US Army Corps
of Engineers ®
San Francisco District

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Potrero Hills Landfill Expansion Project, Solano County

NUMBER: 2001-260240N DATE: June 1, 2010 RESPONSE REQUIRED BY: July 14, 2010

PERMIT MANAGER: David Wickens PHONE: 415-503-6787 Email: david.m.wickens@usace.army.mil

1. **INTRODUCTION:** Mr. James Dunbar, Potrero Hills Landfill, Inc., PO Box 68, Fairfield, California, 94533 (telephone 707-432-4621), through his agent Environmental Stewardship & Planning, Incorporated (contact: Mr. Steve Peterson at 916-455-1115 ext. 100), has applied for a Department of the Army permit to expand the existing landfill operation onto an adjacent 167.63 acre site identified as the "Phase II-area" to increase the landfill's capacity and waste processing capabilities. The proposed project would result in the permanent fill of approximately 1.86 acres of waters of the United States. The existing landfill site is located at 3675 Potrero Hills Lane, Suisun City, Solano County, California (Figure 1). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:**

Project Site: The project site is located in the Potrero Hills of Solano County southeast of Suisun City within the Secondary Management Area of Suisun Marsh, as defined by the Suisun Marsh Local Protection Plan. The currently permitted landfill is located within the original 320-acre parcel in the western portion of the Potrero Hills valley. The proposed 167.63-acre expansion site lies directly east of the existing landfill (Figures 2) on the 210-acre Phase II parcel (approximately 41 acres of the Phase II parcel outside the landfill footprint will be preserved and managed as part of the mitigation lands).

The Potrero Hills are an isolated east-west trending ridge of consolidated sedimentary material (primarily shales and sandstones) that constitute part of the eastern edge of the California Coastal Range. The hills are isolated from the main part of the Coastal Range by the alluvial valleys of the Fairfield-Suisun area to the east and north, and by the Suisun Bay and marsh system to the south. The existing landfill and the proposed landfill expansion site are located entirely within a valley that slopes gently to the west, surrounded by a horseshoe-shaped ridge. Elevations along the surrounding ridges range from 250 to 300 feet MSL (Mean Sea Level), while valley bottom elevations range from 40 to 130 feet MSL.

The Potrero Hills Valley is characterized by gently rolling hills that generally slope to the west where the valley opens to Suisun Marsh. The main drainage feature of the valley is Spring Branch Creek, an intermittent stream that flows down the center of the valley. The creek flows off site to the south of the existing landfill area and ultimately into Suisun Marsh. The stream supports a mix of upland and hydrophytic grasses and forbs and has no tree or shrub cover. The stream receives runoff from the surrounding hills via several intermittent streams that also support hydrophytic vegetation in some locations. The project site contains one pond (Pond 1). A stock pond (Pond 5) located on the Phase II parcel will be preserved as part of the mitigation

lands in the Pond 5 Buffer Area (Figure 2).

There are also numerous intermittent drainages and seeps as well as five stock ponds within land owned by the applicant lying in the valley to the east of the site to the south of the valley's southern ridgeline (Figure 2). Runoff water within the proposed project area flows to Spring Branch Creek. The streams south of the ridgeline, outside of the project area flow into Nurse Slough and Montezuma Slough and thence Suisun Bay.

The primary vegetation type in the valley is annual grassland that is actively grazed. Grasslands are dominated by non-native species such as Italian ryegrass (*Lolium multiflorum*), wild oats (*Avena* spp.), soft chess (*Bromus hordeaceus*), ripgut (*B. diandrus*), and Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*).

The grasslands also contain extensive stands of the invasive exotic weed species, purple star thistle (*Centaurea calcitrapa*) and yellow star thistle (*C. solstitialis*). Despite dominance by non-native grasses and invasive weeds, the valley supports occasional stands of native grassland grasses and forbs including California poppy (*Eschscholzia californica*), tarplants (*Hemizonia* and *Centromadia* spp.), purple needle grass (*Nasella pulchra*), slender wheatgrass (*Elymus trachycaulus*), and notably, Johnny jump-up which is a primary food plant for Callippe silverspot butterfly (*Speyeria callippe callippe*), a federally-listed endangered species.

Project Description: The proposed project entails expansion of the existing landfill onto an adjacent 167.63-acre area owned by Potrero Hills Landfill Inc., and identified as the "Phase II" area (Figure 2). The proposed project also includes a number of operational changes that would increase the facilities overall capacity and waste processing capabilities. The Phase II design, which includes an additional 164 acre waste disposal footprint and higher final elevations than in the Phase I area, would add approximately 62 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 remaining site life of approximately 10 years.

The Project Components (Figure 7):

Extending the Landfill Horizontally. The Phase II project would extend the landfill onto an adjacent parcel of land, expanding the landfill horizontally for increased landfill life. A Phase II site addition would add approximately 168 acres of land to the landfill facility. This addition is composed of a 164 acre parcel east of and adjacent to the Phase I site (excluding the 41.23-acre Pond 5 Buffer Area that will be preserved and managed as wildlife habitat) and a 4-acre parcel northeast of and adjacent to the Phase I site (Figure 2). The Phase II landfill footprint would be about 164 acres. Figure 10 shows the conceptual sequence of landfill construction through 2045. Cell construction is proposed to initially progress along the northern edge of the Phase II area, with cells along the southern landfill boundary being constructed after about 2015. The final cells to be constructed in the Phase II parcel would be in the southeast corner. The final area of landfill development would be constructed in the northwest corner of the Phase I parcel.

Increase the Existing Permitted Landfill Height. The Phase II project includes a vertical expansion of the height of the landfill to an elevation of 345 feet MSL. Phase II also includes adding additional wastes on top of Phase I landfill. A portion of the top of the landfill will be viewable from the north; active landfill zones will be operated behind a visibility barrier so they will be out of sight from off site.

Relocation of Spring Branch Creek Drainage. Relocating the southern surface water drainage network (Spring Branch Creek and its tributaries, an intermittent water source) along the south side of

the Phase II landfill would allow greater buttressing of the southern edge of the landfill and achieve vertical capacity expansion. No reduction of surface water-carrying capacity in channels and retention basins would occur. Two separate drainage systems would be constructed in the landfill to prevent the landfill from flooding and to divert runoff from the southern portion of the landfill off the cap. The drainage system would be constructed over the life of the proposed landfill (35 years), with additional sections being installed as the cells are built along the landfill southern boundary. The first of the drainage systems would carry water from the eastern Potrero Hills Valley west around the landfill. This drainage system would consist of a pipeline approximately 5,500 feet long that would pass under the soil buttress area along the southern border of the Phase I landfill area and Phase II expansion area. The downstream end of the pipeline would be located at the Phase I landfill. The upstream end of the pipeline would be near the southeast corner of the Phase II area. The drainage feature would be designed to handle the 1,000-year storm to protect the landfill from flooding. Along its length, the pipeline would be bedded in native soil and overtopped entirely with soil materials. The pipeline would be constructed of pre-cast sections or of concrete poured in place with the segments being built in increments of approximately 200-600 feet every 3-5 years. The second system would be a surface channel to transport runoff from the southern portion of the landfill. Once the pipeline is constructed beneath the buttress, drainage runoff from the southern portion of the landfill would drain to a surface channel constructed on top of the buttress area. The surface channel would be protected from scouring with erosion control fabric. Each rise of the buttress area constructed as the adjacent zone of the landfill is built to higher elevations would contain a similarly constructed channel. A permanent drainage channel, with a long-term, stable channel lining would be constructed on top of the buttress when the final landfill cap is installed. The Phase I alignment was approved in 1988 and in 1995 pursuant to the provisions of Section 404 of the Clean Water Act, (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403).

Operating 24 Hours Per Day. The Phase II project would extend the current 20-hour per day operation to a 24-hour operation Monday through Friday and a 20-hour operation on Saturday and Sunday. Increasing the landfill operation to 24 hours of receiving and weighing truckloads, handling wastes, and burying waste would save landfill space occupied by soil and daily cover, achieve more flexibility in waste transport, and remove more truck traffic from highways during daytime traffic congestion.

Adding Biosolids to the Composting Operation. The Phase II project would add biosolids to the composting operation as an additional feedstock material that can be composted. Additional food wastes also would be composted. The amount of these additional materials could total to 100 tons per day averaged over a 7-day period (TPD7). Appropriate operation techniques and procedures would be used to control dust and odors.

Constructing a Truck/Container Wash Facility. The proposed truck/container washing facility would include a concrete-lined drive-through bay, with a wastewater treatment and water recirculation system that would handle the overflow and purge water consistent with future RWQCB requirements. Additional water would be supplied from the on-site industrial water well, from storage reservoirs, or from water delivered to the site by tank trucks. The truck wash would be constructed near the existing equipment wash pad to be able to share the same utilities and discharge line into the storm water control basin. The commercial fleet vehicles leaving the landfill would use the truck wash as a means to remove dirt and dust from the truck body and tires. The excess treated water that is not reused in the wash system would be discharged to the nearby siltation control basin. No discharge of fill into waters of the United States is proposed to construct

this component.

Revise Restrictions on the Night Lighting (Number of Lights). The Phase II Project change was authorized in the 2005 Use Permit approval and the 2006 Solid Waste Facility Permit revisions. A small number of lights would be used in a manner that avoids off-site reflection and glare. No discharge of fill material into waters of the United States is proposed to construct the bypass lane to construct this component.

Bypass Lane. A short access road bypass lane is available on old historic road paralleling a portion of the Potrero Hills Lane access road, providing an auxiliary access point to the facility to cope with transportation interruptions. No discharge of fill material into waters of the United States is proposed to construct the bypass lane.

Upsizing Existing Off-Site PG&E Power Lines. The increased capacity of gas-fueled power generation equipment will require upsizing the existing off-site PG&E power lines. The existing line is not of sufficient voltage or current-carrying capacity to transmit the expected amount of electrical power that would be created from the conversion of landfill gas (up to 10 megawatts). No discharge of fill material into waters of the United States is proposed to construct this component.

Landfill Gas-to-Energy Facility. The size of this facility is anticipated to be up to 10 megawatts (MW). The location of the landfill gas-to-energy facility will be adjacent to the existing landfill gas flare station. This component would also include new power line installations. A landfill gas-to-energy (LFGTE) facility could alternatively be a fuel production and distribution facility for methane-powered vehicles together with a smaller power generation facility, and/or a facility for distribution of pressurized or liquefied landfill gas that would be located near the existing flare station. No discharge of fill material into waters of the United States is proposed to construct this gas-to-energy facility.

Water Supply Well and Conveyance Pipeline System. Four water storage tanks and associated conveyance systems would be constructed to utilize the existing north water well. No discharge of fill is proposed to construct the well and conveyance pipeline.

New Sedimentation Basin. One new sedimentation control basin is contemplated: a temporary sedimentation control basin down-gradient from the eastern-most active landfill cell area. The sedimentation basin previously proposed for the Griffith Ranch has been removed from the project. No discharge of fill material is proposed to construct the sedimentation basin.

Purpose and Need: The basic project purpose, consistent with 40 CFR Section 230.10(a) (3), is to construct a municipal solid waste landfill and resource recovery center, which the U.S. Army Corps of Engineers (Corps) has determined to be a non-water dependent activity.

The overall project purpose is to construct an economically viable municipal solid waste landfill and resource recovery center to serve the long-term waste management needs of Solano County and the associated primary service area. Although the overall project purpose is to principally serve the waste management needs of Solano County, the Potrero Hills Landfill also accepts waste material from a larger service area in order to operate in an economically viable manner. Therefore, the Potrero Hills Landfill accepts waste from many other Northern California counties and municipalities, including the Sierra foothill counties and Alameda, Contra Costa, Marin, Mendocino, Napa, Sacramento, San Mateo, Santa Clara, Solano, and Yolo Counties. However, the Potrero Hills Landfill primary service area, from which approximately 90 percent of the waste material is received, consists of Solano, Sonoma, Contra Costa and Santa Clara

counties.

In 1995-1996, Solano County and its seven cities adopted the Countywide Siting Element of the Countywide Integrated Waste Management Plan (CIWMP) (pursuant to California Public Resources Code §41700). The purpose of the Countywide Siting Element is to "demonstrate that within a county or region, there is a minimum of 15 years of combined permitted disposal capacity through existing or planned disposal facilities..." (EDAW 2003). The County's two landfills (PHLF and the Hay Road Landfill) currently have life expectancies that are less than the 15-year requirement set forth in the Public Resources Code. Therefore, under current circumstances, Solano County may not meet the mandated minimum 15 years of waste disposal capacity.

Solano County continues to need economical and environmentally sound landfill disposal capacity as well as the capacity for recycling and reuse of waste materials to achieve state-mandated landfill diversion requirements in state law. Expansion of the Potrero Hills Landfill (PHLF) onto the adjacent 167.63-acre area would increase the waste disposal capacity of the PHLF site and would enable Solano County and its cities to provide the minimum 15 years of disposal capacity and the needed capacity for recycling and reuse of waste materials. The proposed project will extend the County's waste disposal capacity by 35 years, well beyond the State-mandated minimum 15 years of waste disposal capacity.

Impacts to Corps of Engineers jurisdiction: The project would result in the permanent fill of approximately 1.86 acres of waters of the United States, including 1.42 acres of seasonal wetlands and seeps, and 0.44 acre of jurisdictional drainages located within the Phase II expansion area.

An updated Delineation Map based on current conditions in the field was submitted to the Corps for verification on January 7, 2010. The updated delineation was verified by the Corps in a letter dated February 9, 2010.

Mitigation: The applicant is proposing to mitigate for the loss of approximately 1.86 acres of waters of the United States, (comprised of 1.42 acres of seasonal wetlands and seeps and 0.44 acre of jurisdictional drainages). Mitigation would take place on parcels adjacent to the Phase II expansion area (Table A): the 428.7-acre Southern Hills parcel; the 41.23-acre Pond 5 Buffer Area of the Phase II parcel; a 112.16-acre portion of the 143-acre Griffith Ranch parcel; the 83.8-acre Director's Guild parcel (Figure 3); the 160-acre Eastern Valley parcel and 137.39-acre Eastern Hills parcel. The total amount of aquatic feature preservation and establishment on the above-listed 963 acres of mitigation lands will be approximately 71 acres and 8 acres respectively.

3. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the United States Fish and Wildlife Service (FWS) and/or the National Marine

Fisheries Service (NMFS), if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designated critical habitat.

The Corps has initiated Section 7 consultation with the U.S. Fish and Wildlife Service September 20, 2007, on project related impacts to the following federally listed species: Endangered Contra Costa Goldfields (*Lasthenia conjugens*), endangered Solano grass (*Tuctoria mucronata*) , threatened San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), threatened Colusa grass (*Neostapfia colusana*), endangered Conservancy fairy shrimp (*Branchinecta conservatio*), endangered vernal pool tadpole shrimp (*Lepidurus packardi*) threatened vernal pool fairy shrimp (*Branchinecta lynchi*), threatened Delta green ground beetle (*Elaphrus viridis*) threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), endangered Callippe Silverspot butterfly (*Speyeria callippe callippe*), and threatened California tiger salamander (*Ambystoma californiese*). Portions of the proposed project site and mitigation sites lie within the designated critical habitat for the following species and will also be included in the consultation: Contra Costa goldfields, vernal pool fairy shrimp, conservancy fairy shrimp, and vernal pool tadpole shrimp.

The Biological Assessment, entitled Potrero Hills Landfill Phase II Expansion Solano County dated September 8, 2009, can be reviewed at the Corps' San Francisco Office or by contacting the consultant at the address listed at the front of the notice.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Region Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

The County of Solano, as the lead agency, prepared a Draft Environmental Impact Report for the Project in 2003 (the "2003 Draft EIR"), and later a Final Environmental Impact Report for the Project in 2005 (the "2005 Final EIR"). On September 13, 2005, and through Resolution No. 2005-202, the Board of Supervisors certified the 2005 Final EIR. In response to a court challenge, a Recirculated Draft Environmental Impact Report was produced in 2007 to address water quality, air quality, and project alternatives (dated December 21, 2007) ("Recirculated Draft EIR"). The Recirculated Final Environmental Impact Report was issued in 2008 (dated May 13, 2008) ("Recirculated Final EIR"). Solano County prepared a revision to the Final Recirculated EIR on February 10, 2009, to clarify the discussion of the "No Project Alternative" and to address the completion of the merger between Republic Services, Inc. and Allied Waste Industries, Inc., which required divestiture of the Potrero Hills Landfill by Republic Services. The Revised Final Recirculated EIR was certified on June 9, 2009, and a CEQA Notice of Determination was filed by the County on June 10, 2009 (with the Clerk of the Board of Supervisors) and on June 11, 2009 (with the Governor's Office of Planning and Research, State Clearinghouse).

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation by the Corps of Engineers has determined that the project does not constitute water dependent activity in light of its basic project purpose of constructing and operating a solid waste landfill and resource recovery center. An alternatives analysis was prepared by the applicant and submitted to the Corps on June 6, 2006, and updated on November 4, 2009. The alternatives analysis can be reviewed at the Corps' San Francisco office or by contacting the consultant at the address listed on the front of this public notice.

National Historic Preservation Act of 1966 (NHPA): According to the Potrero Hills Landfill Environmental Impact Report (EIR), past surveys have included reference checks and field studies to locate possible cultural resources within the site and on surrounding properties. Potential cultural resources in the Phase I project area and proposed Phase II landfill expansion areas were addressed in a 1974 EIR prepared by Jones and Stokes Associates. In that report, they concluded that no historic or cultural resources were found in the study area.

To date, the Corps of Engineers has not made any determination on the need to initiate Section 106 with the State Historic Preservation Office to address project related impacts to properties listed or eligible for listing on the National Register of Historic Places.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps'

policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting David Wickens of our office at telephone 415-503-6787 or E-mail: david.m.wickens@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.