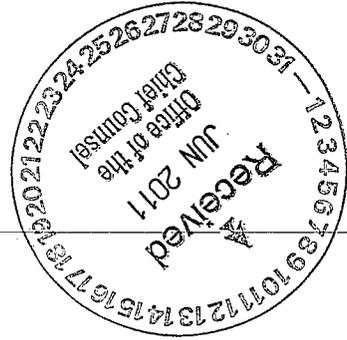


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6



7
8 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**
9

10 IN THE MATTER OF:

Matter No.

11
12 SPRAWLDEF and DAVID TAM,

PETITION FOR REVIEW

13 Petitioners,

OF DECISION BY SAN FRANCISCO BAY
REGIONAL WATER QUALITY CONTROL BOARD

14 vs.

15 SAN FRANCISCO BAY REGIONAL
16 WATER QUALITY CONTROL BOARD,

POTRERO HILL LANDFILL WDRs
ORDER NO. R2-2011-0032

17 Respondent, and

[Water Code §13320, 23 CCR §2051]

18 WASTE CONNECTIONS, INC.,

19
20 Real Party in Interest.

21
22 **I. INTRODUCTION**

23 Pursuant to California Water Code §13320, petitioners SPRAWLDEF (“Sustainability, Parks,
24 Recycling And Wildlife Legal Defense Fund”) and DAVID TAM respectfully seek State Water
25 Resources Control Board for review of the San Francisco Regional Water Quality Control Board’s
26 approval of waste discharge requirements (WDRs) for the Potrero Hills Landfill.

27 Located in Solano County, the Potrero Hills Landfill seeks the WDRs to expand the landfill from
28 190 to 535 acres and to accept 10 times the daily volume previously permitted.

1 The San Francisco Bay Regional Water Quality Control Board (RWQCB) voted on May 11, 2011
2 to approve an Updated Waste Discharge Requirements and Water Quality Certification (the "Order") for
3 the expansion of the Potrero Hills Landfill. On May 19, 2011, by cover letter dated May 18, 2011, the
4 Board transmitted the final Order no. R2-2011-0032.

5 The approved Order violates the Basin Plan for the site of the Potrero Hills Landfill expansion. The
6 expansion would bury the natural aquatic resources of Spring Branch Creek. The creek is situated in a
7 valley which drains into the 85,000-acre, state-protected Suisun Marsh. The Marsh constitutes 10
8 percent of California's remaining wetlands.

9 The expanded landfill will eliminate presumptive beneficial uses of the Creek, as well as wetlands
10 and habitat associated with the Creek. See the Order, item 95, page 23.

11 The Order violates the Basin Plan Fill Policy which requires that "wetland disturbance should be
12 avoided whenever possible" and only after all possible avoidance has been achieved. This project
13 violates those standards.

14 Instead the Regional Board accepts as "mitigation" land already protected in the Suisun Marsh
15 Secondary Protection Area. Land already protected is not "mitigation." As discussed below, the
16 Regional Board failed to adopt clear alternatives, instead deferring to a financial analysis of the
17 discharger which justified the destruction of value.

18 The Order violates state statutes by accepting the later disposal of high-moisture sludge and bio-
19 solids which the Board's own staff concluded could result in pollution into protected waters. The
20 Regional Board improperly deferred its findings to the adoption of a management plan to be submitted
21 later without the opportunity for public review and comment.

22 Finally the Water Certification issued with the Order approves an alternative analysis provided by
23 the project proponent. Substantial contrary evidence was introduced which proves that the landfill
24 expansion is unneeded because of a glut of already-approved landfill capacity and because the cost cal-
25 culations provided by the landfill vastly overstate the financial impracticability of a scaled-back project.

26 Petitioners seek an order to void the approvals of the Regional Board and to order the preservation
27 of Spring Branch Creek, prohibition of sludge and biosolids disposal or spreading, and a genuine
28 alternatives analysis which recognizes the abundance of alternative landfill capacity.

1 **II. PARTIES**

2 Petitioner SPRAWLDEF is a California non-profit public benefit corporation with its principal
3 office in El Cerrito, California. The organization's mission is the legal defense of environmental
4 programs for the promotion of socio-economic sustainability, parks, recycling, wildlife and natural
5 features of Northern California.

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

10 Petitioner David Tam is an individual, a resident of Berkeley, California. He is a board member of
11 SPRAWLDEF and was a board member of SPRAWLDEF at all times relevant to this action. He
12 benefits from the protection of the Suisun Marsh, which he has visited on several occasions, and also by
13 the strict enforcement of environmental protection in the Bay Area.

14 Respondent, San Francisco Bay Regional Water Quality Control Board, with its principal offices in
15 Oakland, California, was at all times relevant hereto an agency of the state of California with certain
16 authorities under the Porter-Cologne Water Quality Act.

17 Real Party in Interest Waste Connections, Inc. is the successor to Republic Services' ownership and
18 operation of the Potrero Hills Landfill since on or about April 3, 2009. Waste Connections has its main
19 offices in Folsom, California.

20
21 **III. JURISDICTION AND NOTICE**

22 California Water Code §13320 provides: "Within 30 days of any action or failure to act by a
23 regional board... an aggrieved person may petition the state board to review that action or failure to act.

24 Pursuant to 23 CCR §2051, petitioner states the following:

- 25 a) Petitioner will submit this petition upon the Regional Board and the discharger.
26 b) Petitioner requests preparation of the administrative record in the matter.
27 c) A list of others interest in the subject matter is provided herewith as Exhibit A.
28

1 **IV. STATEMENT OF POINTS & AUTHORITIES**

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

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

5 The County Permit would expand the Potrero Hills Landfill onto 167 acres of a 210-acre parcel
6 adjacent to the existing landfill, and change landfill operations, including changes to waste processing,
7 increased operation hours and additional night-lighting. The increased footprint would add
8 approximately 74.7 million cubic yards of fill capacity, an expansion of more than three times its current
9 authorized capacity of 21.5 million cubic yards.

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

14 **THE PROJECT SITE AND ITS SPECIAL PROTECTIONS**

15 The Suisun Marsh Preservation Act (Marsh Act) of 1977 was passed by the legislature to preserve
16 and protect valuable marsh habitat and upland grass-lands within the Suisun Marsh.

17 "Suisun Marsh" and "marsh" refer to water-covered areas, tidal marsh, diked-off wetlands, seasonal
18 marshes, lowland grasslands, upland grasslands, and cultivated lands designated for special protection
19 by the Suisun Marsh Preservation Act of 1977. California Public Resources Code §§ 29000 *et seq.*, also
20 referred to hereafter as the Act, or the Marsh Act. The Suisun Marsh includes both the primary and
21 secondary management areas as shown on the Suisun Marsh Preservation Plan Map. PRC §29101.

22 According to the Marsh Act's legislative findings, the Suisun Marsh consists "of approximately
23 55,000 acres of marshland and 30,000 acres of bays and sloughs, and comprising almost 10 per cent of
24 the remaining natural wetlands in California."

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

1 The plan for protecting the marsh is laid out and adopted as the Suisun Marsh Preservation Plan,
2 which includes the mapping of the marsh, including its primary and secondary management areas. PRC
3 §29113 and Fish & Game Code §1850.

4 Potrero Hills Landfill is located within the secondary management area of the Suisun Marsh, in an
5 unincorporated area of Solano County, approximately two miles southeast of the City of Fairfield. See
6 Order, section 4.

7 Solano County, the local government with jurisdiction over the project, has primary permitting
8 authority over development within the secondary management area under a Local Protection Plan (LPP).
9 The landfill began operations in 1986, four years after the approval of LPP was adopted in 1982.

10 In adopting the Marsh Act, the legislature grandfathered in the operations of a pre-existing landfill
11 which the Solano Garbage Company was operating in the primary management area and adjacent to Hill
12 Slough.

13 Section 29409 of the Marsh Act states: "Notwithstanding the policies of the Preservation plan, the
14 local protection program may not preclude the future development of a new solid waste disposal site in
15 the Potrero Hills if it can be demonstrated that the construction and operation of solid waste facilities at
16 that site would not have significant, adverse ecological or aesthetic impacts on the marsh."

17 The County approved a new Potrero Hills landfill site in 1984 (Permit No. MD-82-19; U-82-56).
18 When the Potrero Hills Landfill first opened in 1986 at its new site, it brought in on average between
19 225 to 324 tons of waste per day from Fairfield, Suisun City, Travis Air Force Base, Rio Vista and the
20 Green Valley unincorporated areas of Solano County.

21 The Marsh Act requires that "existing uses should continue in the upland grasslands and cultivated
22 areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve
23 valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and
24 cultivated lands as habitat for marsh-related wildlife should be enhances."

25 Thus the protected areas of the Marsh—considered as "mitigation" under the Order here—are
26 already protected under the Marsh Act.

1 **ARGUMENTS**

2 This is an unneeded landfill. Currently a glut of landfill capacity exists in the Bay Area and
3 throughout California. According to a June 9, 2011 article in the *Sacramento Bee*, based on figures from
4 CalRecycle, almost 50 years of landfill capacity is permitted in California. And need is actually
5 diminishing as communities and citizens continue to succeed reducing and recycling their waste.

6 This expansion would needlessly destroy aquatic resources in one of the most valued California
7 wetlands—the Suisun Marsh. The “mitigation” upon which the Order justifies this destruction is a
8 chimera. The “preservation” land is already preserved under the Marsh Protection Act.

9 The project should be denied its WDRs or in the alternative the project should be scaled back to
10 cause less impact by saving Spring Branch Creek.

11 **1. Covering Spring Branch Creek will impermissibly destroy presumptive uses and threaten**
12 **water quality.**

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

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

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

22 Approximately 210 acres of upland grassland habitat would be affected by the proposed expansion
23 authorized by the Order. In addition, the aquatic habitats on the expansion site that would be affected
24 include an approximately 0.44-acre portion of Spring Branch Creek and its tributaries, several seasonal
25 wetlands, and the filling of ponds.

26 The expansion project involves destruction by burial of the eastern portion of Spring Branch Creek
27 that falls within the landfill expansion project. The project entails constructing a buttress fill along the
28 southern edge of the landfill expansion area and allowing water that now flows in Spring Branch Creek

1 to carry flow from the eastern Potrero Hills Valley south around the landfill. The main creek flow will
2 be routed into a 6,500-foot, pre-cast concrete pipeline placed at the bottom of the soil buttress area.

3 Spring Branch Creek is identified in the *Suisun Marsh Preservation Plan Supplement (SMPP)* as
4 one of 11 streams in the Suisun Marsh Area. In 2006 BCDC appointed a five-member science panel.
5 Their report identified Spring Branch Creek as a stream, with riparian vegetation and a bed and bank and
6 supports this characterization with photographic evidence. In addition, the Solano County General Plan
7 depicts Spring Branch Creek with the symbol for “stream and creek.” The terms stream and creek are
8 used interchangeably in both legal and non-legal definitions. Spring Branch Creek is shown as an
9 intermittent stream on every USGS topographic map depicting the Potrero Hills.

10 The California Department of Fish and Game (DFG) defined Spring Branch Creek as a
11 jurisdictional water, meaning that it is a river, lake or stream.²

12 The United States Army Corps of Engineers identified Spring Branch Creek as an intermittent
13 stream in at least two separate public notices describing the project, which define the tributaries of
14 Spring Branch Creek as streams as well. Both documents also note the presence of riparian vegetation.

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

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

23 According to the U.S. Army Corps of Engineers (Corps), this would result in impacts to
24 approximately 2.42 acres of Section 404-jurisdictional wetlands and other waters of the United States,
25 0.076 acre of isolated waters of the State of California, and 0.61 acre of non-jurisdictional pond habitat.

26
27
28 ² Potrero Hills Landfill has not obtained a Streambed Alteration Permit from DFG at the time of the Order.

1 According to section 2.2.1 of the relevant Basin Plan: “The beneficial uses of any specifically
2 identified water body generally apply to all its tributaries.” Here the Suisun Marsh is the water body. It
3 is one of the most environmentally precious water bodies in the state. See the Order, section 94, page 23.
4 The tributaries here are the waters that flow from the uplands to the Marsh, through what the project
5 proposes will be turned into a mountain of garbage.

6 The surface water protections of the Basin Plan, section 2.2.1, are violated because, as noted by the
7 Order, the Plan’s Wetland Fill Policy requires that wetland disruption be minimized whenever possible.
8 See the Order, page 24, section 96.

9 The secondary protection area of the Suisun Marsh is recognized as important to the Marsh because
10 of the drainage from the uplands to the Marsh. The proposed project, as noted in the record, will impact
11 the connection between the uplands and the Marsh; but the Order ignores these connections, the project
12 disruption and the consequent impacts to the Marsh.

13 Despite these substantially if not abundantly evident violations of the Regional Basin Plan’s
14 wetland and surface water policies, the Regional Board accepted them merely on the basis of the
15 proponent’s “Clean Water Act section 404(b)(1) Alternatives Analysis.”

16 That rationalization is clearly improper.

17 **2. The proponent’s “alternatives analysis” provides no substantial evidence that the Order**
18 **avoids wetland loss “whenever possible.”**

19 The financial impacts to a private company—the Wall-Street-traded garbage company Waste
20 Connections here—are irrelevant to the requirement that the project not adversely impact the Marsh
21 ecology.

22 The Order by the Regional Water Quality Control Board however simply defers to the economic
23 rationalization of the losses to aquatic value by referring to the proponent’s alternatives analysis. See the
24 Order, item 96, page 24.

25 The alternatives analysis by Waste Connections fails to include substantial evidence of avoidance of
26 impacts. Instead the proponent and the Order rest compliance entirely on the mitigation acreage—
27 acreage which is already protected.

1 *The alternatives analysis required under the Clean Water Act.*

2 The Order approves exemption from the requirement of the Clean Water Act prohibiting discharge
3 on wetlands and federal waters, where an alternative exists. This finding, relying as it does only on the
4 proponent's self-serving information and ignoring other facts, is arbitrary and capricious.

5 The Clean Water Act, under 40 CFR §230.10, provides:

6 *(a) Except as provided under section 404(b)(2), no discharge of dredged or fill material*
7 *shall be permitted if there is a practicable alternative to the proposed discharge which would*
8 *have less adverse impact on the aquatic ecosystem, so long as the alternative does not have*
9 *other significant adverse environmental consequences.*

10 Thus, under the Act, no discharge is allowed if a "practicable" alternative has "less adverse impact
11 on the aquatic ecosystem."

12 Section 230.10(a)(2) defines "practicable":

13 *(2) An alternative is practicable if it is available and capable of being done after taking into*
14 *consideration cost, existing technology, and logistics in light of overall project purposes. If it is*
15 *otherwise a practicable alternative, an area not presently owned by the applicant which could*
16 *reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of*
17 *the proposed activity may be considered.*

18 Thus, under the Act, no discharge is allowed if a "practicable" alternative has "less adverse impact
19 on the aquatic ecosystem."

20 Here the objective is "economical and environmentally sound landfill disposal capacity..." See
21 page v of the landfill's alternative analysis.

22 It should be noted that "taking into consideration cost" clearly does not mean simply that an
23 alternative is more expensive, only that the alternative is impractical because of cost. Under this
24 definition, also, landfilling elsewhere could be "maintained" or "utilized" as an alternative.

25 The burden is on the project proponent to affirmatively demonstrate, and to "clearly" rebut, the
26 presumption of any "practicable" alternative to landfill wetland destruction. 40 CFR 230.10(b)(3). The
27
28

1 Potrero Hills Landfill proponent has provided nothing near an affirmative demonstration of the lack of
2 practicable alternatives.³ Rather, facts clearly show:

- 3 • Most—85 percent—of the waste disposed at the landfill is from jurisdictions outside Solano
4 County, and those jurisdictions all have alternative landfill options available right now. It is only
5 because the Potrero Hills Landfill under-prices its rates on the back of the Suisun Marsh environment
6 that out-of-county wastes are disposed there.
- 7 • The Hay Road Landfill in Solano County is a viable alternative for the County-generated waste
8 disposed at the Potrero Hills Landfill. The court has ordered the County to enforce Measure E, limiting
9 out-of-county imports to 95,000 tons a year, making the existing Hay Road Landfill sufficient to
10 accommodate the waste generated in the County.
- 11 • No clear rebuttal has been offered by the proponent to the presumption that practicable alternatives
12 to the proposed landfill exist that do not involve wetlands. The proponent typically dismisses any other
13 landfill capacity out-of-hand. This is not sufficient to meet the analysis required under Section
14 404(1)(b).

15 *The “no project” alternative is not analyzed.*

16 The Order is fundamentally flawed because it fails to analyze not expanding the landfill. Under 40
17 CFR §230.5(b) of the Clean Water Act, the alternative analysis must be performed as follows:

18 *(c) Examine practicable alternatives to the proposed discharge, that is, not discharging into*
19 *the waters of the U.S. or discharging into an alternative aquatic site with potentially less*
20 *damaging consequences (§ 230.10(a)).*

21 The facts are clear in the record that abundant already-existing, permitted landfill capacity exists in
22 the Bay Area. Thus not discharging into the Suisun March protected area is possible while still having
23 “economical and environmentally sound landfill disposal capacity,” as the proponent puts it.

24 Even the proponent’s self-serving analysis acknowledges that landfill capacity exists which will not
25 entail the impacts of the project. See for example, the Contra Costa landfill surveyed on page 22 of the
26 landfill’s analysis. But the proponent concludes that: “This site is a currently operating landfill facility;

27 _____
28 ³ The landfill project proponent frequently misstates a “state-mandated landfill capacity.” See page 32 of the proponent’s
alternatives analysis. This is wrong. Public Resources Code §41701 requires only a plan for 15 years.

1 therefore, it is not available for development of the proposed project. Therefore it is not a practicable
2 alternative.”

3 Perhaps. But the existence of the currently operating facility would meet the need for landfill
4 availability, which is the project’s basic purpose. Currently operating landfill facilities would meet that
5 basic purpose without impacting additional wetlands.

6 Thus the “no project” alternative is clearly viable.

7 *The modified design cannot be rejected solely on Waste Connection’s profit impact.*

8 A modified landfill design could preserve the hydrological connection between the uplands and
9 Suisun Marsh, benefitting all the values assigned to the uplands and marsh in the Basin Plan. Under this
10 alternative, the landfill would be scaled back to preserve Spring Branch Creek. This alternative was
11 originally proposed by staff with the BCDC and was evaluated in the proponent’s alternatives analysis.

12 The Order accepts the landfill’s justification for not modifying the site design to avoid covering
13 Spring Branch Creek. The only justification for failing to require this alternative is the loss of profit to
14 the landfill. And the only basis for this determination is the landfill’s self-serving evaluation. See pages
15 11 and 37 of the landfill’s analysis.

16 Preservation of Spring Branch Creek—on-site alternatives 3 and 4, under the proponent’s
17 analysis—would result in a smaller landfill. The proponent’s alternatives analysis claims that this would
18 result in impracticably higher unit costs. But even accepting that Waste Connections’ marginal return
19 will diminish, no evidence whatsoever is provided that this is “impracticable.” No cost sensitivity analy-
20 sis is provided that compares tipping charges at the other landfill alternatives for example. Landfills are
21 built in phases—cell by cell. Thus unit costs can be determined cell by cell. But this was not done.

22 SPRAWLDEF maintains that the discharger’s profits are an improper basis for rejecting
23 alternatives. But even accepting that they are, SPRAWLDEF provides substantial evidence in the
24 submitted analysis of expert Ken Wells that the reduced landfill footprint that would save Spring Branch
25 Creek would have negligible impact on Waste Connection’s tipping fee rates.

26 In the end, the Order appears to accept—improperly—that “impracticable” means “less profit”
27 under Waste Connections’ analysis. And this is not an analysis that complies with CWA §404(b)(1) or
28 provides a sufficient analysis to justify the Basin Plan impacts.

1 **3. The Order improperly defers assurance that sludge and biosolid management will not**
2 **impact waters and uses.**

3 Title 27 of the California Code of Regulations (CCR) prohibits the discharge of high-moisture sludges
4 (~~greater than 50 percent solids content, by weight~~). ~~27 CCR §20200(d)(3)~~. The Order, section 19, page 5.

5 As Title 27, as clarified in 2004 by the State Water Board's General WDRs Order No. 2004-0012-
6 DWQ, dictates that the Suisun Marsh, both the primary and secondary protection areas, are not allowed to
7 accept biosolids or sludge for land spreading.

8 Waste Connections wants to bury or land spread high-moisture sludge or sludges that will be spread for
9 solar drying at the site, sludges that will be used as alternative daily cover (ADC), or sludges that will be
10 applied as a soil amendment.

11 On-site management of high-moisture content sludges increases the potential for water quality impacts.
12 There is no management plan for these wastes and the Joint Technical Document (JTD) for the landfill
13 expansion has not been approved by the County of Solano LEA. Thus there was no data available for public
14 review regarding how the landfill will measure the moisture content of wastes and waste-soil mixtures, nor
15 does the Order describe in detail how high-moisture content wastes will be managed within the landfill
16 property.

17 If not managed properly, sludges can be a threat to surface water quality if allowed to contact and mix
18 with stormwater runoff. High-moisture wastes can cause excessive leachate generation if the moisture-
19 holding capacity of the waste pile is exceeded. Finally, sludges can create nuisance conditions due to strong,
20 foul odors.

21 The Order would allow acceptance of sludge and even appears to entertain land spreading of sludge and
22 biosolids, without a publicly reviewed and approved Sludge Management Plan (SMP). The SMP must state
23 how the moisture content of sludges and sludge-waste mixtures will be measured; it must describe how and
24 where high-moisture content wastes will be stored on site; and it must describe the processes by which
25 sludges will be treated to achieve acceptable moisture content prior to discharge into a disposal cell or used
26 as Alternative Daily Cover (ADC).

27 Furthermore because of the potentially significant environmental impacts cited above, any SMP will be
28 required to be reviewed under the California Environmental Quality Act (CEQA). Information to be

1 considered under CEQA will include the potential for water quality impacts, excess leachate production, and
2 nuisance concerns and whether these impacts are able to be mitigated.

3 The Order acknowledges the potential of "water quality impacts, excess leachate production and
4 nuisance concerns associated with sludges..." Such impacts, unless addressed adequately, will have
5 consequences on the quality of the Marsh and its Basin Plan values.

6 Similar objection is made to the biosolids which would be allowed under the Order. See page 5 of
7 the Order. The Order would violate the protections against biosolid disposal or land spreading at the site.
8 The final approval necessary must be through Solano County and BCDC.

9 Instead the Order permits biosolid disposal prior to the necessary approvals. This is improper. With-
10 out the administrative review and public participation through Solano County and BCDC, including any
11 amendments to the Marsh Local Protection Plan, the approvals are conducted in a void, lacking sub-
12 stantial evidence necessary to provide the approval. An initial study under CEQA on the biosolids and
13 sludge management should be performed before the adoption of any Order.

14
15 **CONCLUSION**

16 Petitioners respectfully beg the State Water Quality Control Board to stay or rescind the Order until
17 real alternatives are properly evaluated, in particular the scaled-back alternative which would preserve
18 Spring Branch Creek. Potential environmental impacts of sludge and biosolid handling at the site should
19 be properly assessed before the adoption of any Order.

20
21 DATE: June 10, 2011

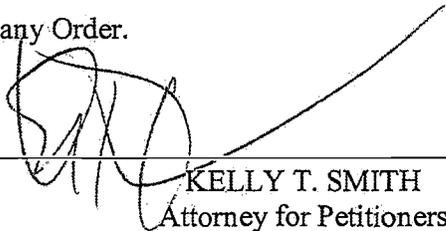
22 
23 _____
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27
28

EXHIBIT A

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