



SOLANO COUNTY
Department of Resource Management
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Birgitta Corsello, Director
Cliff Covey, Asst Director

October 4, 2004

Honorable Peter B. Foor,
Presiding Judge
Superior Court of California
County of Solano

RE: Solano County Department of Resource Management (DRM) response to the 2003-2004 Grand Jury Report

Dear Honorable Peter B. Foor;

Please find the Department of Resource Management's response to the 2003-2004 Grand Jury report. As background, please be advised that the Department of Resource Management was created by the Board of Supervisors by county Ordinance in May 2004. The Department encompasses the Department of Transportation (DOT) and the Department of Environmental Management (DEM). I respectfully submit the Department of Resource Management's (DRM) responses to the specific reports included in the 2003-2004 Grand Jury Report that refer to either of the two previous departments. Our response includes the finding and the recommendation and the Department's response to each.

Land Planning and Environment – Biosolids (Pages 63 – 68)

Grand Jury Finding # 1: The County has developed adequate regulations and monitoring procedures to maintain safety for the residents near biosolids sites (9)(10)(11).

Department Response Finding #1: The Department agrees with the finding.

Grand Jury Recommendation # 1: DEM continue to enforce regulations and monitor biosolids applications sites.

Building & Safety
Carlos Silva, Chief
Building Official

Planning Services
Mike Yankovich
Program Manager

Environmental
Health
Terry Schmidbauer
Program Manager

Administrative
Services
Daniel Bellem
Staff Analyst

Public Works-
Engineering
Paul Wiese
Engineering Manager

Public Works-
Operations
Steve Hilas
Operations Manager

Department Response Recommendation # 1: The Department concurs with the grand jury recommendation and will continue to enforce regulations and monitor biosolids applications sites, to ensure protection of public health and the environment. The recommendation has been implemented through the continued staffing of the oversight functions by DRM.

Grand Jury Finding # 2: There is no evidence that the spreading of biosolids under the conditions set by the County is unsafe or hazardous to health. (Refer to National Academy of Sciences Report-Biosolids Applied to Land: Advancing Standards and Practices, 2002).

Department Response Finding# 2: The Department agrees with the finding as stated at this time.

Grand Jury Recommendation # 2: DEM continue to meet with stakeholders to monitor any new scientific findings in this area.

Department Response Recommendation # 2: The Department concurs with the recommendation and it has been implemented. DRM has met with stakeholders prior to the beginning to the land spreading season and will meet again with stakeholders at the end of the season and will prepare an End of the Year Report that will be presented to the Solano County Board of Supervisors. DRM will continue to seek out and review current research funding regarding biosolids application and attend pertinent educational symposiums. Additionally, DRM staff will continue to promote the opportunity for researchers to partner with Solano County and use funding to study the biosolids land application program in Solano County. The funding was approved by the Board of Supervisors and raises \$ 10.00 per acre applied with biosolids for research and education.

Grand Jury Finding # 3: A 2001 incident of biosolids application caused unacceptable odors. This situation has not been repeated since the new County regulations went into effect in April 2003. (6)(9)(10)(11)(12)

Department Response Finding # 3: The Department agrees with the finding.

Grand Jury Recommendation # 3: DEM should continue to enforce regulations to ensure that biosolids applications do not cause any nuisances to nearby residences.

Department Response Recommendation # 3: The Department concurs with the recommendation and it has been implemented. DRM staff is performing daily inspections and collecting samples to ensure compliance to Solano County Code, Chapter 25 regulations.

Grand Jury Finding # 4: Citizens' committees have taken an active role in helping to develop regulations to address their concerns about possible negative effects of biosolids applications in the county. There continues to be a level of apprehension about biosolids and dissatisfaction with the regulations (6)

Department Response Finding # 4: The Department agrees with the finding.

Grand Jury Recommendation # 4: DRM should continue to monitor scientific research in this area and recommend updating regulations as needed. Stakeholders and other interested parties should continue to be involved in the process.

Department Response Recommendation # 4: The Department concurs with the recommendation and it has been implemented. DRM continues to provide an opportunity for stakeholders to play an active role in the overall process. Stakeholders meetings are scheduled prior and following the land application season of April 15 – October 15. Additionally, the year end report to the Board of Supervisors is given at a public hearing to give every opportunity to provide input about the biosolids land application program. It should be noted that at conferences/symposiums sponsored by the USEPA in 2003 and 2004, models for stakeholder input, which are currently being implemented by Solano County DRM were highlighted. The DRM will continue to recommend changes to the biosolids program to the Board of Supervisors, if deemed appropriate, based on inspections findings, sample results and emerging science.

Grand Jury Finding # 5: Solano County is one of the few California counties that regulate biosolids application. (9)(10)(11)

Department Response Finding # 5: The Department agrees with the finding.

Grand Jury Recommendation # 5: The County should continue this cutting-edge program to insure the health and welfare of all citizens while maintaining the agricultural viability of Solano County.

Department Response Recommendation # 5: DRM concurs with the recommendation and the recommendation will continue to be implemented. . DRM will continue with the implementation of the Biosolids Program following regulations contained in Solano County Code, Chapter 25. This implementation currently includes the inspection and sampling that exceeds other jurisdictions. Additionally, as stated previously, DRM will continue to seek educational opportunities and current scientific literature/findings to maintain and expand our knowledge.

RMD will be faithful to its mission which is “to assist the Board of Supervisors in providing for the well being of Solano County's present and future residents and the public at-large through administration and enforcement of Federal, State, and Local laws and policies pertaining to environmental health, building construction, and land use planning, which have been adopted to preserve and protect the individual, the public, and the environment, and further the economic stability of the County.”

Grand Jury Finding # 6: RMD and the applicator are documenting citizen complaints, taking concerns seriously and responding appropriately. (12)

Department Response Finding # 6: The Department agrees with the finding.

Grand Jury Recommendation # 6: RMD continue to document and respond to complaints, and produce an annual report to the County Board of Supervisors.

Department Response Recommendation # 6: DRM concurs with the recommendation and it has been implemented as part of the county ordinance which DRM is responsible for enforcing. DRM will continue to respond to complaints expeditiously. This year the DRM has added a web based complaint mechanism in which any citizen can log a complaint related to the land spreading of biosolids at any time. DRM responds to complaints through a series of steps. These include: complaint verification, contacting the complainant, performing site inspection, providing a timely response to the complainant, coordinating with applicator to resolve problems (if any) and log the resolved complaint which will be included in the year end report.

Grand Jury Finding # 7: Farmers/ranchers report economic benefits in terms of agricultural productivity as a result of biosolids applications. The general public gains from the ability to recycle waste rather than using up landfills. (1)(4)

Department Response Finding # 7: The Department agrees with the finding.

Grand Jury Recommendation # 7: Use of biosolids in permitted locations should be allowed to continue as an economic benefit to the agricultural community and a benefit to the general public in terms of waste recycling.

Department Response Recommendation # 7: The recommendation has been implemented. DRM will continue to permit the land application of biosolids in conformance to the ordinance and provide regulatory oversight to ensure that public health and the environment is adequately protected while providing an economic benefit to farmers and general benefit to the public through recycling. In addition, DRM echoes the grand jury comments recognizing the positive impact that stakeholders, including concerned citizens have had on the development of the County biosolids regulations. Their continuing interest and willingness to contribute to the formulation of county-wide policy has placed Solano County in the forefront among California communities in addressing the land application of biosolids.

DRM is pleased to acknowledge the grand jury concurrence with the 2002 Agricultural Overview given by the Solano County Board of Supervisors which stated that: "Solano County is a desirable place to live because of its rural characteristics. The BOS has determined that the best use for agricultural/open space land is to preserve agricultural operations. Slight unavoidable inconveniences may arise from agricultural activities but are a small price to pay for the lifestyle we all enjoy."

DRM appreciates the opportunity to provide a response to the Biosolids 2003-2004 Grand Jury Report.

Solano Flood Control (Sweeny Creek) – (pages 69-70)

Grand Jury Finding # 1: Flooding continues to be a problem in Solano County.

Other Agency Response: SCWA agrees with this finding.

Department Response Finding # 1: The department agrees that flooding during significant rain fall events do result in flooding in the lower lying areas.

Grand Jury Recommendation # 1: Solano County Board of Supervisors, SCWA Board of Directors, and other effected agencies, must continue to work to relieve the problem of flooding throughout the county for the health, safety and welfare of county residents.

Other Agency Response: SCWA agrees with this recommendation and continues to implement the Flood Control Master Plan approved by the Board of Directors. SCWA also coordinates with Solano County on flood related matters on a regular basis. Some areas of coordination have been identified for improvement and Solano County and SCWA are working to improve coordination. SCWA is working on a supplemental response to the 2002 – 2003 Grand Jury who made a recommendation that flood control responsibility be assigned to the Solano County Department of Environmental Management. SCWA is developing a Strategic Plan which will be addressing our future role in flood control and we plan to respond to the Grand Jury in more detail after that plan has been completed.

Department Response Recommendation # 1: The recommendation continues to be implemented as described in the SCWA response and the Department of Resource Management staff participate in the planning, design review and implementation of solutions.

Grand Jury Finding # 2: Work accomplished on this portion of Sweeney Creek greatly reduced flooding in the area of Allendale and I-505.

Other Agency Response: SCWA partially agrees with this finding. The work accomplished in Sweeney Creek was maintenance type work which did reduce flooding in recent storms. However, our studies show this type of maintenance work has a minimal impact on larger floods such as those that occurred in December of 2002.

Department Response Finding # 2: The DRM concurs with the SCWA's response.

It should be noted that: In a recent presentation and report by SCWA's consultant, it was shown that the maintenance work recently completed will only help in the average annual storm event (1 year storm). They are working on a proposed project design which will relieve flooding in a 3-4 year event, but this project may be contingent upon an assessment district and increased SCWA funding.

Grand Jury Recommendation # 2: Work that was not accomplished between Sweeney Creek from I-505 to the Weir must be completed. SCWA should meet with land owners to discuss problem areas and re-evaluate this area yearly to ensure the creek is maintained, and flooding is reduced to the minimum.

Other Agency Response: SCWA assumes that the "Weir" reference in the recommendation is the wing-wall structure just downstream of Leisure Town Road. SCWA has an agreement with the landowner to perform maintenance in this area and continues to maintain this part of the creek on

an annual basis. Work to remove blockages and some dredging in this reach of Sweeney Creek was done last year. We are now in our second year of maintenance. As part of our Sweeney Creek Watershed Study, we are also looking at longer term improvements which should improve the flood carrying capacity of this part of Sweeney Creek

Department Response Recommendation #2: No additional response is required by the department.

Grand Jury Finding # 3: Elderberry bush in the creek support an endangered insect species. This plant be removed in accordance with environmental rules as it impedes the flow of water in the creek.

Other Agency Response: SCWA agrees with this finding.

Department Response Finding # 3: The Department agrees with the finding.

Grand Jury Recommendation # 3: Caltrans and SCWA partner with the Resources Conservation District to develop a plan to grow endangered plants species for mitigation of removed plants.

Other Agency Response: The Elderberry Bush is in the right-of-way of Cal Trans. SCWA and Cal Trans have entered into an agreement for maintenance of this portion of Sweeney Creek, where SCWA performs the work and Cal Trans reimburses SCWA for the cost. We plan on removing the Elderberry Bush and mitigating its impacts either in an approved mitigation bank or through other measures approved by the U.S. Fish and Wildlife Service

Department Response # 3: No response required. The recommendation is not specifically directed at DRM.

Grand Jury Finding # 4: Arundo” a false bamboo weed that is extremely evasive and can create a natural dam to causing flooding.

Other Agency Response: SCWA agrees with this finding.

Department Response Finding # 4: The Department agrees with the finding.

Grand Jury Recommendation # 4: Caltrans and SCWA partner with the Resource Conservation District to develop and eradication plan.

Other Agency Response: SCWA includes Arundo eradication as a part of its annual maintenance program for Sweeney Creek.

Department Response # 4: No response required. The recommendation is not specifically directed at DRM.

Grand Jury Finding # 5: The culvert installed south of Putah Canal has a “backwash” when Sweeney Creek is full causing slight flooding. A flap gate was not placed on the culvery when installed.

Other Agency Response: SCWA agrees with this finding.

Department Response Finding # 5: The Department agrees with the finding.

Grand Jury Recommendation # 5: Install a flap gate.

Other Agency Response: SCWA implemented to recommendation. The work was authorized and funded and the flap-gate was installed.

Department Response Recommendation # 5: No response required. The recommendation is not specifically directed at DRM.

Sincerely,



Birgitta E. Corsello, Director
Department of Resource Management

Attachment – SCWA response to 03/04 Grand Jury Report.

Cc: Solano County BOS
Solano County Water Agency
DRM staff

R:\2003 2004 Grand Jury Report

September 9, 2004

Peter B. Foor, Presiding Judge of the Superior Court
Hall of Justice
600 Union Avenue
Fairfield, CA 94533

Dear Judge Foor:

This letter constitutes the response of the Solano County Water Agency to the 2003 – 2004 Solano Grand Jury Report regarding “Solano County Flood Control (Sweeney Creek)”. The Solano County Water Agency Board of Directors authorized this letter at their September 9, 2004 meeting.

FINDING NO. 1:

Flooding continues to be a problem in Solano County.

Response:

SCWA agrees with this finding.

RECOMMENDATION NO. 1:

Solano County Board of Supervisors, SCWA Board of Directors and other affected agencies must continue to work to alleviate the problem of flooding throughout the County for the health, safety and welfare of county residents.

Response:

SCWA agrees with this recommendation and continues to implement the Flood Control Master Plan approved by the Board of Directors. SCWA also coordinates with Solano County on flood related matters on a regular basis. Some areas of coordination have been identified for improvement and Solano County and SCWA are working to improve coordination. SCWA is working on a supplemental response to the 2002 – 2003 Grand Jury who made a recommendation that flood control responsibility be assigned to the Solano County Department of Environmental Management. SCWA is developing a Strategic Plan which will be addressing

our future role in flood control and we plan to respond to the Grand Jury in more detail after that plan has been completed.

FINDING NO. 2:

Work accomplished on this portion of Sweeney Creek greatly reduced flooding in the area of Allendale and I-505.

Response:

SCWA partially agrees with this finding. The work accomplished in Sweeney Creek was maintenance type work which did reduce flooding in recent storms. However, our studies show this type of maintenance work has a minimal impact on larger floods such as those that occurred in December of 2002.

RECOMMENDATION NO. 2:

Work that was not accomplished between Sweeney Creek and I-505 to the Weir must be completed. SCWA should meet with local landowners to discuss problem areas and reevaluate this area yearly to ensure that the creek is maintained and flooding is reduced to a minimum.

Response:

SCWA assumes that the “Weir” reference in the recommendation is the wing-wall structure just downstream of Leisure Town Road. SCWA has an agreement with the landowner to perform maintenance in this area and continues to maintain this part of the creek on an annual basis. Work to remove blockages and some dredging in this reach of Sweeney Creek was done last year. We are now in our second year of maintenance. As part of our Sweeney Creek Watershed Study, we are also looking at longer term improvements which should improve the flood carrying capacity of this part of Sweeney Creek.

FINDING NO. 3:

Elderberry Bush in the creek may support an endangered insect species. This plant should be removed in accordance with environmental rules, as it impedes the flow of water in the creek.

Response:

SCWA agrees with this finding.

RECOMMENDATION NO. 3:

Cal Trans and SCWA partner with the Resource Conservation District to develop a plan to grow endangered plant species for mitigation of removed plants.

Response:

The Elderberry Bush is in the right-of-way of Cal Trans. SCWA and Cal Trans have entered into an agreement for maintenance of this portion of Sweeney Creek, where SCWA performs the work and Cal Trans reimburses SCWA for the cost. We plan on removing the Elderberry Bush and mitigating its impacts either in an approved mitigation bank or through other measures approved by the U.S. Fish and Wildlife Service.

FINDING NO. 4:

Arundo, a false bamboo weed that is extremely invasive and can create a natural dam causing flooding.

Response:

SCWA agrees with this finding.

RECOMMENDATION NO. 4

Cal Trans and SCWA partner with the Resource Conservation District to develop an eradication plan.

Response:

SCWA includes Arundo eradication as a part of its annual maintenance program for Sweeney Creek.

FINDING NO. 5:

The culvert installed south of Putah Canal has a “backwash” when Sweeney Creek is full, causing slight flooding. A flap-gate was not placed on culvert when installed.

Response:

SCWA agrees with this finding.

RECOMMENDATION NO. 5:

Install a flap-gate.

Response:

A flap-gate has been installed.

If you have any questions please contact the SCWA General Manager, David Okita, at 451-2094.

Sincerely,

Duane Kromm
Chairman, Solano County Water Agency

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