



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

REPLY TO

Regulatory Division

NOV 23 2011

SUBJECT: File Number 2001-26024N

Mr. James Dunbar  
Potrero Hills Landfill  
P.O. Box 68  
Fairfield, California 94533

Dear Mr. Dunbar:

Enclosed is your signed copy of a Department of the Army permit (Enclosure 1) to expand the existing Potrero Hills Landfill operation to the east onto an adjacent 167.63 acre site identified as "Phase II." The project shall result in the permanent of fill across approximately 1.86 acres of waters of the United States. The Potrero Hills Landfill is located at 3675 Potrero Hills Lane, Suisun City, Solano County, California.

Please complete the appropriate parts of "Project Status" form (Enclosure 2), and return it to this office as your work progresses. You are responsible for ensuring that the contractor or workers executing the activity authorized herein are knowledgeable of the terms and conditions of this authorization.

Should you have any questions regarding this matter, please call David Wickens of our Regulatory Division at (415) 503-6787. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

Sincerely,

**ORIGINAL SIGNED**

**BY**

**LAURIE A. MONARRES**  
**CHIEF, REG. DIV., NORTH BRANCH**  
Torrey A. DiCiro, P.E., PMP  
Lieutenant Colonel, U.S. Army  
Commanding

Enclosures

Copy Furnished (w/out Enclosure):

Mr. Bob Batha, BCDC  
Ms. Jolanta Uchman, CA RWQCB  
Steve Peterson, Environmental Stewardship & Planning, Inc.  
Tim Lacy, LSA Associates, Inc.

CF:

CESPN-R (Rdg File)

CESPN-RN (Wickens)

WICKENS  
CESPN-R-N *AMW*  
415-503-6787  
22Nov2011

MONARRES *AM*  
CESPN-R-N *11/23/11*  
415-503-6774

CRARY  
CESPN-DD

*to* DiCIRO  
CESPN-DE



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

REPLY TO

**DEPARTMENT OF THE ARMY PERMIT**

**PERMITTEE:** Mr. Jim Dunbar, Potrero Hills Landfill, Inc.

**PERMIT NO.:** 2001-260240N

**ISSUING OFFICE:** San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

**PROJECT DESCRIPTION:** to discharge fill into approximately 1.86 acres of waters of the United States in conjunction with mass grading and expansion of the Potrero Hills Landfill (Phase I), an existing municipal solid waste landfill and resource recovery center. The Potrero Hill Landfill Expansion Project (Phase II) design, which includes an additional 160-acre waste disposal footprint and higher final elevations in the Phase I area, would add approximately 61.6 million cubic yards (cy) of fill capacity. The ultimate Phase I plus Phase II fill capacity would be approximately 83 million cy, adding approximately 35 years to the current landfill's current remaining site life of approximately five years. The project also includes operational changes that would increase the facilities overall capacity and waste processing capabilities. The project shall be constructed in accordance with the following seven (7) sheets, Figures 1-7 (Attachment 1).

**PROJECT LOCATION:** Phase II of the Potrero Hills Landfill is located at 3675 Potrero Hills Lane, Suisun City, Solano County, California (APN 0046-120-450). Phase II is located on a 215-acre site that abuts the eastern edge of the existing Phase I. The Phase II Project is located within the Suisun Marsh Secondary Management Area (SMSMA). Land use within the SMSMA is restricted under the Suisun Marsh Preservation Act (SMPA), adopted by the California Legislature in 1977, and enforced by the San Francisco Bay Development Commission (BCDC). Land uses within the SMSMA are governed by the Local Plan of Protection, which was adopted by Solano County and approved by BCDC in 1982.

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on December 31, 2022. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity

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authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. A water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment 2).
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**SPECIAL CONDITIONS: To ensure compliance with this Individual Permit authorization and to further minimize adverse impacts to water quality and aquatic-dependent biological resources, the project is subject to the following Special Conditions.**

1. All project construction work shall incorporate appropriate soil erosion control best management practices, including stabilizing and seeding exposed upland slopes.
2. Odors associated with landfill operations should be adequately mitigated via compliance with the Odor Impact Minimization Plan which was submitted to the Local Enforcement Agency (LEA) as part of their Environmental Impact Report. Odor Control Measures include: increasing the frequency of cover application on the working face of the landfill; use of vapor phase counteractant system during sludge processing operations; or the use of topical applicants as an odor neutralizer at the close of sludge spreading or borrowing operations.
3. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BO dated November 29, 2010 contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the attached BO, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO and with the ESA.
4. To provide compensation for the permanent fill of approximately 1.42 acres of seasonal wetlands, 0.44 acre (3,970 linear feet) of intermittent streams at the headwaters of Spring Branch Creek, and a 0.004 acre pond, an array of mitigation measures shall be performed in the manner set forth in the Final Mitigation and Monitoring Plan (MMP) titled, "Mitigation and Monitoring Plan, Potrero Hills Landfill Phase II Expansion, Solano County, California," prepared by LSA Associates, Inc., last revised May 18, 2011 (Attachment 3). The MMP calls for the following components:
  - a) Establishment of 4.49 acres of seasonal wetlands;
  - b) Establishment of 1.80 acres (5,600 linear feet) of stream channel;

- c) Establishment of 1.78 acres of pond habitat (breeding habitat for the California tiger salamander);
- d) Wetland Enhancement of 65.12 acres of seasonal wetlands;
- e) Stream Enhancement on 1.49 acres (11,980 linear feet) of stream channel;
- f) Preservation of 4.73 acres of pond habitat (breeding habitat for the California tiger salamander);
- g) Preservation of 863.13 acres of California tiger salamander upland buffer habitat; and
- h) Preservation of 20.74 acres of upland buffer grassland habitat (California tiger salamander upland habitat).

The above-described MMP components would occur at the following six sites:

- a) **Southern Hills Site, 428.70 acres:** CTS upland habitat preservation would be 420.33 acres; CTS open water pond habitat preserved would be 3.78 acres; CTS open water pond habitat created would be 1.05 acres; Seasonal Wetlands Preservation would be 2.92 acres; and intermittent stream channel preserved would be 0.62 acres (4,230 linear feet).
  - b) **Pond 5 Buffer Area, 41.23 acres:** CTS Upland Habitat Buffer Preservation would be 40.78 acres; CTS Pond Habitat Preservation would be 0.45 acre.
  - c) **Eastern Valley Site, 160 acres:** CTS upland Habitat Buffer Preservation would be 159.16 acres; CTS Pond Habitat Preservation would be 0.50 acre; Seasonal wetland preservation would be 0.20 acre; and stream preservation would be 0.14 acre (1,540 linear feet).
  - d) **Eastern Hills Site, 137.39 acres:** CTS upland habitat buffer preservation would be 136.87; seasonal wetlands preserved would be 0.004 acre; and seasonal stream preserved would be 0.51 acres (5,175 linear feet).
  - e) **Griffith Ranch Site, 112.16 acres:** CTS upland habitat buffer preservation would consist of 105.99 acres; CTS pond habitat establishment would be 0.73 acre; Preservation of seasonal wetlands would be 0.34 acre; establishment of wetland habitat would be 4.07 acres; establishment of intermittent stream habitat would be 1.03 acres (3,702 linear feet).
  - f) **Director's Guild Site, 83.80 acres:** CTS upland grassland habitat would be 20.74 acres; Seasonal wetlands preserved would be 61.66 acres; Seasonal wetlands established would be 0.42 acre; intermittent stream preservation of 0.21 acre (1,035 linear feet) of stream; and creation of 0.77 acre (1,898 linear feet) of stream channel.
- 5) Your responsibility to complete the required compensatory mitigation as set forth in Special Condition #4 will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.
- 6) According to the MMP, responsible parties shall be as follows: Mr. Jim Dunbar, Potrero Hills Landfill, Inc. (Permittee); b) Performance: Mr. Steve Peterson, Environmental Stewardship & Planning, Inc and Mr. Tim Lacy, LSA Associates, Inc; Long-term management: Mr. Steve Peterson, Environmental Stewardship & Planning, Inc. and Mr. Tim Lacy, LSA Associates, Inc. The Permittee retains ultimate legal responsibility for meeting the requirements of the final mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the attached MMP. Any long-term management provisions are also described in the MMP, as well as Special Condition #8.
- 7) Within ninety (90) days after completion of the compensatory mitigation construction work, a "Post - Construction Summary Report" shall be prepared and submitted to the Corps and the Regional Water Quality Control Board, San Francisco Bay Region, for review. The Summary Report shall include as-built grading plans, typical cross-sections, and planting plans; representative photography of the preserve area taken from fixed reference points; and a description and explanation of any changes to the design construction techniques specified in the MMP.
- 8) By 1 December of each year of the 5-year monitoring period of the MMP, an "Annual Monitoring Report" shall be prepared and submitted to the Corps and RWQCB for review. Each Monitoring Report shall describe the on-site riparian and wetland maintenance and monitoring activities completed during preceding year; progress towards the attainment of the mitigation performance standards; and proposed corrective measures, as required. Each Monitoring Report shall include completed field data monitoring forms and representative photography of the preserve area taken from fixed reference points.
- 9) Within one (1) year after completion of the on-site compensatory mitigation construction work, a conservation

easement, deed restriction, restrictive covenant, or a similar land encumbrance shall be completed and filed with the Solano County Recorder's Office, specifying the protection in perpetuity of the 963.28 acre preserve area. A certified copy of the filed land encumbrance instrument shall be provided to the Corps.

- 10) A delineation of the on-site created wetlands shall be performed at the conclusion of the 5-year monitoring period in accordance with the procedures and criteria set forth in the "Corps of Engineers Wetlands Delineation Manual" (January 1987). This delineation shall be reviewed by the Corps to determine conformance with the wetland acreage mitigation requirement. If the wetland acreage mitigation requirement has not been attained at that time, the Corps may require additional corrective measures or other compensatory mitigation to be performed.

**FURTHER INFORMATION:**

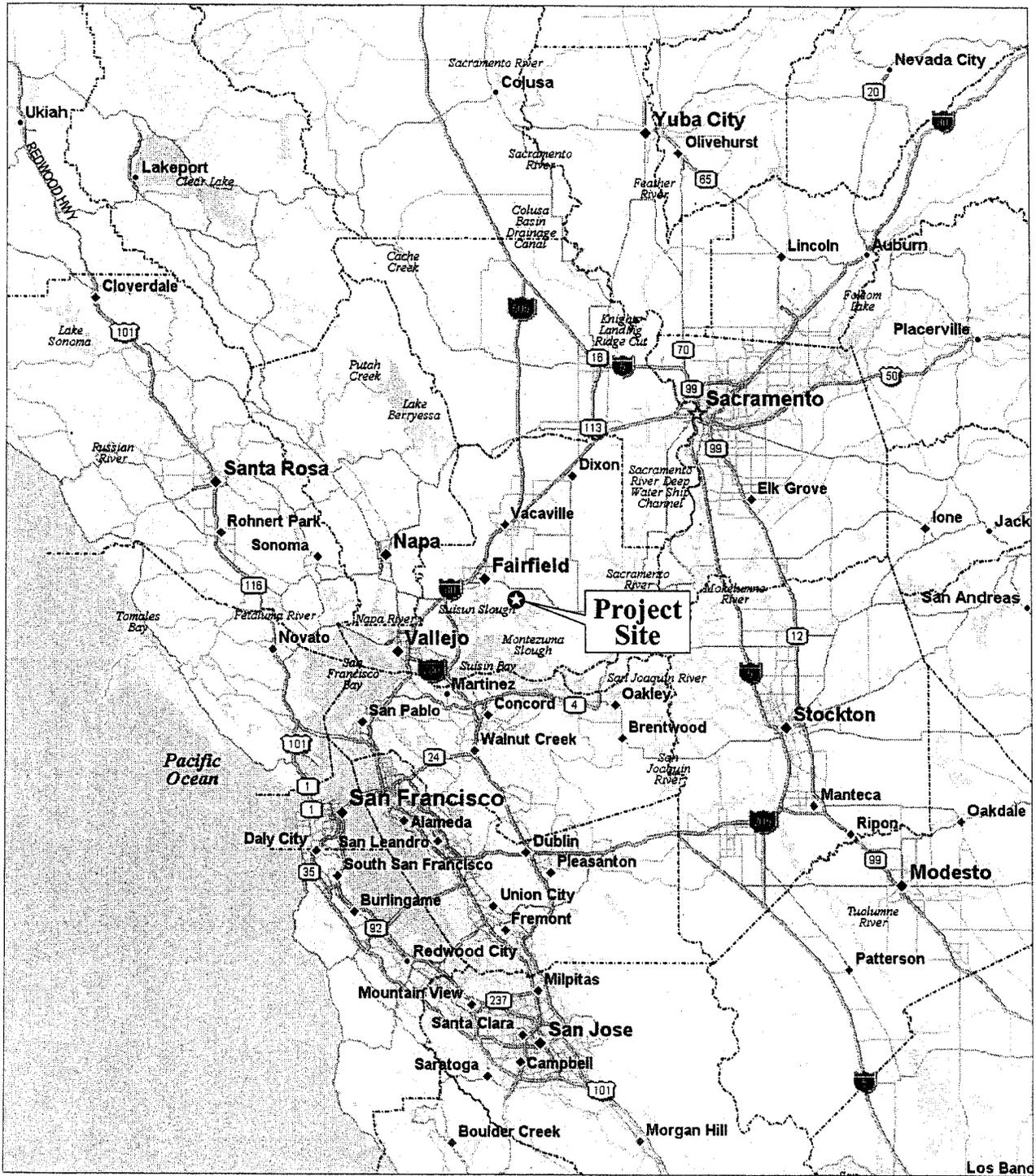
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 1413).
2. Limits of this authorization:
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.



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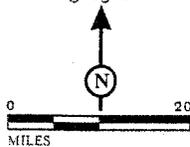
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Purpose: Landfill Expansion and  
Wetland/Habitat Mitigation

Datum: MLW

Date: 5/19/10



Potrero Hills Phase II Landfill Expansion  
Section 404 Permit Application

Regional Location

FIGURE 1

Adjacent to: Spring Branch Creek

County of: Solano

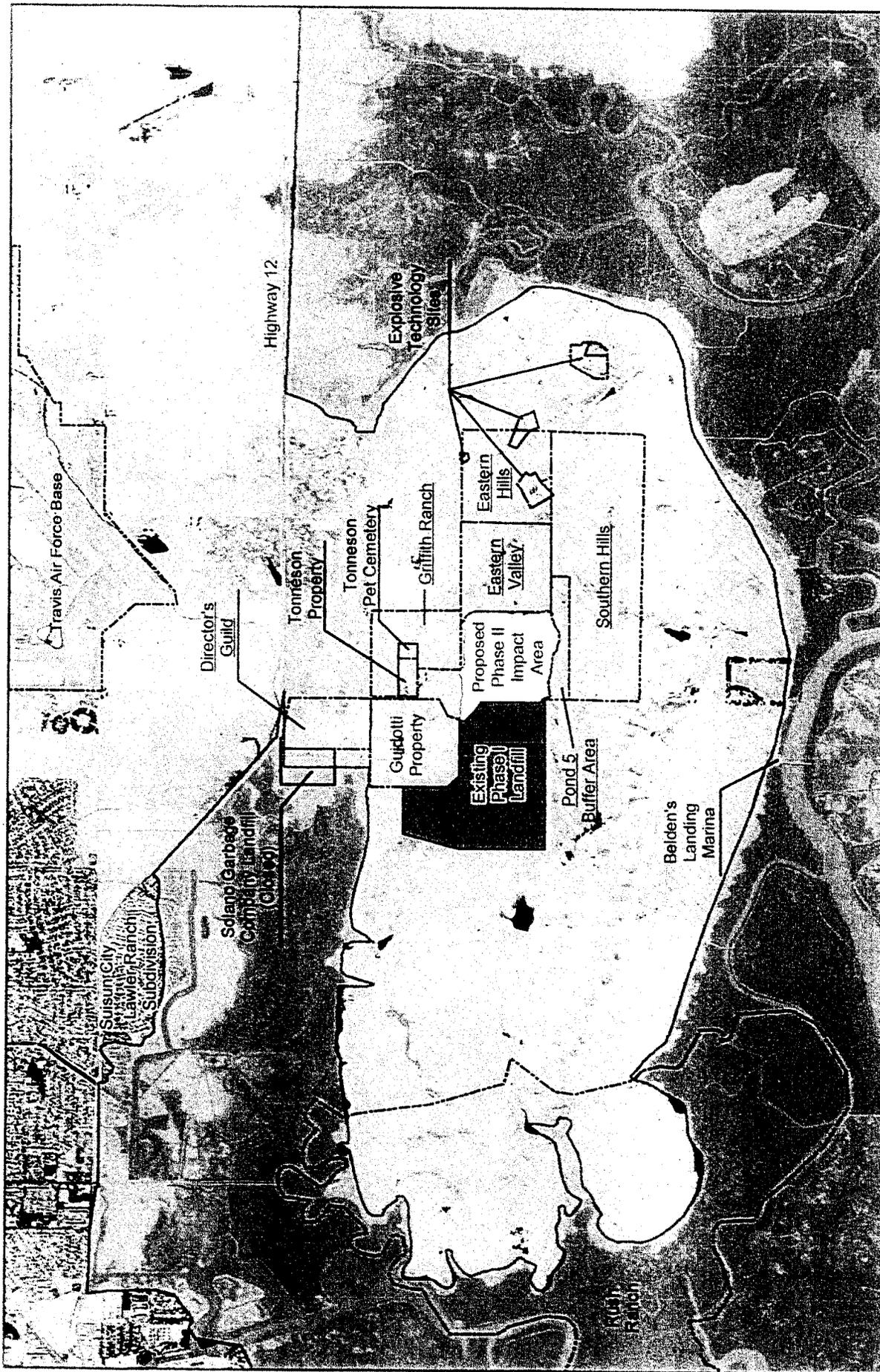
Application by:

Potrero Hills Landfill

PO Box 68

Suisun City, CA 94533

Corps File # 26024N



**FIGURE 2**  
 - Vicinity Map  
 Potrero Hills Landfill Phase II Expansion

-  Parcels
-  Phase I Landfill
-  Phase II Expansion
-  Primary Management Area
-  Secondary Management Area
-  Mitigation Parcels

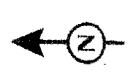
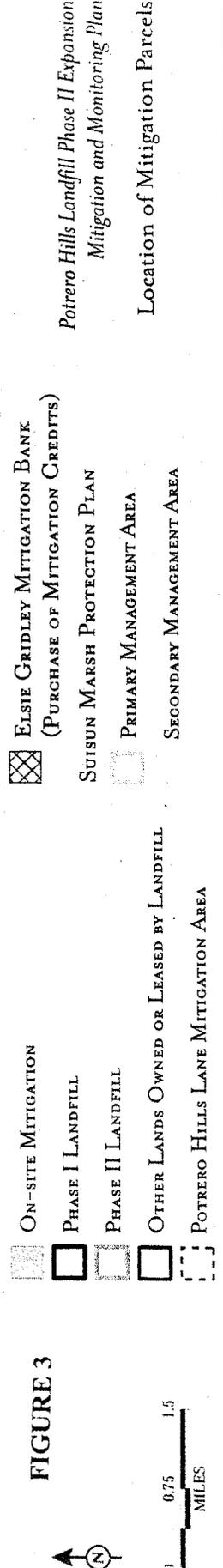
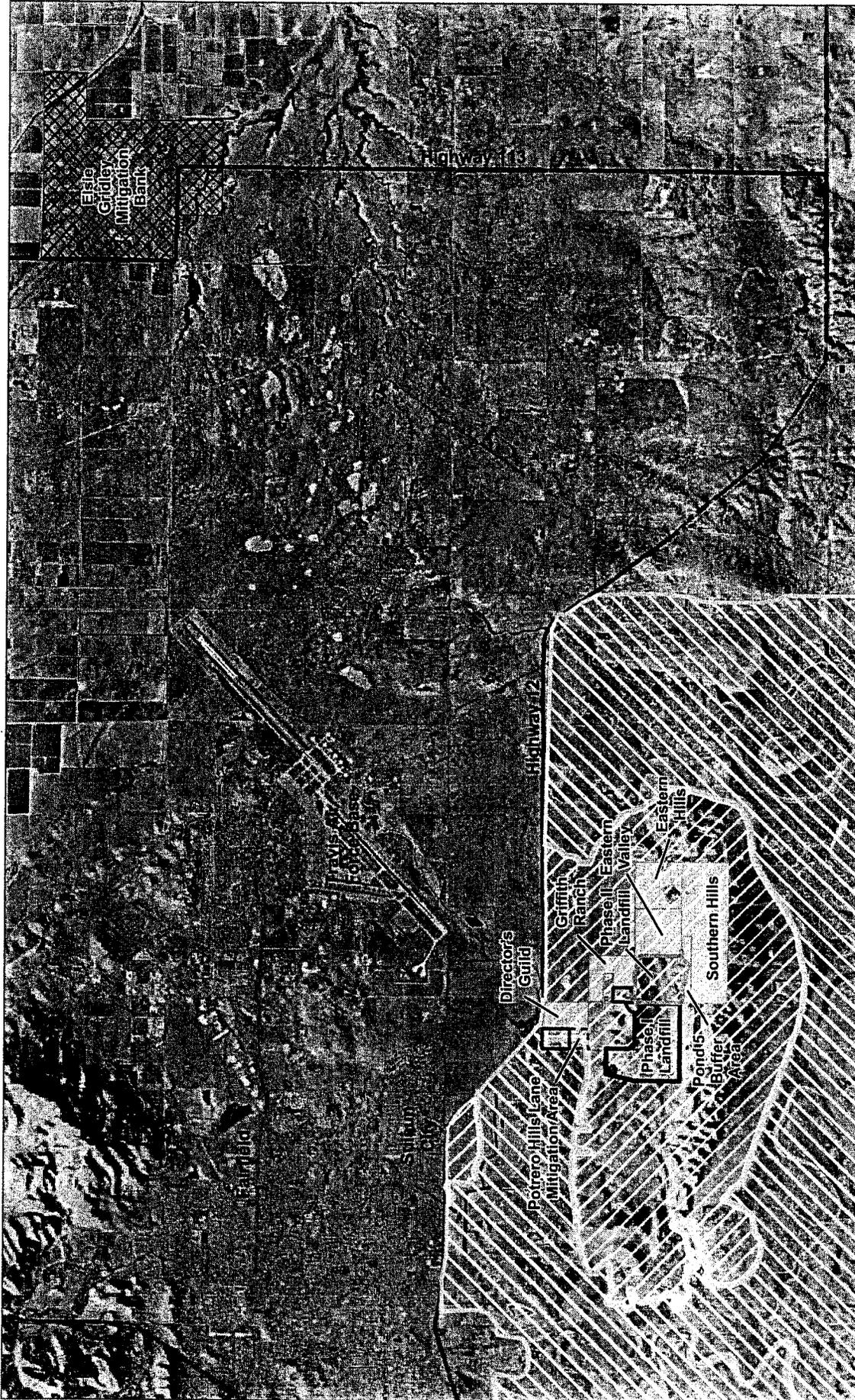
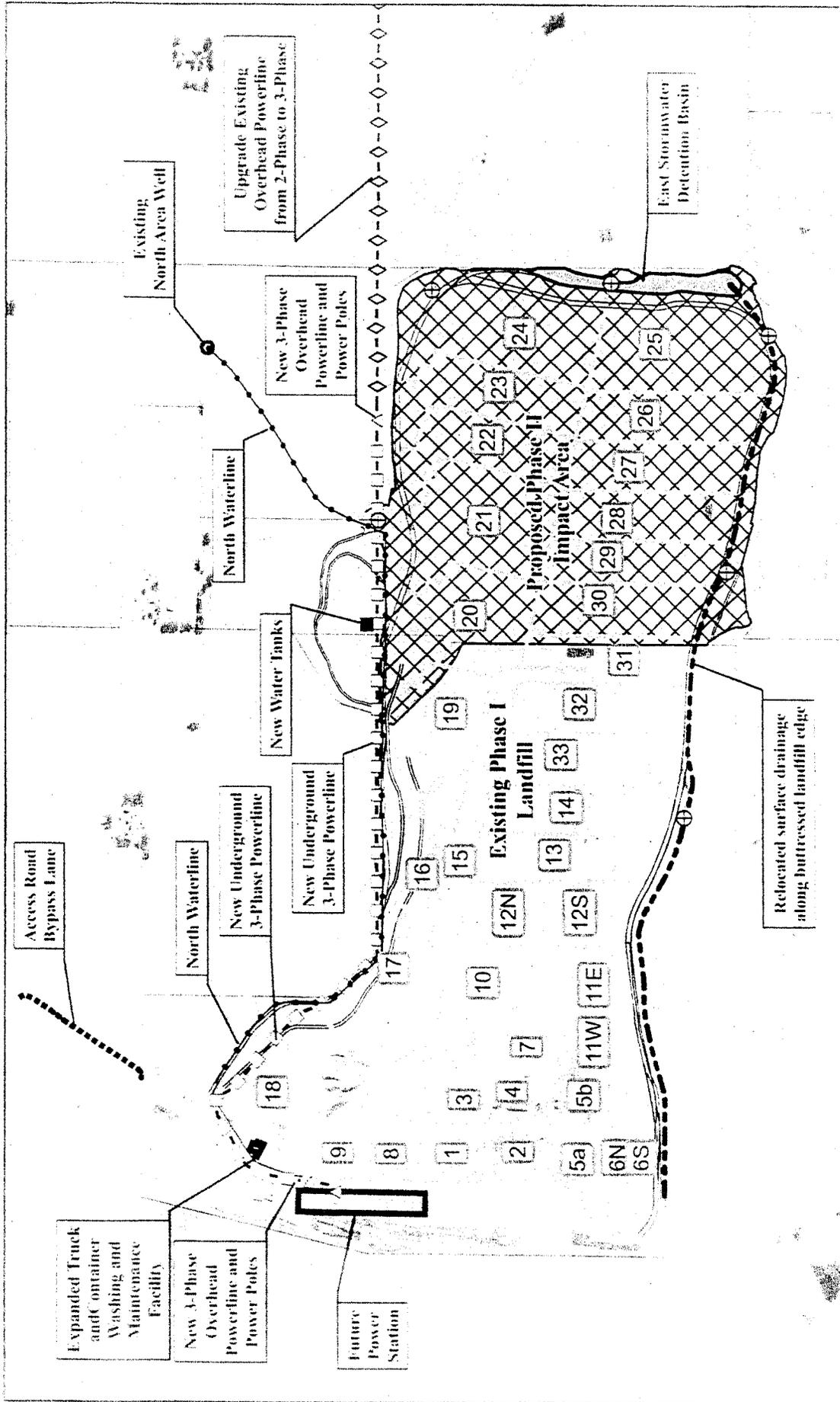


Figure 5 Project Setting Within Suisun Marsh Protection Area





**FIGURE 4**

Potrero Hills Landfill Phase II Expansion

Proposed Phase II Project

CELL BOUNDARY AND NUMBER

RELOCATED SOUTHWESTERN SURFACE CHANNEL

NEW 3-PHASE OVERHEAD POWERLINE

NEW 3-PHASE UNDERGROUND POWERLINE

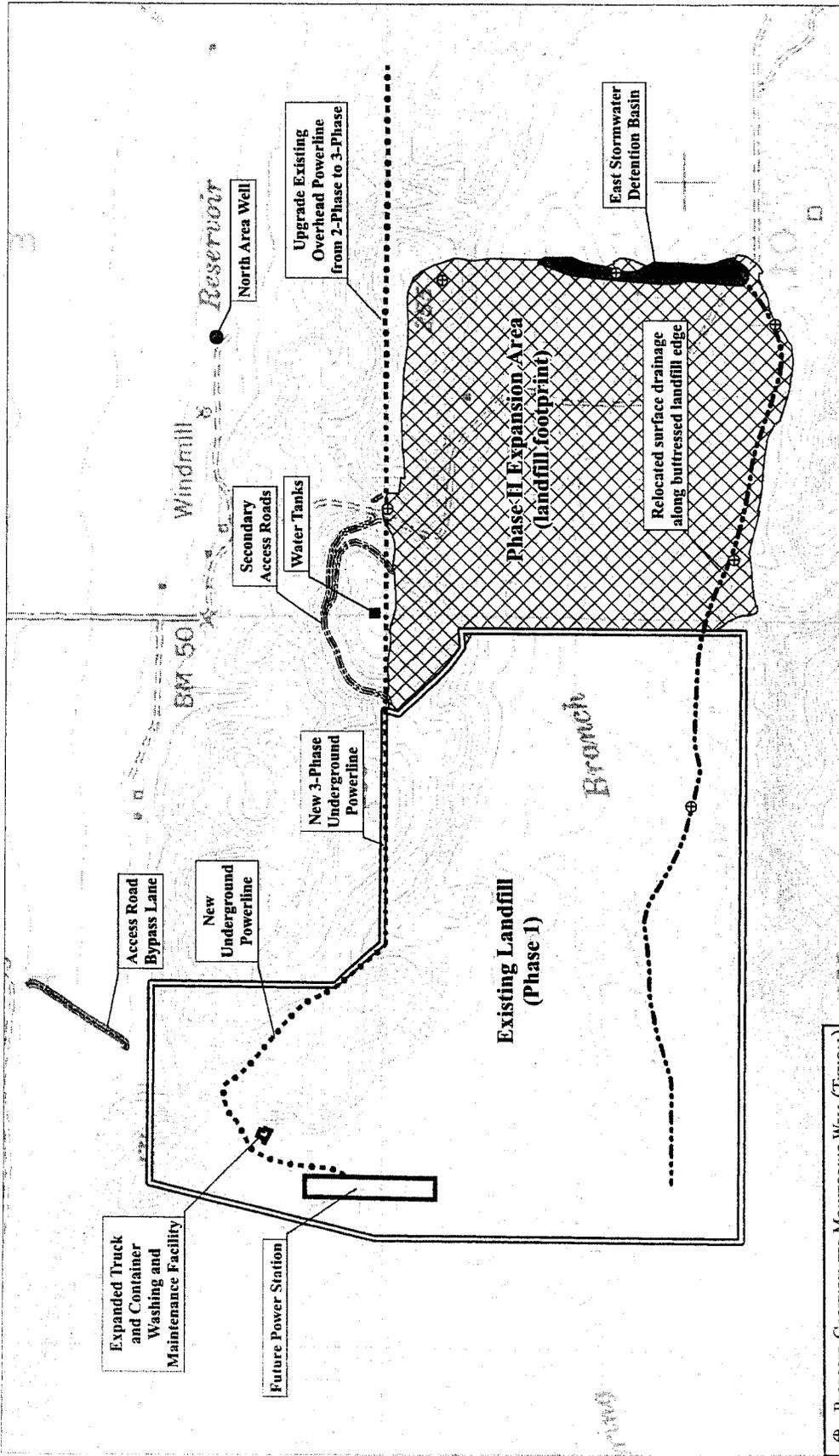
EXISTING 2-PHASE OVERHEAD LINE/UPGRADE TO 3-PHASE

NORTH WATERLINE

PROPOSED GROUNDWATER MONITORING WELL (TYPICAL)







Proposed Groundwater Monitoring Well (Typical)

Purpose: Landfill Expansion and Wetland/Habitat Mitigation

Datum: MLW

Date: 5/19/2010

Adjacent to: Spring Branch Creek

County of: Solano

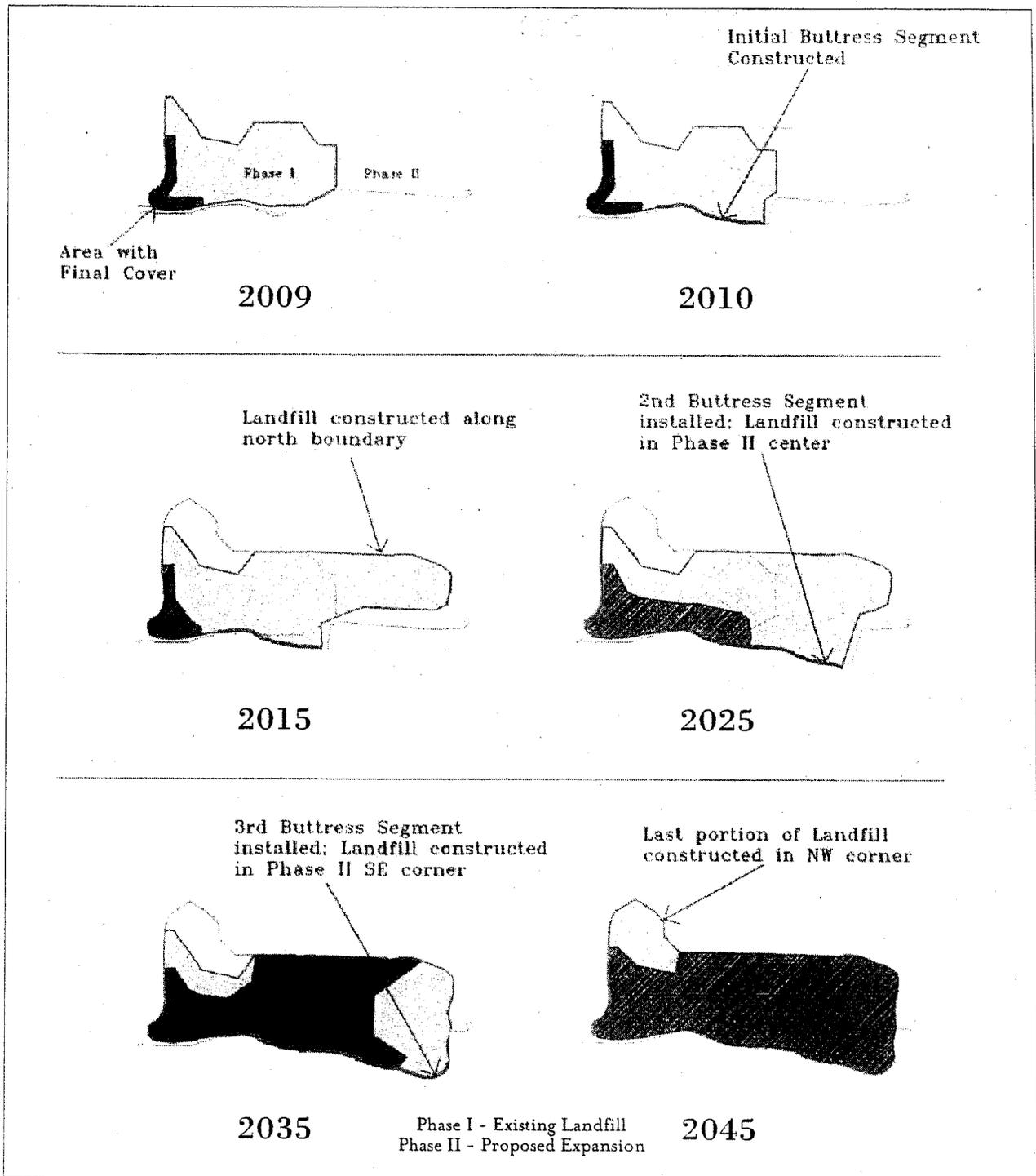
Potrero Hills Landfill Phase II Expansion  
Section 404 Permit Application

Application by:  
Potrero Hills Landfill  
PO Box 68  
Suisun City, CA 94533  
Corps File # 26024N

Phase II Expansion  
Facilities and Operations

**FIGURE 6**





Purpose: Landfill Expansion and Wetland/Habitat Mitigation

Datum: MLW

Date: 5/19/10

Source: Potrero Hills Landfill  
1/20/06

Potrero Hills Phase II Landfill Expansion  
Section 404 Permit Application

Concept of  
Landfill Construction Sequence

Adjacent to: Spring Branch Creek

County of: Solano

Application by:

Potrero Hills Landfill  
PO Box 68  
Suisun City, CA 94533  
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FIGURE 7

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