIAM S. REUSTLE

Petition for Review

1. Petition for review and Request for Hearing by State Water Resources Control Board of Regional Water Quality Board Action.
(Requested to be held in abeyance)

The following is a Petition for Review and request for hearing by the State Water Resources Control Board, filed by June Guidotti, hereinafter "petitioner," to the State Water Resources Control Board of Order R2-2011-0032: Updated Waste Discharge Requirements and Water Quality Certification for the Potrero Hills Landfill and rescission of Order No. 93-072.

Petitioner is June Guidotti, 3703 Scally Road, Suisun, CA 94585;
Tele. No. 707 429-0893; Cell No. 707 631-9365; Fax No. 707 429-5054

2. Specific Action to be Reviewed by State Water Resources Control Board

Issuance of Order No. R2-2011-0032, Updated Waste Discharge Requirements and Water Quality Certification for the Potrero Hills Landfill and rescission of Order No. 93-072. Petitioner requests the Order be rescinded as contrary to public good and as being inconsistent with the Marsh Preservation Plan and the California Water Code.

3. Date of Regional Boards' Action

The California Regional Water Quality Control Board, San Francisco Bay Region adopted the referenced Order on or about May 11, 2011.

4. Statement of Reasons

The Regional Board did not require adherence to CEQA requirements regarding the three different spaces that PHLF put in the JTD regarding the proposed power plant. The Order neglects existing and continuing unlawful discharge of methane gas and CEQA compliance therefor. Environmental effects of Spring Branch creek relocation to an underground pipe have not been adequately addressed. Likewise, there is a pipeline carrying discharged waters from the PHLF main entrance to the Solano Garbage Co. property about ¼ mile distant. This has not been investigated or approved. Affects on water quality must be addressed in a competent and technical manner. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to supplement this Petition for review and request for hearing with submission of additional facts and reasons.

5. Manner in which Petitioner is Aggrieved

Petitioners' quiet enjoyment of her property is violated on a daily basis by smells, fumes, blowing debris, and the loss of her historic pond used for watering cattle. The pond has

been adversely affected by subterranean disturbances on PHLF property which is not addressed in the Staff Report or in the present Order. Runoff containing biosolids, methane byproducts, heavy metals and other pollutants should be measured, analyzed, and eliminated. Adverse effects on petitioner's water well are not being monitored or addressed. There are inadequate safeguards and PHLF should be required to adhere to proper engineering standards verified by independent experts. There are no protections for the public or the environment respecting enforcement of requirements to minimize the impact of: diversion of Spring Branch Creek, elimination of riparian vegetation, and introduction of pollutants. Petitioner is in fear of being poisoned by unlawful discharge of pollutants in the air and water. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to supplement this Petition for review and request for hearing with submission of additional facts and reasons.

6. Specific Action Requested

The Order should be returned to the Regional Board to address concerns not previously addressed. The Discharge Permit should not be granted until and unless proper action is concluded by the Regional Board. Proper regard must be given to an analysis of a reasonable range of alternatives and all cumulative impacts including importation of waste from other counties and states. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to request review and hearing.

7. Statement of Points and Authorities

Water Code (WC) § 13320 provides a procedure by which a citizen may appeal to the State Board the action or failure to act of a Regional Board to act under certain statutes. WC § 13320 includes Chapter 5.5 of Division 7, commencing with WC §13370, in those statutes. Chapter 5.5 implements the United States Clean Water Act (CWA) into California code. WC §13376 requires that any person discharging of pollutants to the navigable waters of the United States within the State of California file a report of the discharge pursuant to WC § 13260. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to supplement this Petition for review and request for hearing with submission of additional points and authorities.

8. Regional Board and Discharger Notification

A copy of this petition was sent to The California Regional Water Quality Control Board, San Francisco Bay Region, and to the Discharger(s).

9. Statement that the substantive issues were raised

Issues raised below are part of the record, including at least two letters on behalf of June Guidotti. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to assert substantive issues and objections that the petitioner previously asserted as well as additional substantive issues and objections that petitioner was unable to raise before the Regional Board.

10. List of Persons

Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, Section 2050.5, and reserves the right to provide a list of persons known to have an interest in the subject matter of this petition.

11. Records Request

All of the files, records and proceedings of the Regional Board relative to Update to Waste Discharge Requirements, Issuance of Water Quality Certification, and Rescission of Order No. 93-072 must be available for consideration. Petitioner requests that the petition be held in abeyance pursuant to Title 23, California Code of Regulations, section 2050.5 and reserves the right to request that the Regional Water Quality Control Board prepare the record and provide a copy to this petitioner.

PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further notice. Petitioner reserves the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

DATED: Monday, June 06, 2011.

Sincerely,

June Guidotti & Family for the Public
JUNE GUIDOTTI
Petitioner

EXHIBITS:

- A. Pictures of Spring Branch Creek, Tidal Action Flood Plane crossing Scally Road, environmental damage due to restrictions of tidal action (dead fish and bird).
- B. Mailing List



California Regional Water Quality Control Board
San Francisco Bay Region



Linda S. Adams
Acting Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2306 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

Date: May 18, 2011
File No. 2129.2045 (KER)
CIWQS Place ID Nos. 248989 & 742394

Potrero Hills Landfill, Inc.
Waste Connections, Inc.
Attn: Mr. Jim Dunbar (JamesDu@WasteConnections.com)
P.O. Box 68
Fairfield, CA 94533

SUBJECT: Order No. R2-2011-0032, Updated Waste Discharge Requirements and Water Quality Certification for Potrero Hills Landfill, Suisun, Solano County

Dear Mr. Dunbar:

This letter transmits Order No. R2-2011-0032, Updated Waste Discharge Requirements and Water Quality Certification for the Potrero Hills Landfill. Order No. R2-2011-0032 was adopted by the Regional Water Board during its public hearing on May 11, 2011 and is effective immediately. This Order rescinds Waste Discharge Requirements Order No. 93-072.

If you have any questions, please contact me at 510-622-2404 or by email at KRoberson@waterboards.ca.gov.

Sincerely,

Keith Roberson, Engineering Geologist
Groundwater Protection Division

Attachment: Order No. R2-2011-0032 and Discharge Monitoring Program
cc w/attachment: Mailing List



Department of
Resource Management
675 Texas Street, Suite 5500
Fairfield, California 94533-6341

Planning Services Division
Phone: (707)784-6765 / Fax: (707) 784-4805

**COUNTY OF SOLANO
NOTICE OF COMMENT PERIOD
DRAFT NEGATIVE DECLARATION**

The Solano County Department of Resource Management has evaluated the project described below and has determined that a Negative Declaration of environmental impact be prepared pursuant to the California Environmental Quality Act.

First Amendment to the Countywide Siting Element (CSE) of the Solano County Countywide Integrated Waste Management Plan. The amendment: 1) projects disposal needs for wastes generated within the borders of Solano County for the next 15-year planning period of 2010-2025; 2) updates technical information on the existing facilities, Recology Hay Road and Potrero Hills Landfill; 3) incorporates the approved expansion of Potrero Hills Landfill; and 4) adds the existing Tonnessen Pet Cemetery waste disposal facility to the siting element.

Copies of the environmental document are available for public review at the Solano County Department of Resource Management, 675 Texas Street, Suite 5500, Fairfield, California, and at www.solanocounty.com under Resource Management, Documents. Written comments on the proposed Negative Declaration will be accepted until 5:00 p.m. on July 1, 2011, and can be sent to Narcisa Untal at the address listed above or emailed to nuntal@solanocounty.com.

Daily Republic
Legal ad/one time
Sunday, May 29, 2011

Vacaville Reporter
Legal ad/one time
Sunday, May 29, 2011

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

~~UNCONTESTED~~

Contested

STAFF SUMMARY REPORT (KEITH ROBERSON)
MEETING DATE: April 8, 2009

ITEM: 5.D
SUBJECT: LOIS AND GREG TONNESEN, TONNESEN PET CEMETERY, SUISUN CITY, SOLANO COUNTY - Updated Waste Discharge Requirements and Rescission of Order Nos. 87-105

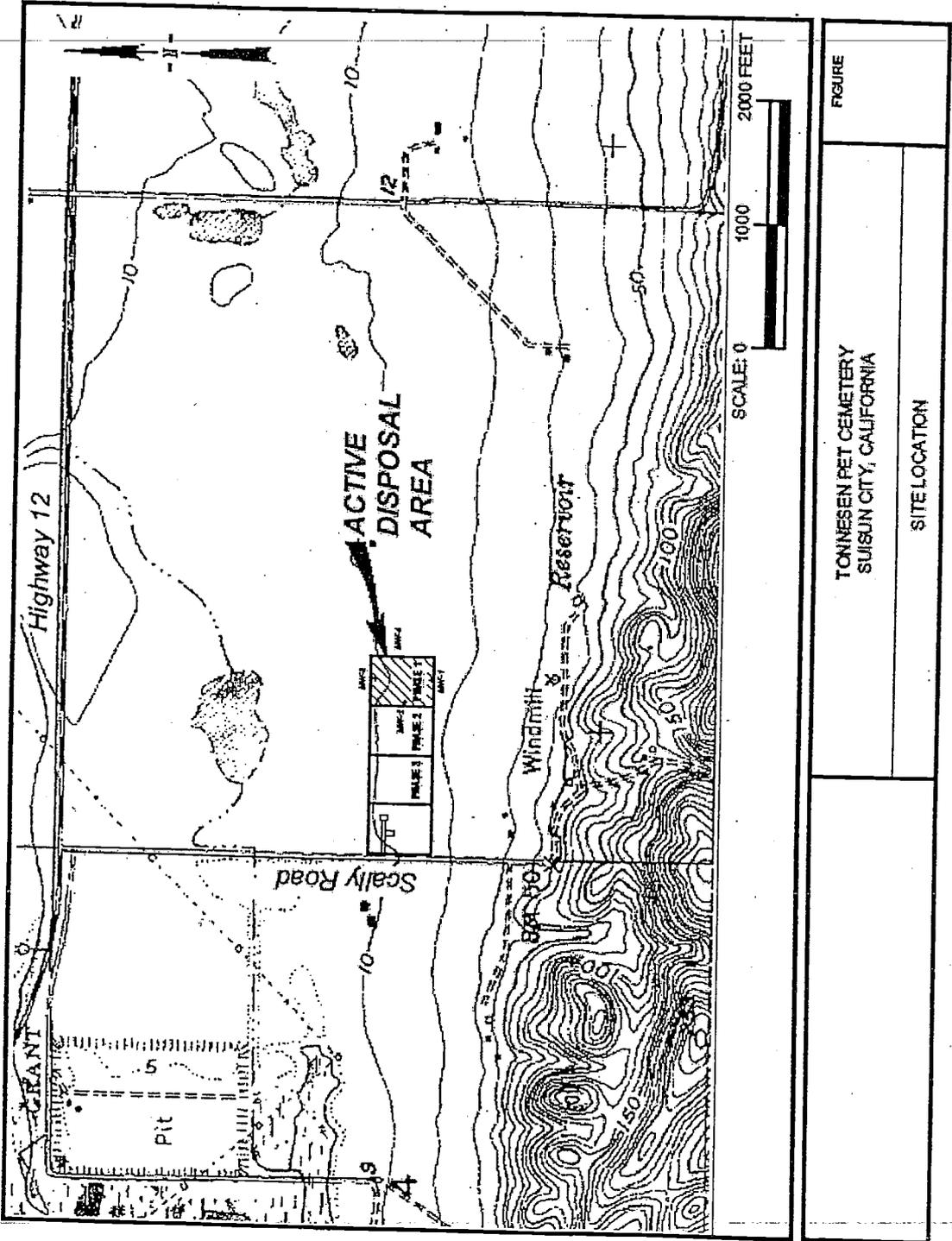
CHRONOLOGY: Waste Discharge Requirements (WDRs) adopted in 1987

DISCUSSION: Tonnesen Pet Cemetery is a small, family-owned business that has been used since 1980 for the disposal of animal bodies under permit from Solano County. The facility is owned by Mrs. Lois Tonnesen and operated by Mr. Greg Tonnesen. The site is located in the Suisun Marsh south of Highway 12, about one mile southeast of Suisun City. The facility is immediately north of the Potrero Hills Landfill, a large regional municipal waste landfill. The facility is classified under Title 27 regulations as a Class III non-municipal waste disposal facility. The facility is not permitted to receive municipal wastes. The waste stream is restricted to small animal bodies, primarily from veterinary clinics and animal shelters. About 90 percent of the animal remains are now cremated off-site and transported to this site for burial.

The Revised Tentative Order does the following:

1. updates the WDRs and rescinds WDR Order No. 87-105;
2. directs the Discharger to close the Phase I portion of the site and requires submittal of a final closure and post-closure maintenance plan;
3. authorizes the Discharger to begin disposal operations in the adjacent Phase II area;
4. establishes new best management practices (BMPs) for disposal operations in Phase II; and
5. revises the facility's groundwater monitoring program to expand monitoring into the Phase II area.

The Phase I portion of this disposal facility is unlined. There has been no indication of a release of groundwater contaminants from the facility since groundwater monitoring began in 1987. Because the facility is not permitted to accept any wastes other than animal bodies, the Tentative Order allows the facility to expand into the adjacent Phase II area without an underlying composite liner. However, the Tentative Order does establish new BMPs for animal disposal operations that are expected to accelerate biological breakdown of the animal remains and to prohibit the formation and accumulation of liquid leachate. Staff sought and received guidance from Waste Disposal staff at the



GPS location

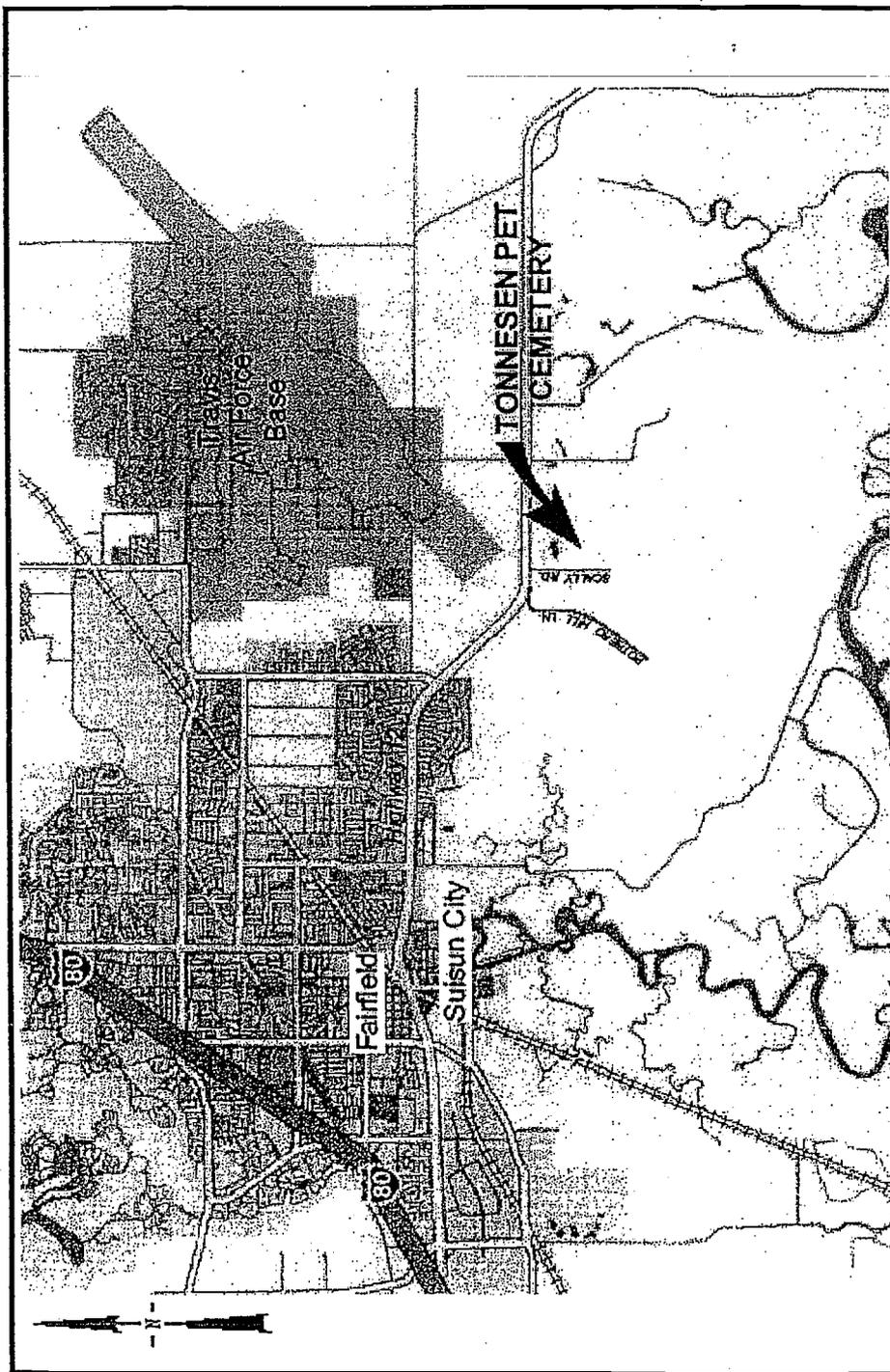


FIGURE	
TONNESEN PET CEMETERY SUISUN CITY, CALIFORNIA	SITE VICINITY

EXISTING AND PROPOSED PROJECTS

- 1 Cordelia Villages
- 2 Wastewater Pitot Project
- 3 Cordelia Commerce Park
- 4 Abernathy Road Interchange
- 5 Anheuser-Busch Brewery
- 6 Fairfield Subregional Sewage Treatment Plant
- 7 Fairfield Streams Project
- 8 Suisun Pacific Marina
- 9 Suisun Villages
- 10 Laurel Estates
- 11 Cold Springs Harbor
- 12 Suisun Slough Channel
- 13 Solano Garbage Company
- 14 EnviroSol, Inc.
- 15 Explosives Technology Corp.
- 16 North Bay Aqueduct
- 17 Highway 12 Improvements
- 18 East Bay Municipal Utilities District Aqueduct
- 19 Atlantic Richfield Petrochemical Plant
- 20 Dow Petrochemical Plant
- 21 PG&E Power Plant
- 22 National Steel Co.-SP
- 23 Transportation Co. Property
- 24 Shell Natural Gas Pipeline
- 25 Benicia Industrial Park

- Pipelines -----
- Aqueducts -----
- Highway Improvements |||||
- Present Dredged Channel & Proposed Flood Control Project -----

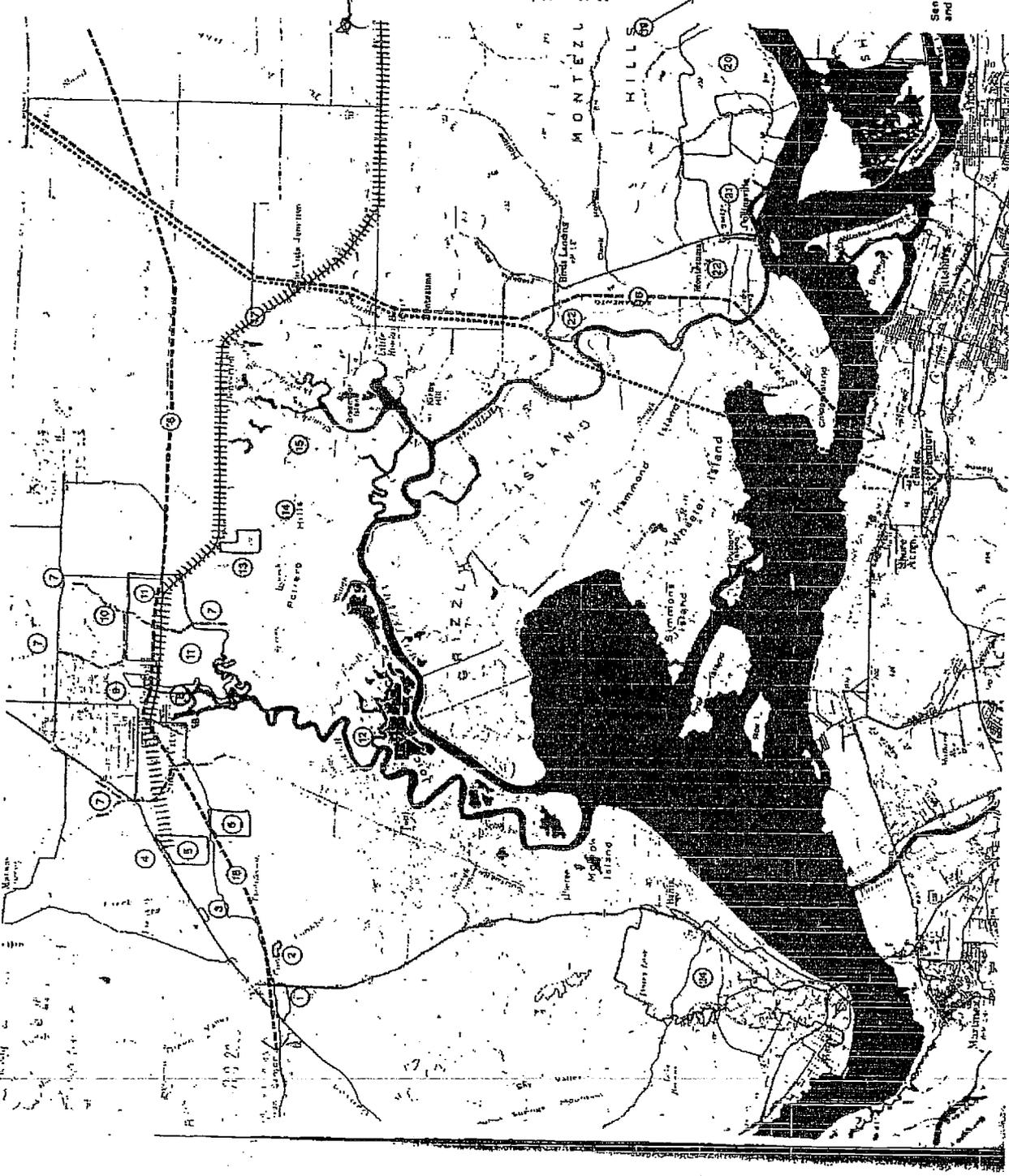


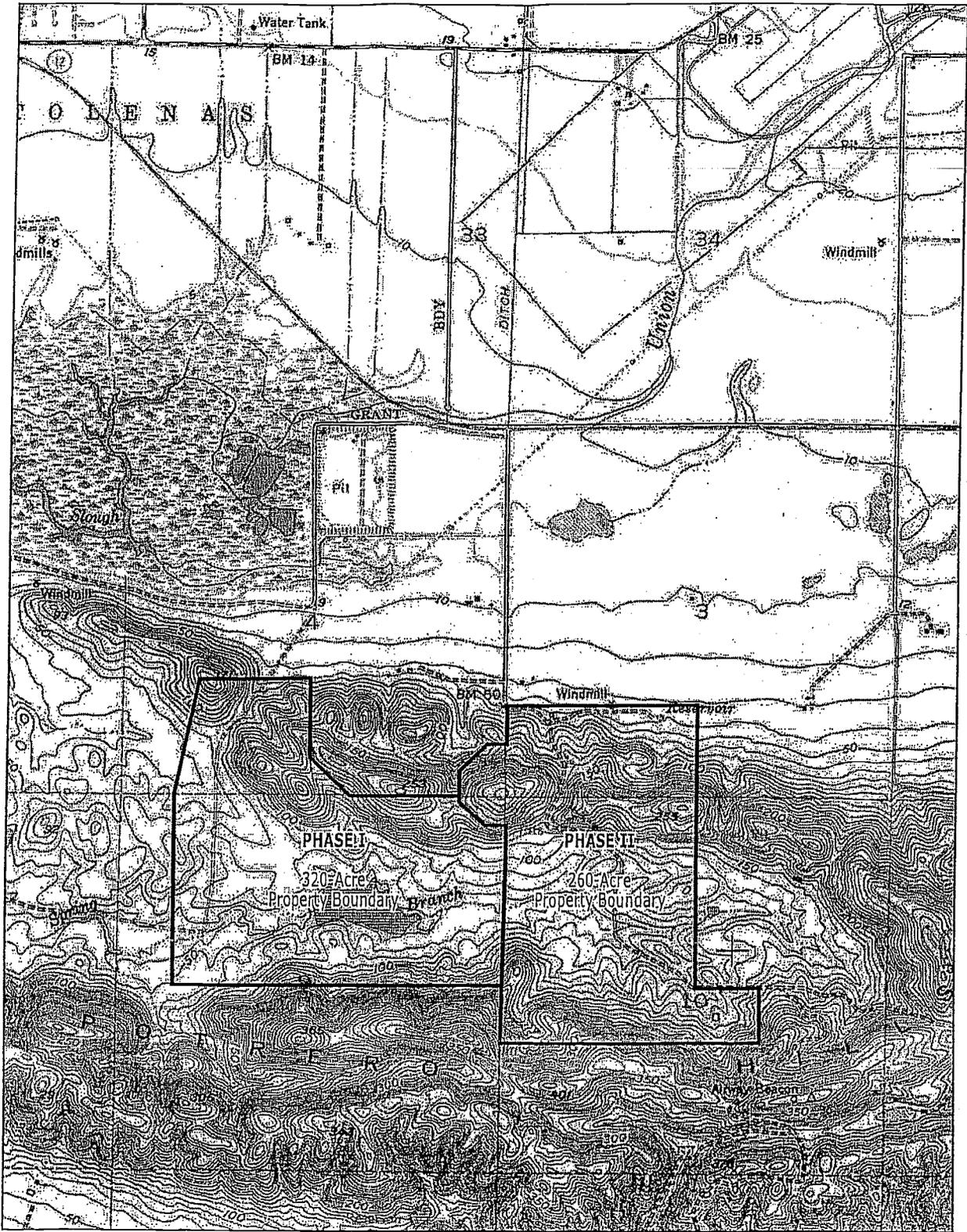
San Francisco Bay Conservation and Development Commission

Figure 10
RECEIVED
 Solano County
 Resource Management

MAY 23 2008

3011191294518
 A





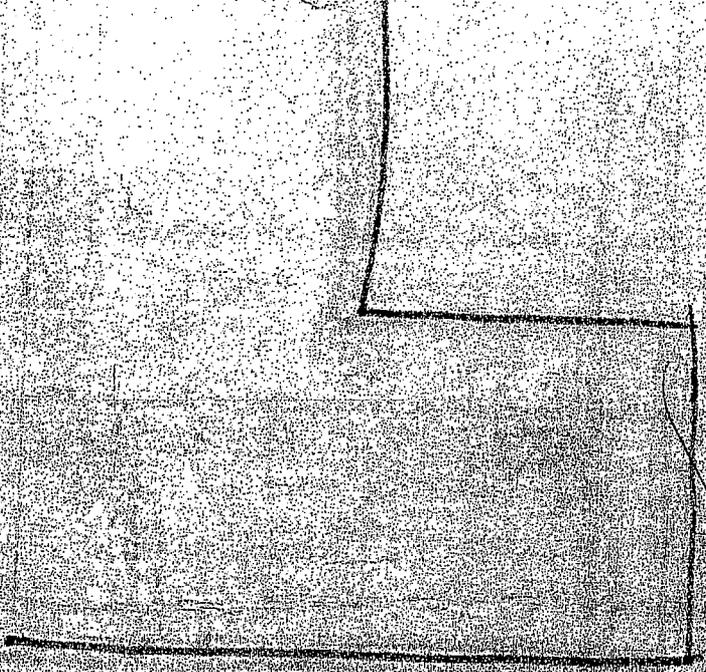
Site Map

EXHIBIT 3-2

Potrero Hills Landfill Expansion Project
G 21085.01 09/03



254 | 3 2 1
789 | 10 12
81716 | 15 13



cc: **[via Certified Mail only]**
Solano Garbage Company Landfill
c/o Republic Services, Inc.
Attn: Mr. Rick Wojha, Dave Zeiger
3260 Blume Drive, Suite 200
Richmond, CA 94806

[via Certified Mail only]
Marcy Mackenzie, Ed Padilla
Solano County Local Enforcement
Agency
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

[via Certified Mail only]
Ms. Jennifer Feinberg
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Office of the Chief Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
bwolf e@waterboards.ca.gov

Ms. Dyan Whyte **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dwhvte@waterboards.ca.gov

Mr. Thomas Mumley **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
tmumlev@waterboards.ca.gov

Mr. Keith Roberson **[via email only]**
Engineering Geologist
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
kroberson@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lokun@waterboards.ca.gov

Dorothy Dickey, Esq. **[via email only]**
Office of Chief Counsel, State Water Board c/o
San Francisco Bay, Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
ddickev@waterboards.ca.gov

Yuri Won, Esq. **[via email only]**
Office of Chief Counsel, State Water Board c/o
San Francisco Bay, Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
ywon@waterboards.ca.gov

Philip G. Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
pwvels@waterboards.ca.gov

Mr. Ken Greenberg, Chief **[via email only]**
Clean Water Act Compliance (NPDES)
U.S. EPA, Region 9 75 Hawthorne
Street San Francisco, CA 94105
greenberg.ken@epa.gov

cc: **[via Certified Mail only]**
Mrs. Lois and Mr. Greg Tonnesen
3700 Scally Road
Suisun, CA 94585

Mr. Bruce Wolfe [via email only]
Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
bwolfe@waterboards.ca.gov

Ms. Dyan Whyte [via email only]
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street/Suite 1400
Oakland, CA 94612 dwhvte@waterboards.ca.gov

Mr. Thomas Mumley [via email only]
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
tmumlev@waterboards.ca.gov

Mr. Keith Roberson [via email only]
Engineering Geologist
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
kroberson@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lokun@waterboards.ca.gov

Dorothy Dickey, Esq. **[via email only]**
Office of Chief Counsel, State Water Board
c/o San Francisco Bay, Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
ddickev@waterboards.ca.gov

Yuri Won, Esq. **[via email only]**
Office of Chief Counsel, State Water Board
c/o San Francisco Bay, Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
wwon@waterboards.ca.gov

Philip G. Wyels, Esq.- Jeannette Bashaw
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
pwwels@waterboards.ca.gov

Scott W. Gordon
1990 N. California Blvd, #940
Walnut Creek, CA 94596

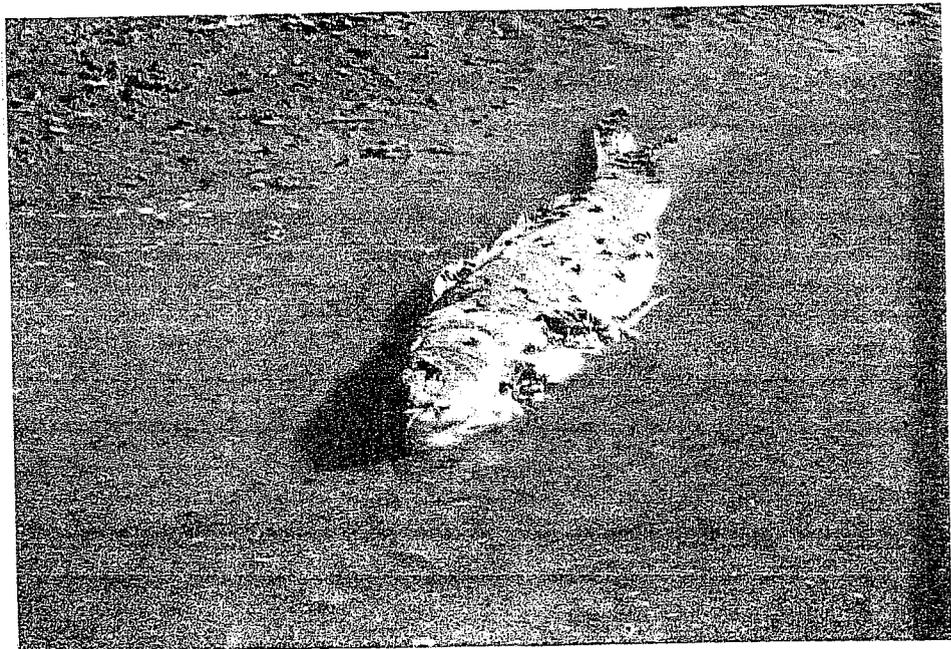
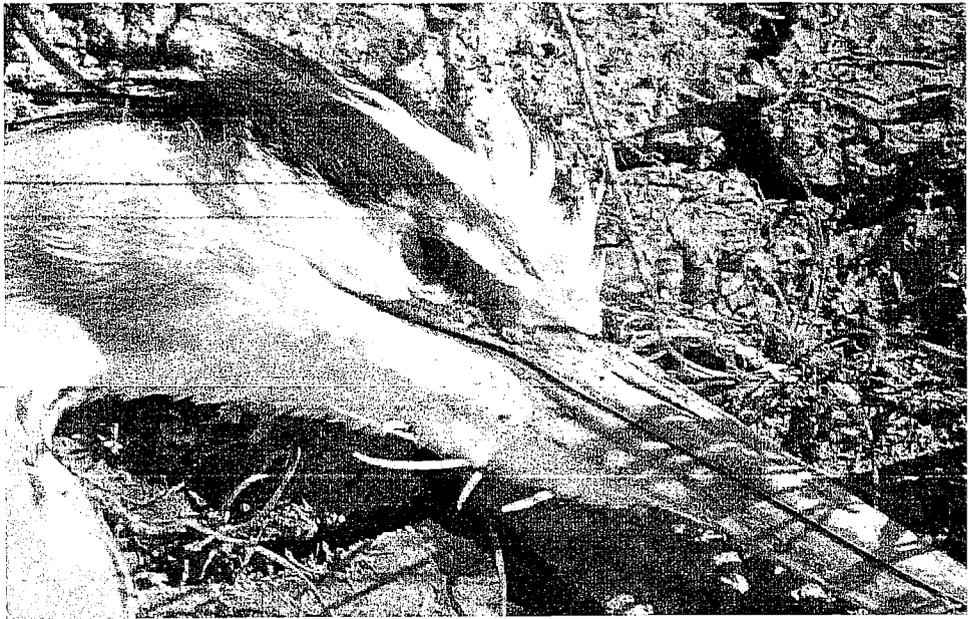
Mailing List

Leslie Graves SWRCB-Land Disposal LGraves@waterboards.ca.gov
Solano County Local Enforcement Agency
Ricardo Serrano rserrano@SolanoCounty.com
Terry Schroidtbauer tshmidtbauer@SolanoCounty.com
Marcy MacKenzie mlmackenzie@solanocounty.com
Bill Orme SWRCB-DWQ Stateboard401@waterboards.ca.gov
USACE SF Regulatory Branch
Laurie Monarres laurie.a.monarres@usace.army.mil
Jane Hicks jane.m.hicks@usace.army.mil
David Wickens david.m.wickens@usace.army.mil
USFWS Andrew Raabe andrew_raabe@fws.gov
CDFG Brenda Blinn BBlinn@dfg.ca.gov
BCDC MingYeung mingv@bcdc.ca.gov
BAAQMD Tamiko Endow TEndow@baaqmd.gov
CalRecycle Beatrice Poroli Bporoli@calrecycle.ca.gov
Diana Post dpost@calrecycle.ca.gov
Steve Peterson steve@esp.nu
Tom Vercoutere, Golder Associates Tom_Vercoutere@golder.com
David Tam SPRAWLDEF daviditam2@gmail.com
Kelly Smith SPRAWLDEF ktsmith@thesmithfirm.com
Richard Hanson hansonra@sbcglobal.net
Arthur Feinstein arthurfeinstein@earthlink.net
Arthur Boone ARBoone3@gmail.com
George Guynn, Jr georgejr@hotmail.com
Christina Padua-Hughes emcy@sbcglobal.net
William S Reustle, wreustle@sbcglobal.net
Jeannette L. Bashaw, jbashaw@waterboards.ca.gov
Scott Gordon swgordon@sbcglobal.net
Mr. Jim Dunbar (JamesDu@WasteConnections.com)

Marilyn Farley
Solano Land Trust
1001 Texas St, Suite C
Fairfield, CA 94533-5723

Ms. June Guidotti
3703 Scally Road
Suisun City, CA 94585

Potrero Hills Landfill, Inc.
Waste Connections, Inc.
Attn: Mr. Jim Dunbar
P O Box 68
Fairfield, CA 94533



Scally Rd Susan Cal
94585

May 9, 2021

Band Number

193725710

~~Scally Rd~~ Scally Rd
Susan Cal. 94585

Call Number

Deputy Murphy

2011-028576

Band Number

193725710

Scally Rd Susan Cal.
94585

Deputy Murphy

Call 2011-028576

Band Number

193725710



May 9, 2011

Scully Road

Suisun Cal 94585

Flood plane

Deputy Murphy

2011 028576

Call Number

Band Number

19372578

Scully Rd. Suisun Cal
94585

May 9, 2011

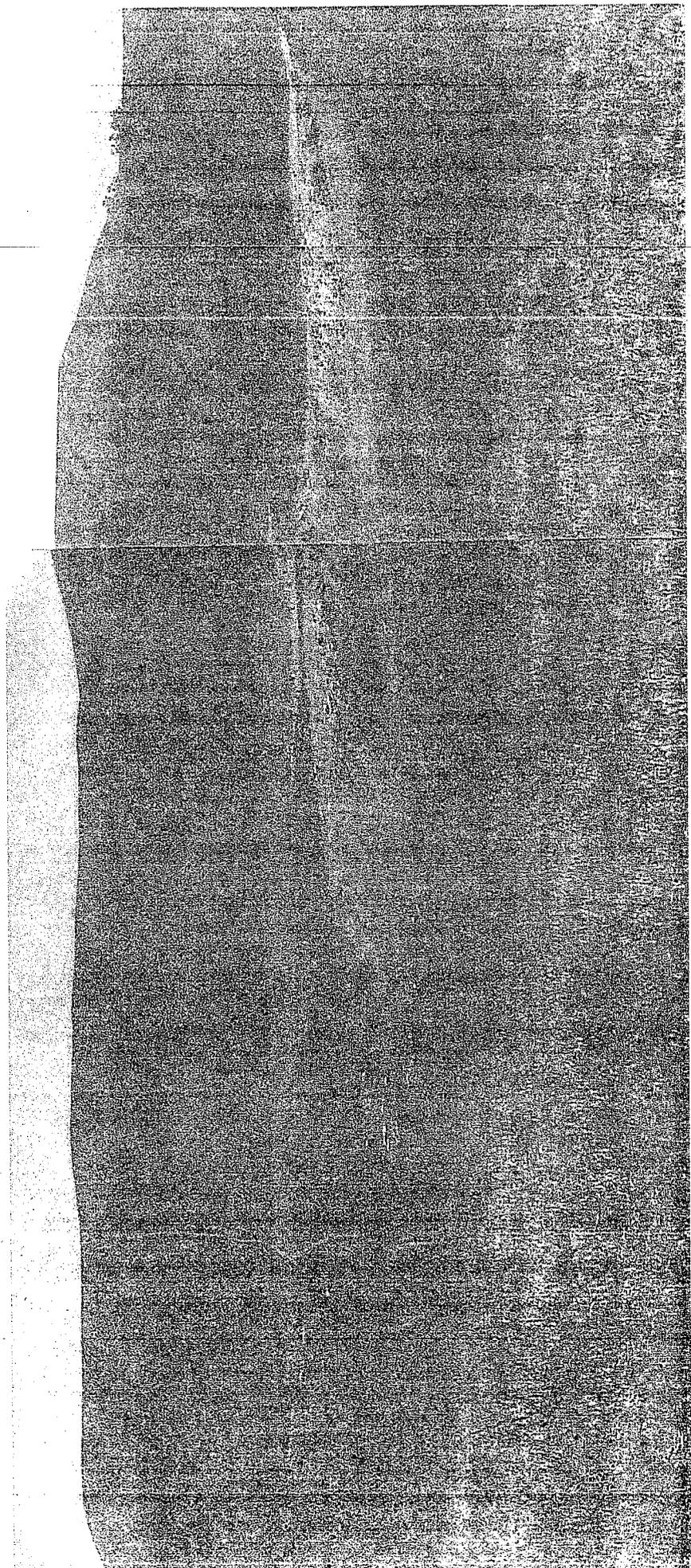
Band Number

193725710

Deputy Murphy

Call Number

2011-028576

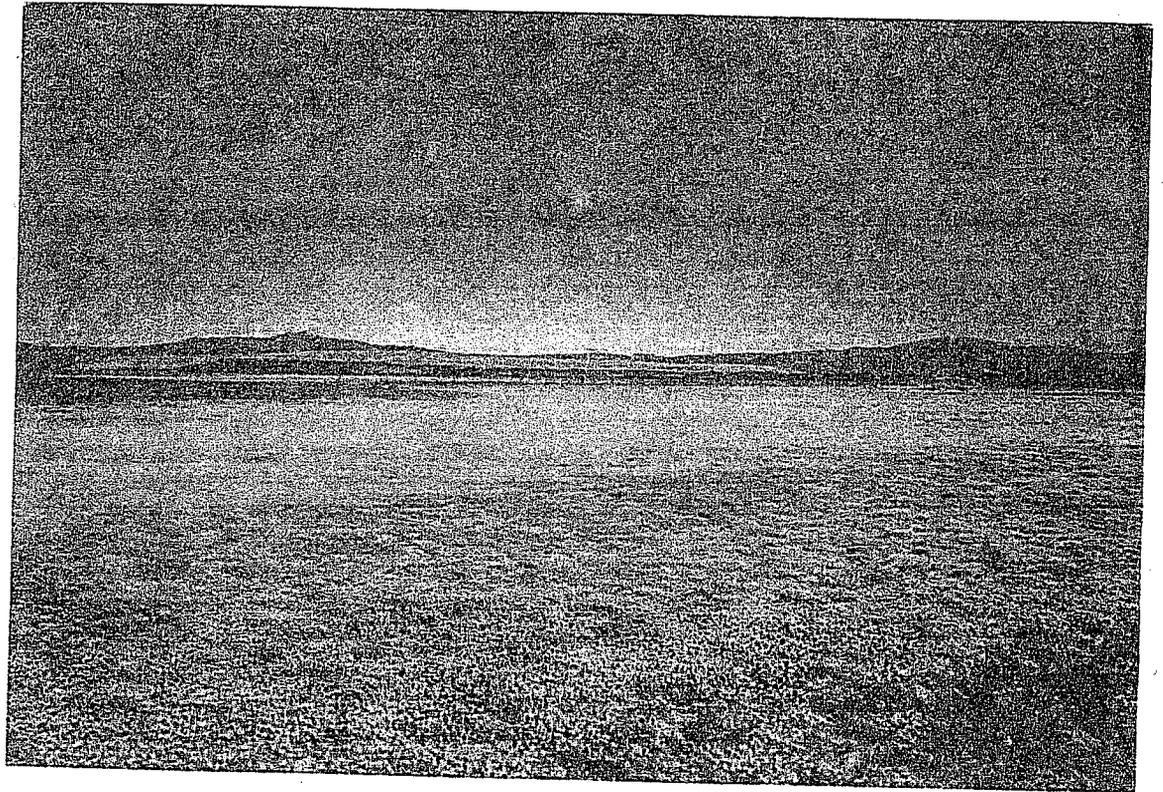
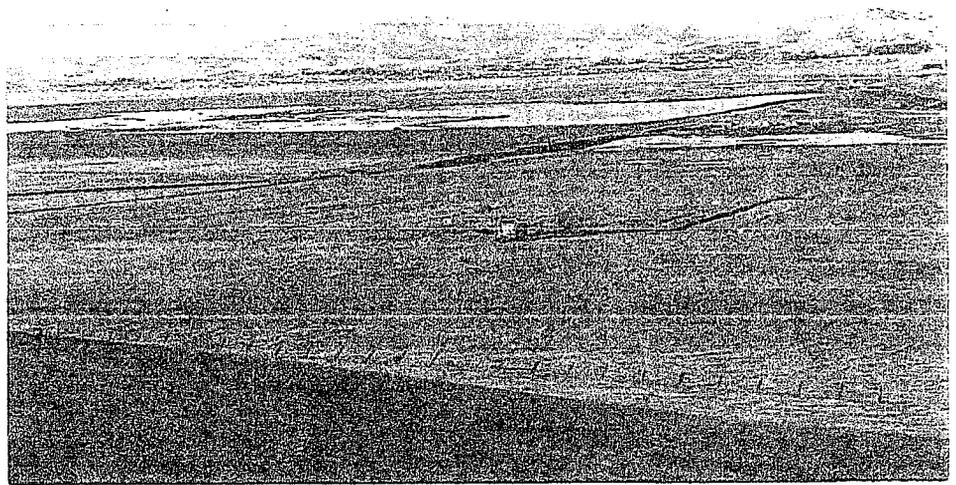


1984-1985

Today is Petera Hilda Landfill

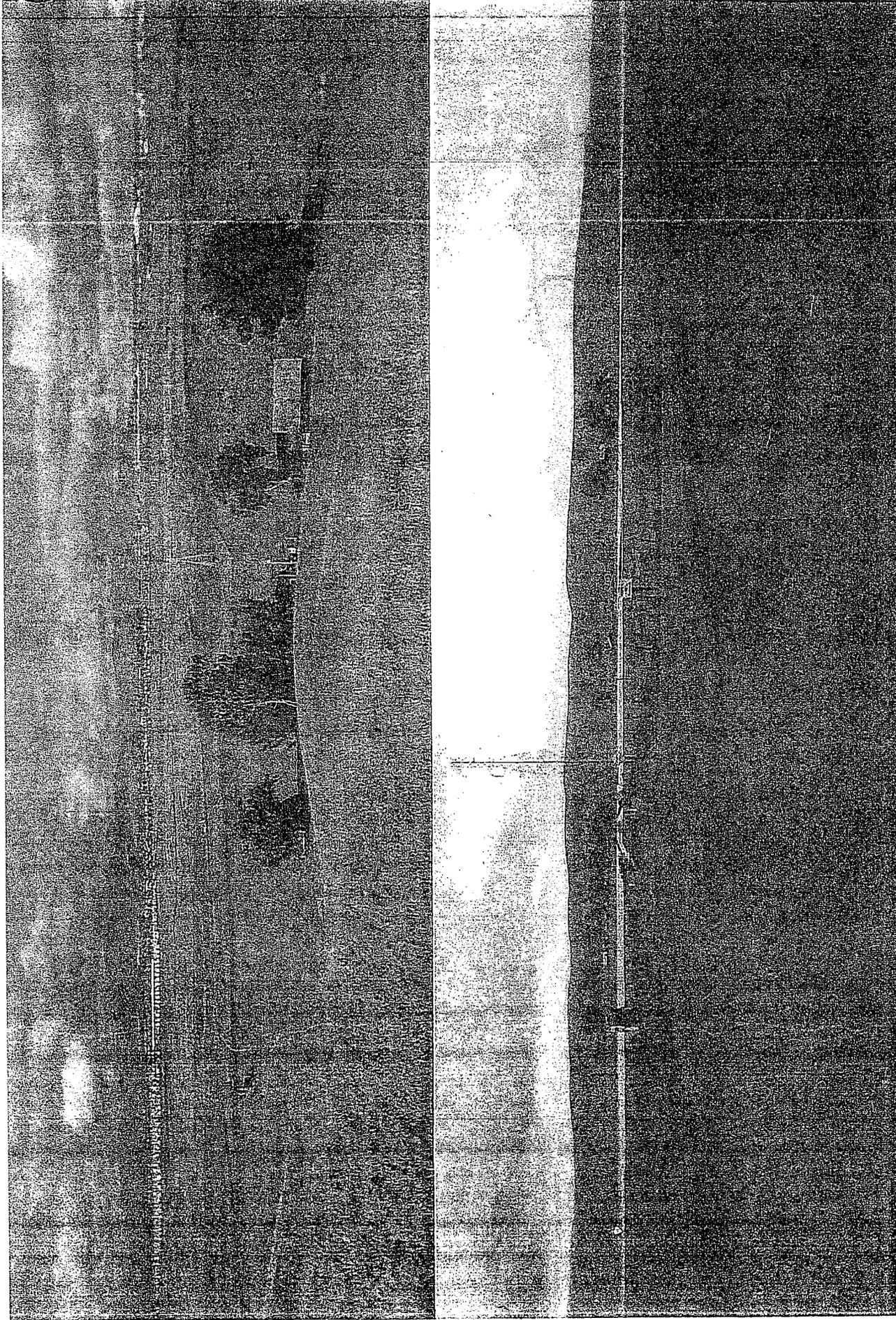
McC. Spring Branch - was a lake

Today PHLF opened.



EMINGTON ROAD
PHLE ACCESS ROAD
OVER THE SOLERA GARAGE
COMPANY

17



Scally Road Emington Road under Tidee action
Front of Goodtetter Ranch. 1990

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input checked="" type="checkbox"/>	
	B. Received by (Printed Name) <i>Greg Tommesen</i>	C. Date of Delivery
1. Article Addressed to: <i>Lois AND Greg Tommesen 3700 Scally Road Suisun Calif 94585</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No	7010 1870 0000 8388 3648 Domestic Return Receipt 102585-02-M-1540	

Item received in mail Sat. June 18-2011

*Office of Chief Counsel
Philip S. Ingels ESQ
To Jeannette Bashaw*

for a quarterly variable fuel surcharge on curbside service. Supervisor Farrington voted against both increases. Collection rates in the unincorporated areas would increase 2% to 3%. C&S Waste Solutions will explore and report back to the County within two years the feasibility of the dirty MRF at Lakeport. Revenues will also help cover substantial compliance costs with state-mandated regulations including AB 32.

* During the lunch break May 10th, Supervisor Farrington called Fiona Ma's office and learned about the public-facility exemption proposed in her bill. Later that afternoon he advocated support of the bill, but no decision was made. However, on May 17th, the staff of the Regional Council of Rural Counties recommended to its directors (including Farrington) that they oppose AB1178 unless amended. At its May 24th meeting Lake County joined Alameda and San Bernardino counties in opposition. The Assembly approved AB1178 May 26th; it will be heard by the Senate Environmental Quality Committee on Monday, June 20th, 1:30 pm, Room of the State Capitol

After checking with knowledgeable observers, Arthur and I decided neither of us could attend the follow-up meeting. Victoria Brandon, who did attend the meeting, has prepared an analysis of the implications of the fee hike and Ukiah import for smart growth in Lake County in the Sierra Club Lake Group May-June 2011 newsletter.

David Tam is a co-founder of ABARGE, the precursor association to the Northern California Recycling Association, and SPRAWLDEF Research and Development Director. He wishes to thank Lake County journalists Elizabeth Larson and Victoria Brandon for their interpretations, and Arthur Boone for his zealous and able Zero Waste advocacy on short notice.

over

privately-owned (and highly profitable) landfills provide Bay Area counties with over 40 years' regional capacity. The eight counties of Southern California, with over 60% of the state's 37 million residents, have ample disposal space, three-fourths of it publicly-owned. Next year the Los Angeles County Sanitation Districts will employ a 110-mile rail-haul program to ship 10,000 tons-per day from a MRF/transfer station at the Puente Hills Land Fill in eastern Los Angeles to the Mesquite Regional Landfill in Imperial County. Orange, San Diego, and Ventura counties' landfill arrangements are in flux.

North Coast landfill capacity, unlike that in the Bay Area, the Central Valley, and Southern California, is non-existent. Humboldt County Assemblymember Wes Chesbro backs AB1178, overriding local opposition to two private-sector landfill expansions, in part because of this. There's no shortage of space in Mendocino, Humboldt, and Del Norte counties, but the North Coastal Regional Water Quality Control Board, ostensibly because of high rainfall levels, has refused any landfill expansion permits. The Ukiah Landfill – the last in Mendocino County – was shut down about 10 years ago. Since then, C&S Ukiah Waste Solutions has been sending about 65 tons per day 90 miles to Potrero Hills Land Fill in the Suisun Marsh Preservation Area southeast of Fairfield.

Last year Ukiah officials started looking for a better, closer deal. Sonoma County's Central Landfill – which charges \$110 per ton – has partially re-opened, but won't accept imports. C&S apparently did not consider either Waste Management's Redwood Land Fill (Marin County) or the independently-owned Clover Flat Landfill near Calistoga (Napa County). Lake County, which cooperates on other matters with closest neighbor Mendocino County, seemed promising, and discussions ensued.

More Options Called for at May 10th Hearing

After Public Services staff's presentation May 10th the Board heard four members of the public. One local commenter said the Lake County AB939 Local Task Force opposed the import deal. A second resident supported the proposal. On behalf of SPRAWLDEF, I observed that the county was "almost sitting pretty" regarding recycling and dump space (referring to the beautiful painting on the wall above the Board's dais), but should keep its recycling programs fully-funded by adopting Option 2, which would diminish Eastlake Landfill's life by only two or three years. Even though speakers have only three minutes, I then warned that Fiona Ma's AB1178 (which I omitted mentioning because of the time-limit purports to exempt publicly-owned facilities from a ban on import restrictions) could eventually wind up preventing Lake County from calling quits after five years any deal with Ukiah to import once they started (if Ma's AB1178 passes, then is extended to public facilities by a future legislature). I surmised that Lake County approval of import from a neighboring county would strengthen AB1178 opponents' arguments the bill is unnecessary because of the well-documented glut of landfill capacity in most of the state..

Arthur Boone – a veteran, like me, of Alameda County's 1990 Recycling Initiative Measure D – pointed out that tip fees are much higher in the Bay Area to pay for recycling and compliance with environmental regulations, and that the supervisors should ask for more than the \$38.25 per ton being considered. He also scoffed at the suggestion that if C&S Waste Solutions built a "dirty MRF" at Lakeport increased diversion or jobs would result.

After brief Board discussion, Supervisor Rob Brown moved the staff-recommended import deal/39% fee hike, but it got no second. Supervisors Denise Rushing and Anthony Farrington strongly objected to breaching the no-imports policy. Supervisors Jeff Smith and Jim Comstock joined Brown in asking for another report with more budget options to be considered on May 24th. Elizabeth Larson of the online Lake County News accurately depicted the drama of the meeting, including some of the sideshow precipitated by the AB1178 issue.

Import, Two Fees OK'd May 24th, AB1178 Opposed

At the May 24th meeting, Clymire and Chavez presented several more options. Elizabeth Larson reported that the Supervisors voted 3-2 (Supervisors Rushing and Farrington opposed) in favor of the Ukiah import of 65 tons per day to Eastlake Landfill, which will start 1 January 2012, when export to Potrero Hills ends. Supervisor Rushing then joined Supervisors Smith, Brown, and Comstock in adopting a 16% gate-fee increase in 2012, followed by three more 6% fee-increases, taking the gate fee from \$37.00 per ton to \$51 per ton by 2015. The four also voted

P. 4 of 6, May June - 2011
LAKE GROUP S... CLUB NEWSLETTER ON

Questions about Medicare?

We offer Medicare Supplements, Medicare Advantage and Part D Prescription drug plans

Tom McFarling, CLU
McFarling Insurance Services
Lower Lake, CA

(707) 994-1430

tmcfarling@callatg.com

We've Got Garbage!

At their May 24 meeting the Board of Supervisors discussed a revenue shortfall affecting the Eastlake landfill: apparently a combination of the recession and successful countywide recycling programs have led to such a reduction in the amount of actual (non-recyclable) trash delivered to the landfill that the operation is running an annual \$500,000 deficit. Several options for closing the budgetary shortfall were presented: although all included rate increases, the option with the smallest increase also involved importing trash from Ukiah—and that's the option the board selected, by a 3-2 majority with Supervisors Rushing and Farrington dissenting.

Although long-distance trash disposal has obvious disadvantages (it increases traffic, wastes gas, contributes to global warming, and discourages creation of the zero waste recycling programs that are the only long term solid waste solution) Ukiah's garbage was on the move already, to the Potrero Hills landfill in Solano County, and the distance to Eastlake is at least shorter. The deal has also been sweetened by the (tentative) promise of constructing a "Materials Recovery Facility" (MRF) that will extract an additional 30 percent of recyclables—but even if this proposal comes to fruition the arrangement could wind up shortening the useful life of Lake County's landfill considerably, and lead to greater long term costs than the immediate gains can justify.

**Ely Stage Stop Grand Opening:
Save the Date**

The public is invited to the grand opening of the Ely Stage Stop & Country Museum, to be held from 2-4PM on Sunday July 24 at 9921 Highway 281 (Soda Bay Road) just off Highway 29 at Kits Corner. Besides the historic Ely Stage Stop building this exciting new facility will include several reconstructed old barns, displays of farm equipment, agricultural demonstrations, and interpretive and living history exhibits, including a blacksmith shop. The grand opening will provide an opportunity for the public to see the progress to date and learn about the plans for continued development of the museum's exhibits.

The Ely Stage Stop building dates to the late 1850s and may be the oldest "stick-built" building in Lake County; its varied history as a stage stop, hotel, and even a post office adds historical character to the new museum. The new site also features dramatic views of Mount Konocti. Donations of artifacts and old barns are still being sought as are photos depicting the original building in its early years and throughout its many transformations and uses: a "wish list" is expected soon. For more info contact project chairman Greg Dills at 263-4180 #12.

KONOCTI POST

www.konoctipost.blogspot.com

a lake county naturalist's blog

TAKE A RAMBLE. IT'S FREE.

Let's Go Digital

Lake Group members are invited to help fight deforestation by receiving this bimonthly newsletter electronically rather than on paper. To get it as an email attachment in pdf format instead, send a request to join the "Lake Group Paper Free" list to vbrandon@lakelive.info—not only does this save some trees, it also benefits the Group financially.

Lake County Supervisors OK Ukiah Import to Cover Costs at Publicly-Owned Eastlake Landfill, Avoid Recycling Cutbacks, then Oppose AB1178

By David Tam

Lake County folks are justly proud of their recycling programs and fiercely protective of their landfill capacity. and They have grappled with a quandary facing many California cities: will they raise rates to offset declines in collection and disposal revenues which finance recycling programs, in turn useful in prolonging their landfill capacity. At meetings May 10th and 24th, the County's Board of Supervisors decided to allow imports from outside the county and raise fees to cover regulatory costs and avoid recycling cutbacks. Their process and staff work are paradigmatic for many other counties making major choices about collection franchises, landfill capacity and recycling programs.

On May 10th, NCRA President Arthur Boone and this writer travelled from Berkeley to Cloverdale and then into Lake County to the county seat, Lakeport, to observe the Board of Supervisors wrestle with a difficult choice: either accept import of wastes from Ukiah in southeastern Mendocino County, making up over half of the 22% shortfall in their \$2.0 million solid waste/recycling budget (exacerbated by increasing compliance costs for the landfill), or raise collection fees as much as 95% while paring back some of its 35 very popular free-to-low-cost diversion programs.

Lake County Public Services Director Kim K. Clymire and Deputy Director Caroline Chavez (707-262-1618) presented a very thorough 19-page report (building on two earlier reports) to the Lake County Supervisors recommending Option 2, a 39% fee hike and a 5 year import deal with C&S Waste Solutions from its Ukiah Transfer Station for @ \$38.25 per ton to the Eastlake Land Fill. They pointed out that dump fees hadn't been raised since 1994. Although residential and commercial collection fees are very low in comparison to the Bay Area, such large increases would be painful to a troubled local economy.

Lake County's Strong Recycling Efforts

Since 2007, SB1016 target rates for Lake County's Annual Per Capita Disposal Rates (Pounds Per Day) are down from 5.4 to 3.7 in Clearlake, from 6.2 to 4.6 in Lakeport, and from 4.1 to 3.5 in Lake County - Unincorporated. Residential collection fees are in the \$12 - \$13 per month range, curbside recycling is provided countywide by the franchised haulers, and many recycling programs are low-cost or free.

Lake County residents and collectors discard between 100 and 130 tons per day at the County-owned Eastlake Landfill. The maximum disposal allowed by their permits from CalRecycle and the Central Valley Regional Water Quality Control Board is 200 tons per day. At current recycling levels, officials figure on enough space to last until 2063, with usable county-owned space for expansion nearby.

Lake County's biggest industries are tourism and winemaking, but it suffers from an 18% unemployment rate, heightening nervousness about increased roadside dumping if dump fees are raised. Its population has been swelled to about 65,000 in the last two decades by affluent commuters to the Bay Area.

Why Ukiah Looks to Lake County for Landfill

In northern California, Lake and Sonoma counties (which prohibit imports from other jurisdictions), plus Monterey, Yolo, Sacramento, and San Joaquin counties, have publicly-owned landfills. North Coast counties Del Norte, Humboldt, Mendocino, 12 other northern rural counties, and San Francisco have no landfills. Fourteen

52117

Federal Register

Presidential Documents

Vol. 74, No. 194

Thursday, October 8, 2009

Title 3—

Executive Order 13514 of October 5, 2009

The President

Federal Leadership in Environmental, Energy, and Economic Performance

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to establish an integrated strategy towards sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies, it is hereby ordered as follows:

Section 1. Policy. In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals.

It is further the policy of the United States that to achieve these goals and support their respective missions, agencies shall prioritize actions based on a full accounting of both economic and social benefits and costs and shall drive continuous improvement by annually evaluating performance, extending or expanding projects that have net benefits, and reassessing or discontinuing under-performing projects.

Finally, it is also the policy of the United States that agencies' efforts and outcomes in implementing this order shall be transparent and that agencies shall therefore disclose results associated with the actions taken pursuant to this order on publicly available Federal websites.

Sec. 2. Goals for Agencies. In implementing the policy set forth in section 1 of this order, and preparing and implementing the Strategic Sustainability Performance Plan called for in section 8 of this order, the head of each agency shall:

(a) within 90 days of the date of this order, establish and report to the Chair of the Council on Environmental Quality (CEQ Chair) and the Director of the Office of Management and Budget (OMB Director) a percentage reduction target for agency-wide reductions of scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of the agency's scope 1 and 2 greenhouse gas emissions. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties in the course of regular business. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

(i) reducing energy intensity in agency buildings;



Department of
Resource Management
675 Texas Street, Suite 5500
Fairfield, California 94533-6341

Planning Services Division
Phone: (707)784-6765 / Fax: (707) 784-4805

**COUNTY OF SOLANO
NOTICE OF COMMENT PERIOD
DRAFT NEGATIVE DECLARATION**

The Solano County Department of Resource Management has evaluated the project described below and has determined that a Negative Declaration of environmental impact be prepared pursuant to the California Environmental Quality Act. ✓

Minor Revision No. 5 to Use Permit No. U-91-28 of **G2 Energy at Recology Hay Road Landfill** to add a landfill gas to energy facility to an existing landfill located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in an "A-80" Exclusive Agricultural Zoning District. The proposal also includes a power generator, 800 square foot office building and associated facilities. APN's: 0042-020-280 and 060. (Project Planner: Nedzlene Ferrario)

Copies of the environmental document are available for public review at the Solano County Department of Resource Management, 675 Texas Street, Suite 5500, Fairfield, California, and at www.solanocounty.com under Resource Management, Documents.

✓ Written comments on the proposed Negative Declaration will be accepted until 5:00 p.m. on July 6, 2011, and can be sent to Nedzlene Ferrario at the address listed above or emailed to nferrario@solanocounty.com.

Daily Republic
Legal ad/one time
Friday, June 17, 2011

Vacaville Reporter
Legal ad/one time
Friday, June 17, 2011

Paul Weise Good old boys green valley

Gary Rees

Tom Hamington

Gary Jalatte

Greg Lockshaw

Edment

Bud Tommesen

BOS. Jim Spearung



REPORTER

TO: June

PAGES: 5
(Including cover page)

CONTENTS: hearing panel decision

FROM: Nelissa Murphy

DATE: 06-17-11

PHONE: (707) 448-2200
FAX: (707) 451-5210

SOLID WASTE INDEPENDENT HEARING PANEL
COUNTY OF SOLANO

1

2

3

JUNE GUIDOTTI,

4

Petitioner

5

vs.

6

SOLANO COUNTY LEA,

7

Respondent

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Case No. LEA-2011-01

DECISION ON SUBMITTED MATTER

On June 13, 2011, in the Hearing Room of the Solano County Administration Center, the Solano County Solid Waste Independent Hearing Panel ("Hearing Panel")¹ heard this matter pursuant to Section 44307 of the Public Resources Code.²

Petitioner June Guidotti appeared in pro per. Respondent Solano County Department of Resource Management, the local enforcement agency (the "LEA") under the California Integrated Waste Management Act of 1989 (Division 30), was represented by Deputy County Counsel Lori Mazzella. Various members of the public also appeared, including George Guynn, Jr., Christina Hughes, and Richard Giddens. Potrero Hills Landfill, Inc. ("Potrero Hills"), the real party in interest, was not present.

Evidence was received and the hearing was closed.³

///

¹ This Hearing Panel has been established by the Solano County Board of Supervisors in accordance with Public Resources Code section 44308 and is comprised of Solano County Supervisor Linda Seifert (the chairperson), Bruce DuClair and Christopher Fong.

² All further statutory references shall be to the Public Resources Code, unless otherwise indicated.

³ Although both parties were given the opportunity to brief the matter, only the LEA submitted a brief. Potrero Hills filed a joinder in the LEA's response brief. Together with the documents submitted to the panel before and at the proceeding as well as the prepared recording of the hearing, these records comprise the administrative record in this proceeding.

1 BACKGROUND

2 The following facts are not in dispute.

3 Potrero Hills operates a landfill in Solano County pursuant to Solid Waste Facility Permit
4 No. 48-AA-0075 issued by the LEA on December 27, 2006 ("SWFP"). As part of the SWFP,
5 Potrero Hills is subject to the Potrero Hills Landfill Joint Technical Document ("JTD"), last
6 updated in October 2006.

7 On March 10, 2011, Potrero Hills submitted an application to amend the JTD for a final
8 grading plan at the landfill ("JTD Amendment"). By its own terms, the JTD Amendment does
9 not change the design or operation of the landfill, including its maximum height and acreage.
10 The LEA approved the JTD Amendment on April 8, 2011, and posted a public notice of the
11 decision on April 11, 2011. In approving the JTD Amendment, the LEA made the following
12 findings pursuant to Title 27, Section 21666 of the California Code of Regulations:

- 13 (1) The proposed change is consistent with all applicable certified and/or adopted CEQA
documents in that no supplemental EIR or Negative Declaration is required.
- 14 (2) The proposed change is acceptable and consistent with State Minimum Standards.
- 15 (3) The proposed change does not conflict with the terms and conditions in the current
Solid Waste Facility Permit.
- 16 (4) The slope stability and seismic analysis meets the safety factor and acceptable
displacement requirements for a Class III landfill.

17 On May 10, 2011, Petitioner, through her attorney William Reustle, ~~appealed the~~ LEA's
18 decision to this Hearing Panel. In the letter, Petitioner raises a number of issues, including that
19 the facility "continues to emit offensive odors, and ~~is~~ flying trash to the detriment of the quality of
20 life to Mrs. Guidotti and her family," and that there is a "substantial misstatement of facts" with
21 respect to the daily allowance of vehicle trips per day.
22

23 In response to Petitioner's appeal, the Hearing Panel set a hearing and stated that "the
24 subject of the hearing shall be confined to whether [Petitioner's] appeal should be accorded a full
25 evidentiary hearing before the [Hearing Panel] and, if so, what the subject of that hearing should

1 be." After a continuance (with time waived by Petitioner), the hearing was conducted in
2 accordance with Section 44307 and the Hearing Panel's Procedures Manual.

3 DISCUSSION

4 A. Findings of Fact

5 Based on the evidence presented at the hearing, the Hearing Panel makes the
6 following findings of fact:

7 1. Petitioner is specifically objecting to the "referenced amendments [sic] to the
8 [JTD]," as stated in her petition.

9 2. In her petition and at the hearing, Petitioner does not directly address the four
10 findings made by the LEA in its April 8, 2011, letter approving the JTD Amendment.

11 B. Determination of the Issues

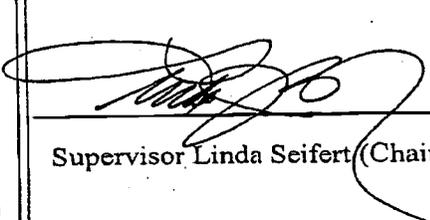
12 As noted above, the sole question before the Hearing Panel is whether Petitioner's appeal
13 should be accorded a full evidentiary hearing and, if so, what the subject of that hearing should
14 be. As established in Finding of Fact No. 1, Petitioner is specifically appealing the decision by
15 the LEA to issue the JTD Amendment. However, as established by Finding of Fact No. 2,
16 Petitioner does not directly address the basis for the LEA's decision. Instead, Petitioner
17 discusses issues that are not germane to the JTD Amendment, including odor, litter, and traffic
18 issues.

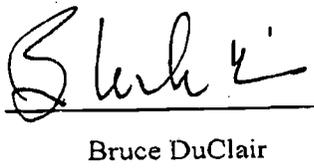
19 As a prerequisite to holding a hearing, Petitioner must file a "written request for a hearing
20 with a statement of the issues." (Section 44310.) The Hearing Panel reads this statute to mean
21 that Petitioner must do more than simply make a written request for a hearing, which she has
22 undoubtedly done; she must also provide a statement describing why the LEA's issuance of the
23 JTD Amendment was improper. Although the points made by Petitioner in her petition and at
24 the hearing concerning odor, litter and traffic are certainly valid, they are not germane to the
25 subject of Petitioner's appeal – the JTD Amendment.

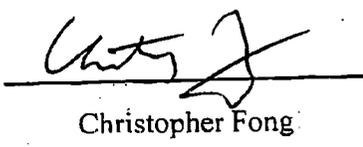
DISPOSITION

For the reasons above, the Hearing Panel rejects Petitioner's appeal. This decision shall take effect immediately upon service, as provided in Section 45017.

DATED: June 16, 2011


Supervisor Linda Seifert (Chair)


Bruce DuClair


Christopher Fong

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I am employed in the County of Solano, State of California; I am over the age of eighteen years and not a party to the within entitled action. My business address is Solano County Office of the County Counsel, 675 Texas Street, Ste. 6600, Fairfield, California 94533.

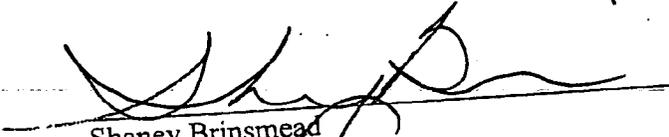
On June 17, 2011 I served the within **DECISION ON SUBMITTED MATTER** in the matter of Guidotti v. Solano County LEA; LEA-2011-01 on the following by:

- Hand delivering a true copy to:
- Delivering a copy via fax and/or interoffice mail to:
Lori Mazzella
Deputy Counsel
SOLANO COUNTY COUNSEL
675 Texas Street, Suite 6600
Fairfield, CA 94533
- Faxing and/or placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the Solano County Counsel's outgoing mail box for collection by county mail carriers. Said envelope would be deposited with the U.S. Postal Service the same day in the ordinary course of business. The document referred to above, addressed as follows:

William S. Reustle
609 Jefferson Street, Suite "G-1"
Fairfield, CA 94533

June Guidotti
3703 Scally Road
Suisun, CA 94585

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **June 17, 2011** at Fairfield, California.


Shaney Brinsmead
Legal Secretary