

1 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (DEIR) has been prepared to evaluate the impacts associated with the Phase II development of the Potrero Hills Landfill (PHLF), a municipal solid waste landfill and resource recovery center. The original development of the landfill commenced in 1986 and is identified as the Phase I expansion. The original Phase I development and the proposed Phase II development are located approximately 2 miles southeast of Suisun City in Solano County near Fairfield and State Route (SR) 12.

This EIR has been prepared in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code §21000, et seq.) and the State CEQA Guidelines (California Code of Regulations §15000, et seq.), as amended. An EIR is a full disclosure, public information document in which the significant environmental impacts of a proposed project are evaluated; measures to mitigate significant impacts are identified, when feasible and alternatives to the project that can reduce or avoid significant environmental effects are discussed.

An EIR is used in the planning and decision-making process by the lead agency and all responsible agencies. CEQA Guidelines define the “Lead Agency” as the public agency with principal responsibility for carrying out or approving a project. For this project, Solano County is the lead agency. The term “Responsible Agency” includes all public agencies, other than the lead agency, that have some discretionary approval over the project. The purpose of an EIR is not to recommend either approval or denial of a project; its purpose is to disclose objective information so that informed decisions can be made. CEQA requires the decision-makers to balance the benefits of a proposed project against its unavoidable environmental effects in deciding whether to carry out a project.

After reviewing this EIR and the project proposal, the Solano County Planning Commission will decide in a public hearing, whether to approve, conditionally approve, or deny the project. This decision may be appealed to the Board of Supervisors. A decision by the Board of Supervisors on the Marsh Development Permit may be appealed to the San Francisco Bay Conservation and Development Commission. The identification of environmental impacts as significant and unavoidable does not mean a project must be denied; the Solano County Planning Commission, or Board of Supervisors upon appeal, may still approve the project if it believes that economic, legal, social, technological or other benefits outweigh the significant unavoidable impacts. After preparation of CEQA-mandated “findings” for each significant environmental effect, pursuant to PRC §21081(a), the Solano County Planning Commission and Board of Supervisors, upon appeal, would be required to state in writing the specific reasons for approving the project, despite significant unavoidable impacts, based on information in the EIR and other information in the record. This reasoning is called, per PRC §21081(b) and §15093 of the State CEQA Guidelines, a “statement of overriding considerations.”

1.2 DEFINITIONS OF TERMS

CEQA identifies various types of EIRs. The most common type is the project EIR. A project EIR examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the development project and examines all phases of the project, including planning, construction, and operation. This EIR is a project EIR.

To assist in the understanding of this report, the following descriptions, as found in Article 20 of the State CEQA Guidelines, are provided:

- ▶ “Project” means the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment directly or ultimately.
- ▶ “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- ▶ “Environment” means the physical conditions that exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions.
- ▶ “Effects” and “impacts” as used in these Guidelines are synonymous. Effects include:
 - direct or primary effects that are caused by the project and occur at the same time and place, and
 - indirect or secondary effects that are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.
 - Effects analyzed under CEQA must be related to a physical change.

- ▶ “Mitigation” includes:
 - Avoiding the impact altogether by not taking a certain action or parts of an action.
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
 - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - Compensating for the impact by replacing or providing substitute resources or environments.

- ▶ “Cumulative impacts” refers to two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts.
 - The individual effects may be changes resulting from a single project or a number of separate projects.
 - The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

This Draft EIR uses a variety of terms to describe the level of significance of adverse impacts identified during the course of the environmental analysis. These terms are defined below.

- ▶ A “less-than-significant impact” is an impact that is adverse but that does not exceed the defined standards of significance. Less-than-significant impacts do not require mitigation.

- ▶ A “potentially significant impact” is an impact for which there is not enough information to make a finding of less-than-significant impact; however, for the purpose of this Draft EIR, the impact is considered significant. A potentially significant impact is equivalent to a significant impact and requires the identification of feasible mitigation measures or alternatives.

- ▶ A “significant impact” is an impact that exceeds the defined standards of significance and would or could cause a substantial adverse change in the environment. Mitigation

measures are recommended to eliminate the impact or reduce it to a less-than-significant level.

- ▶ A “significant and unavoidable impact” is an impact that exceeds the defined standards of significance and that *cannot* be eliminated or reduced to a less-than-significant level through the implementation of mitigation measures.

1.3 ORGANIZATION OF THE DRAFT EIR

Chapter 1, “Introduction,” provides definitions of terms used in the document and discusses prior environmental reviews, agencies that may use this EIR, and the public scoping and review process for the project.

Chapter 2, “Executive Summary” presents a summary of the project; summarizes the potential impacts and proposed mitigation measures; and identifies areas of known controversy, including issues raised by agencies and the public.

Chapter 3, “Project Description,” describes the proposed project.

Chapter 4, “Environmental Setting, Environmental Impacts, and Mitigation Measures” contains information about existing conditions at the currently permitted landfill and the proposed expansion site for the following resources:

- ▶ Land use
- ▶ Vegetation
- ▶ Wildlife
- ▶ Geology, soils, and seismicity
- ▶ Hydrology and water quality
- ▶ Utilities and public services
- ▶ Public safety
- ▶ Noise
- ▶ Traffic
- ▶ Air quality
- ▶ Visual resources
- ▶ Cultural resources

This chapter identifies potential impacts, evaluates potential impacts in terms of their significance under CEQA, and describes recommended mitigation measures.

Chapter 5, “Alternatives Analysis,” identifies the alternatives that are being considered to eliminate or reduce significant impacts.

Chapter 6, “Cumulative and Growth Inducing Impacts,” presents the analysis of cumulative impacts and discusses whether implementing the project would induce growth.

Chapter 7, “Preparers of Environmental Document,” lists the EIR authors, the technical specialists, members of the production team, and other key individuals who assisted in preparation and review of the EIR.

Chapter 8, “References,” identifies the documents, organizations, and individuals consulted in preparing this report.

Technical appendices include detailed information on biological resource, environmental noise and cultural resource surveys.

1.4 PUBLIC SCOPING AND REVIEW

The process of determining the scope, focus, and content of an EIR is known as “scoping.” Scoping helps to identify the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not important to the decision at hand. Scoping is also an effective way to bring together and resolve the concerns of federal, state, and local agencies; the proponent of the action; and other interested persons, including opponents of the project (State CEQA Guidelines §15083). As a result of scoping, including preparation of an Initial Study, the Lead Agency may limit EIR discussion of non-significant environmental effects to a brief explanation of why those effects are not considered potentially significant (Public Resources Code §21002.1, State CEQA Guidelines §15143).

CEQA does not require formal hearings at any stage of the environmental review process (State CEQA Guidelines §15202[a]). However, it does encourage “wide public involvement, formal and informal ... in order to receive and evaluate public reactions to environmental issues ...” (State CEQA Guidelines §15201).

1.4.1 NOTICE OF PREPARATION

In accordance with CEQA, a good faith effort has been made during the preparation of this Draft EIR to contact affected agencies, organizations, and persons who may have an interest in the project. The Solano County Department of Environmental Management (SCDEM) submitted the Notice of Preparation (NOP) of this EIR to the California Office of Planning and Research on March 24, 2003. The NOP is a brief notice sent by the Lead Agency to notify Responsible Agencies, Trustee Agencies, and potentially affected federal agencies, that the Lead Agency plans to prepare an EIR and solicits guidance regarding EIR scope and content. The NOP, which identified potential project environmental issues, was circulated to affected agencies and adjacent property owners, beginning a 30-day comment period. The NOP and the comments received on the NOP are included as Appendix A.

Following release of the NOP, additional changes were made to the project description. These changes include: 1) installing a portable visitor center trailer along the northern landfill boundary, 2) adding a bypass lane on the landfill access road, and 3) developing and conveying

a supplemental water supply. These changes are described in detail in Chapter 3, Project Description of this report.

1.4.2 PUBLIC REVIEW OF THE DRAFT EIR

A 45-day public review period has been established for the Draft EIR in accordance with the requirements of State CEQA Guidelines §15106. The Draft EIR was circulated to agencies with jurisdiction over the project, as well as individuals who commented on or expressed interest in the project during public scoping. Comments regarding the adequacy of the Draft EIR may be made in writing before the end of the comment period. Following close of the public comment period, responses to substantive written comments on the Draft EIR will be prepared and published as a separate document. The Draft EIR, together with the responses to comments document, will constitute the Final EIR. The Final EIR will be considered by the Solano County Planning Commission and Board of Supervisors, upon appeal, prior to any action taken on the proposed project. Written comments on the Draft EIR must be sent to:

Ms. Christina Ratcliffe, AICP
Project Planner
County of Solano
Department of Environmental Management
470 Chadbourne Road, Suite 200
Fairfield, CA 94534-9605

1.5 PREVIOUS ENVIRONMENTAL REVIEWS

PHLF first began operations in 1986 under a Conditional Land Use Permit (CLUP) and Marsh Development Permit issued by the County and a Solid Waste Facility Permit (SWFP) issued by the Local Enforcement Agency.

Several environmental reviews have been prepared to comply with CEQA. Three environmental documents have been prepared regarding the project site since inception as a solid waste facility. A project EIR was prepared in 1983–1984 as part of the original county permitting process. A negative declaration for importation of wastes from Contra Costa County was prepared in September 1989. In 1992, a second EIR was initiated to evaluate changes in site development and operation.

In October 1995, Jones & Stokes Associates prepared a Draft Combined EIR for the Solano Garbage Company Landfill/Potrero Hills Landfill (State Clearinghouse No. 93-013020), referred to in this Draft EIR as the “1995 Combined EIR” (Jones & Stokes Associates 1995). In 1996, the County adopted and certified the 1995 Combined EIR, which addressed Phase I of the landfill (the currently permitted landfill), permitting of the PHLF access road, closure of the Solano Garbage Company landfill, and increased tonnages to be received at PHLF.

Thus in 1995–1996, all of the existing features of the PHLF and the potential environmental implications were considered in one master document. No significant unmitigatable impacts

were found in association with any of the project components. The road project involved the taking of wetlands and consequent creation of replacement and additional wetlands, removal of an existing county road (that was replaced by the new site access road), and restoration of historic tidal action in one area.

In February 2002, PHLF prepared a Joint Technical Document (JTD) (PHLF 2002a) that provides details on the development plans and manner of operation of PHLF. The report is one component of the documentation developed to summarize site design, guide site operations, and to respond to regulations adopted for the site. A JTD is required for an application for a Solid Waste Facility Permit under California Code of Regulations (CCR) Title 27. The JTD is used by the California Integrated Waste Management Board and the Local Enforcement Agency in their Solid Waste Facilities Permit review process. The JTD was submitted separately to the SCDEM and is available for review during normal business hours at the SCDEM office at 470 Chadbourne Road, Suite 200, Fairfield, California. The JTD provides detailed descriptions of the project components evaluated in this document. The JTD is, therefore, incorporated by reference into the EIR.

1.6 AGENCIES THAT MAY USE THIS EIR

The SCDEM is the lead agency for environmental review of the project. Several responsible or trustee agencies with review authority over the project also may use this EIR. The various local, state, and federal agencies that may use this EIR are discussed below. Table 1-1 lists the applicable regulations for the PHLF expansion project, the agency with jurisdiction, and the status of needed approvals or permits.

Table 1-1 Permit Information for Potrero Hills Landfill		
Regulatory Action	Agency	Status
Solid Waste Facilities Permit (Landfill)	Solano County Environmental Management Department (SCDEM)	Permit No. 48-AA-0075 adopted in December 1996; revision pending
Waste Discharge Requirements	Regional Water Quality Control Board San Francisco Bay Region (RWQCB)	Order No. 93-072 adopted July 1993; Order No. 93-113 adopted September 1993; revision pending
National Pollutant Discharge Elimination System Permit (Storm Water)	State Water Resources Control Board and San Francisco Bay RWQCB	General Permit No. 97-03-DWR; CAS 000001 and Permit No. 2485005448
Air Pollution Control Permits (Landfilling and Landfill Gas)	Bay Area Air Quality Management District	Plant No. 2039 Authority to Operate Issued 1985 and 1992; reapproved annually
Streambed Alteration Agreement	California Department of Fish and Game (DFG)	Submittal forthcoming

**Table 1-1
Permit Information for Potrero Hills Landfill**

Regulatory Action	Agency	Status
Section 401 Permit	San Francisco Bay RWQCB	Permit application is in preparation.
Section 404 Permit	U.S. Army Corps of Engineers, San Francisco District	File No. 15501E95A issued 1990; No. 21252E95 issued on August 29, 1995; wetland delineation verification letter received from Corps in May 2003; application is in preparation
State Endangered Species Act	DFG	Consultation pending
Federal Endangered Species Act	U.S. Fish and Wildlife Service	Consultation pending
Marsh Development Permit	SCDEM	Permit No. MD-88-09 adopted 1989; revised August 1996; revised on June 15, 2000; revision necessary to address all aspects of the proposed project.
Use Permit	SCDEM	Permit No. U-88-33 adopted 1989; revised August 1996; revised on June 15, 2000; revision pending
Reclamation Plan	SCDEM	Permit No. RP-84-02 (revised) adopted 1989
Closure Plan/ Post-Closure Plan	SCDEM	Final plans approved in 1996; revision pending
Corrective Action Financial Assurance	RWQCB	Estimate submitted in 1994; revision pending
Financial Assurance for Offsite Pollution	California Integrated Waste Management Board	Potrero Hills Landfill program established in 1994
Composting Facility Permit	SCDEM	Permit No. 48-AA-0084 issued on September 17, 1996; revision pending
Various construction permits	SCDEM	Will be obtained before commencing construction activities for individual project components
Source: PHLF 2002a		

1.6.1 SOLID WASTE MANAGEMENT LAWS AND REGULATIONS

The collection, recycling, and disposal of solid waste are governed by a myriad of statutes and regulations administered predominantly by state and local agencies. The following statutes and regulations are the primary regulatory body of laws governing solid waste management activities encompassed by the project.

CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989

The California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939) requires every city and county in the state to prepare a Source Reduction and Recycling Element for its Solid Waste Management Plan that identifies how each jurisdiction will meet the mandatory state waste diversion goal of 50%. The purpose of AB 939 is to “reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible.” The term “integrated waste management” refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. AB 939 has established a waste management hierarchy, which is as follows:

- ▶ Source reduction
- ▶ Recycling
- ▶ Composting
- ▶ Transformation
- ▶ Disposal

COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN

In 1995–1996, Solano County and its seven cities adopted the Countywide Siting Element of the Countywide Integrated Waste Management Plan (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” Subsequent to the adoption of the Countywide Siting Element, PHLF and B&J Landfill, serving the north county cities of Dixon and Vacaville, were issued amendments to their existing permits that allow for increases in daily tonnage. As a result, each landfill has increased its acceptance of wastes imported from areas outside the county, thereby reducing the total years of combined life expectancy of the existing facilities to a period less than the 15-year requirement set forth in the Public Resources Code.

This condition, as well as the potential for expansion of the landfill, was anticipated in the Countywide Siting Element:

There is sufficient remaining capacity in disposal sites receiving Solano County waste to satisfy the County and its cities’ waste disposal needs for the 15-year planning period, 1995–2010. The extent of the remaining waste disposal capacity after 2010, however,

would depend on the rate of landfilling at disposal sites receiving the wastes of Solano County jurisdictions and could be quite limited if imports of waste to landfills in Solano County are high. If PHLF expands its landfill onto the adjacent 211-acre parcel, the remaining waste disposal capacity of the PHLF site would be increased and would enable Solano County and its cities to provide the mandated minimum 15 years of waste disposal capacity for a much longer period of time.

PORTER-COLOGNE STATE WATER QUALITY CONTROL ACT

The Porter-Cologne Water Quality Act established nine regional water quality control boards under the State Water Resources Control Board (SWRCB) throughout the state to regulate discharges of wastes to land. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is one of the nine RWQCBs that are overseen by the SWRCB. The SWRCB, through its RWQCBs, regulates the disposal of wastes to land. Titles 23 and 27 of the California Code of Regulations and the Porter-Cologne Water Quality Act are the primary regulatory guidelines used by the RWQCBs. Title 27 specifies waste management requirements for the treatment, storage, and disposal of solid waste disposed to landfills. The nine RWQCBs are authorized to prepare watershed basin plans to protect the beneficial uses of both surface water and groundwater.

PHLF has been issued waste discharge requirements (WDRs) by the San Francisco Bay RWQCB. The current WDRs for PHLF were issued in 1993 (Orders No. 93-072 and No. 93-113). The WDRs specify measures to protect and monitor water quality. Any changes in operations that may affect water quality would require a revision to the WDRs.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT CODE

The Bay Area Air Quality Management District (BAAQMD) has primary jurisdiction for regulating nonvehicular sources of air pollution in the Bay Area and has issued specific regulations and permit requirements applicable to landfill operations. (Additional air quality-related requirements for landfill operations have been established on a statewide basis by the California Integrated Waste Management Board (CIWMB); these regulations address odor, landfill gas, and general nuisance issues.) PHLF is currently operating under terms of a permit from the BAAQMD (Permit to Operate for Plant No. 2039 and supplementary Permit to Operate No. 8898 for the landfill gas flare and associated collection wells).

BAAQMD permits are required for sources of pollutant emissions associated with most activities, including landfill operations.

ASSEMBLY BILL 1497

In its role as a responsible agency, the Local Enforcement Agency is responsible for approving the Solid Waste Facilities Permit (SWFP) after it receives concurrence on the permit from the California Integrated Waste Management Board. Assembly Bill 1497 (Chaptered 823, Statutes 2003), authored by Assembly Member Cindy Montañez (D-San Fernando Valley), requires the

Local Enforcement Agency to submit its proposed determination regarding whether a change to the solid waste facility will be approved to the California Integrated Waste Management Board (Board) for comment, and to hold at least one public hearing on the proposed determination. The public hearing must be held in accordance with specified notice requirements including the consideration of environmental justice issues when preparing and distributing the notice to ensure that the notice is concise and understandable for limited-English-speaking populations.

1.6.2 AGENCIES WITH JURISDICTION

In addition to the San Francisco Bay RWQCB and BAAQMD, the following agencies have jurisdiction over PHLF.

U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (USACE) is responsible under Section 404 of the Clean Water Act for regulating the discharge of fill into waters of the United States. The definition of “waters of the United States” was originally applied to navigable waters but has since been broadened to include tributaries to navigable waters, including adjacent wetlands. Adjacent wetlands include wetlands “separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like.” Discharge of fill is authorized under an individual permit or under one or more of several preauthorized nationwide permits.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Recent court decisions have redefined the roles and responsibilities of the USACE and the U.S. Environmental Protection Agency (EPA) for landfill activities. Since the proposed project would require minor amounts of wetland fill, the EPA is designated as the responsible permitting agency under Section 404(b)(1) of the Clean Water Act. The USACE retains the responsibility for verifying wetland delineations. The USACE San Francisco District staff conducted a verification site visit in October 2001 and a wetland delineation verification letter was received for the subject area in May 2003. A permit application is currently in preparation.

U.S. FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service (USFWS) lists endangered and threatened species, and protects these species and their habitats. Through Section 7 of the federal Endangered Species Act (ESA), USFWS has authority to require conditions on projects to ensure the continued existence of listed species. Section 7 consultations with the USFWS set the conditions that are included in permits to protect special-status species and their habitats. The USACE initiates the consultation for this project through the Section 404 process. Following consultation, a biological assessment may be required. After the USFWS reviews the biological assessment, USFWS writes a biological opinion. An incidental take permit may be required if the project

may adversely affect a listed species or its habitat despite implementation of mitigation and conditions.

CALIFORNIA DEPARTMENT OF FISH AND GAME

The California Endangered Species Act and the Native Plant Protection Act direct the California Department of Fish and Game (DFG) to protect and preserve rare, threatened, and endangered animal and plant species. This includes regulation of “take” of listed species and review authority over CEQA issues.

DFG also regulates stream crossings under Sections 1600–1601 of the California Fish and Game Code, through a streambed alteration agreement. This regulation is generally applied to lakes, streams, and other fluvial systems noted on the U.S. Geological Survey (USGS) quadrangle maps, even if the waterways are ephemeral streams. If aquatic or wetland wildlife values are affected by a proposed action, DFG may require mitigation. DFG issued a streambed alteration agreement to PHLF in June 1995 for construction of a replacement stockwater dam and pond.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

The CIWMB is authorized to regulate nonhazardous solid waste disposal under regulations contained in Title 27. The CIWMB reviews and approves integrated waste management plans, which are prepared by each county. Through the Environmental Health Division of the SCDEM, acting as the local enforcement agency (LEA), a Solid Waste Facilities Permit (SWFP) is issued after concurrence by the CIWMB. The LEA has the primary responsibility for solid waste management and enforcement, although the CIWMB reviews and issues concurrence for all plans dealing with the modification, expansion, and closure of landfills.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

The California State Legislature passed the Suisun Marsh Preservation Act in 1977 to preserve and enhance the quality and diversity of marsh habitats and to ensure the retention of upland areas adjacent to the Marsh in uses compatible with its protection. The Suisun Marsh Protection Plan (SMPP), developed by the San Francisco Bay Conservation and Development Commission (BCDC), implemented the regulatory requirements of the Suisun Marsh Preservation Act. The Suisun Marsh Preservation Act also required local agencies to develop local protection programs (LPPs) to bring county policies and ordinances into conformity with the Suisun Marsh Preservation Act and the SMPP. The SMPP regulates activities within a Primary Management Area (wetlands) and a Secondary Management Area (uplands adjacent to the Primary Management Area that serve as a buffer between the Marsh and adjacent lands).

Development within the Primary Management Area requires a marsh permit directly from BCDC. Marsh Development Permits for development in the Secondary Management Area are issued by Solano County.

The project site lies within the eastern edge of the Secondary Management Area. The county has the authority to issue the Marsh Development Permit. Granting of the permit can be appealed to BCDC if the decision appears to be inconsistent with the LPP, the Suisun Marsh Preservation Act, or the SMPP.

SUISUN RESOURCE CONSERVATION DISTRICT

The Suisun Resource Conservation District (SRCD) has jurisdiction over Suisun Marsh and its jurisdictional boundaries, which are, for the most part, coterminous with the marsh. The District has no permit approval authority over the project. The SRCD is an advisory agency with an interest in the project as it relates to the marsh.

COUNTY OF SOLANO

The county has the authority to review and approve the project permits, specifically the land use and marsh development permits and the SWFP. The proposed permits would require review by a number of county departments, including the Planning and Environmental Health Divisions of the SCDEM (acting as the local enforcement agency) and the Department of Transportation. Ultimately, county decision-makers (the County Planning Commission and Board of Supervisors, upon appeal) will decide whether to approve or deny the permits.

The county would also be responsible for issuing grading and encroachment permits for proposed construction, as well as building permits for proposed structures.

Under the provisions of the California Surface Mining and Reclamation Act (SMARA), the project applicant is required to comply with the reclamation requirements of SMARA for the existing quarry located within the project area. This area would be subject to landfilling and, ultimately, reclamation under the facility's closure and post-closure monitoring plans. Accordingly, the applicant proposes to coordinate with the county in petitioning the California Division of Mines and Geology to request that the responsibility for regulating reclamation be assigned to the county as part of their authority in regulating the landfill's closure.

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