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SEP 24 2004

County Court
COUNTY OF SONOMA

September 23, 2004

Steven M Woodside
Sonoma County Counsel
575 Administration Drive, Room 105A
Santa Rosa, CA 95403

Re: Liability for Petaluma Garbage

Dear Mr. Woodside:

I have been retained by the City of Petaluma to represent it with regard to legal issues arising from its diversion of its solid waste from Sonoma County's Central Landfill. There are several items of correspondence from you and from David Knight alleging the existence of legal obligations owed by the City of Petaluma for which I can find no support in the documents and agreements I have reviewed. This letter is a request for citations to authorities in support of those allegations.

Firstly, in your letter of May 26, 2004, to Richard Rudansky, you claim that Petaluma's liability for remediation and response costs already incurred is \$1.5 to \$2.5 million. How was that estimate determined? From what fund were those costs paid to which is owed the amount you claim is Petaluma's share? Why were the portion of tipping fees collected historically to be allocated to remediation and response costs insufficient to pay for actual remediation and response costs incurred?

Secondly, you state that Petaluma's liability for future remediation and response costs is estimated to be \$230,000 per year. Again, how was that estimate determined? Why should Petaluma have any liability for future remediation and response costs if it ceases to be a generator and arranger? If these future costs are for remediation and response to waste releases already occurring, why is it anticipated that the portion of tipping fees collected historically to be allocated to remediation and response costs will be insufficient to pay for future remediation and response costs incurred?

Thirdly, you assert that the 2003 Countywide Integrated Waste Management Plan "is based on the assumption that each jurisdiction of the Regional Agency will be sending its waste to County disposal facilities." I can find no such assumption stated

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in the document, but it is voluminous. Could you direct me to the language of the Plan that states that assumption?

David Knight, Director of the Sonoma County Waste Management Agency, in a memorandum to the members of the JPA dated June 16, 2004, contends that Petaluma owes the JPA \$3.50 per ton of waste that was deposited in landfills other than Sonoma County's Central Landfill. I can find no provision of the JPA Agreement that obligates any of its members to deposit its waste in the Central Landfill, nor, in fact, any provision obligated any of the JPA's members to do anything, at all, with their ordinary solid waste. Can you direct me to the provision of the JPA Agreement that the County contends obligates its members to pay \$3.50 per ton of waste generated even if not deposited into the Central Landfill?

Mr. Knight also threatens to ban Petalumans from self-hauling to all facilities, including the Central Landfill. Again, I can find nothing in the JPA Agreement that permits the JPA to exclude citizens of members that opt out of the JPA's programs from disposing of the special wastes in those programs, nor anything that permits the JPA to exclude any Sonoma County resident from using the Central Landfill. Perhaps you can direct me to documents or language that indicates otherwise.

Thank you, in advance, for your assistance.

Very truly yours,



Joshua Genser

JGG/dc

cc: Michael A. Bierman