



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: March 3, 2015

Subject: Permit review to consider new and modified conditions of approval for Keller Canyon Landfill's Land Use Permit

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**RECOMMENDATION(S):**

1. RECEIVE additional testimony on proposed new and modified conditions of approval for the Keller Canyon Landfill land use permit, and CLOSE the public hearing.
2. ACCEPT the resolution on the Permit Review hearing conducted by the County Planning Commission, presented in Exhibit A.
3. CONSIDER and SELECT Option A or B as the Selected Version of the new and modified conditions of approval for the Keller Canyon Landfill land use permit;
  - **Option A:** proposed conditions that were originally presented to the Board of Supervisors on December 16, 2014, as recommended by the County Planning Commission (Exhibit B), OR
  - **Option B:** proposed conditions that allow limited direct haul subject to on-site material recovery requirements (Exhibit C).
4. FIND that the Selected Version of the proposed new and modified land use permit conditions are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), as the new and modified permit conditions will not have any significant effects on the environment, and DIRECT Department of Conservation and Development (DCD) staff to file a Notice of Exemption.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **03/03/2015** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 3, 2015

Contact: David Brockbank, (925)  
674-7794

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

## RECOMMENDATION(S): (CONT'D)

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5. APPROVE the Selected Version of the new and modified conditions of approval for the Keller Canyon Landfill land use permit, County File #LP89-2020.
6. DIRECT Department of Conservation and Development staff to schedule the next Keller Canyon Landfill permit review hearing before the County Planning Commission in one year.

## FISCAL IMPACT:

The Land Use Permit (LUP) review has no impact to the County General Fund. Keller Canyon Landfill (KCL) Company is responsible for providing reimbursement for the County's staff costs associated with the Permit Review process. The fiscal impact of the new and modified conditions is discussed in the response to Directive 3.

## BACKGROUND:

At the last KCL Permit Review hearing on December 16, 2014, the County Board of Supervisors (Board) unanimously approved modified conditions of approval numbers 20.3, 25.4, and 31.5. These conditions were modified from the original land use permit, County File #LP89-2020, and pertained to material used for daily cover at the landfill. Staff has prepared an alternative version of the proposed new and modified conditions, referred to as Option B, for consideration by the Board as explained near the end of this report following the response on Directive 5. The Board was not prepared to make a decision on the remaining recommendations without considering additional information. Therefore, the Permit Review was continued to March 3, 2015 as an open public hearing and staff was directed to research and report back regarding the following five items.

### ***Directive 1. Provide a list of local cities that do not have Construction and Demolition (C&D) ordinances.***

Staff primarily relied on city websites or staff to verify current ordinance status, however in one case information was obtained from the applicable solid waste authority. The following alphabetic lists identify the thirteen Contra Costa County cities that have adopted a local C&D ordinance and the six cities that have not. It is worthwhile to note that local C&D ordinances have become less significant in recent years and in some cases even inconsequential due to the expanded statewide requirements that took effect in 2014. All jurisdictions (city or unincorporated county) within California are subject to the C&D debris recovery requirements contained within the State's 2013 California Green Building Standards Code (CalGreen), unless they already have a local ordinance with more stringent requirements. Agencies currently enforcing building codes for the applicable building occupancy types are also responsible for applicable enforcement of CalGreen requirements.

The County's C&D ordinance which had applied to covered projects (over 5,000 square feet) in the unincorporated area is generally less stringent and has in effect been preempted by the statewide standards in CalGreen. Most of the C&D ordinances adopted by local cities are triggered if projects either exceed a specified size (square feet) or cost (dollar value), rather than the type of building as is the case with CalGreen.

#### Adopted local C & D ordinance

Antioch  
Brentwood  
Clayton  
Concord  
Danville  
Lafayette  
Martinez  
Moraga  
Oakley  
Orinda  
Pleasant Hill  
San Ramon  
Walnut Creek

#### No local C&D ordinance adopted

El Cerrito  
Hercules  
Pinole  
Pittsburg  
Richmond  
San Pablo

CalGreen requires that at least 50% by weight of debris from applicable construction or demolition project job sites be recycled, reused, or otherwise diverted from landfill disposal. This requirement applies to demolition projects and new occupiable buildings being constructed, including additions or alterations of buildings where the changes increase the building's conditioned (habitable) area, volume or size. CalGreen requires submission of plans and verifiable post-project documentation to demonstrate that at least 50% of the nonhazardous C&D debris generated on the job site are salvaged for reuse, recycled, or otherwise diverted.

***Directive 2. Assess a potential change to the Local Enforcement Agency proposed by the City of Pittsburg.***

In response to the Board of Supervisors' request, the Pittsburg City Manager submitted a letter on January 9, 2015 (Exhibit D). The City of Pittsburg proposed that the Pittsburg Local Enforcement Agency (Pittsburg LEA) assume responsibility for solid waste inspection and enforcement at Keller Canyon Landfill. Under the City's proposal, there would be a transitional period where the Pittsburg would work with the County LEA on matters related to the landfill.

Contra Costa Environmental Health (CCEH) reviewed the proposal and applicable legal requirements. The laws and regulations that govern the designation and certification of local enforcement agencies do not authorize Pittsburg's LEA to take on these duties because the landfill is located in an unincorporated area.

Under the Public Resources Code (PRC), only the Board of Supervisors may designate an enforcement agency to enforce solid waste laws in unincorporated areas. In a city, only the city council may designate an enforcement agency to enforce solid waste laws in that city (PRC §§ 43202 & 43203). Under the California Code of Regulations (CCR), the Board of Supervisors may designate one local agency to be the County's enforcement agency. After the designated agency has been certified by the California Department of Resources Recycling and Recovery (CalRecycle), then that certified agency is the only LEA in the unincorporated area of the County. Similarly, a city may designate one local agency to be its enforcement agency (CCR Title 14, §§ 18050 & 18070).

Based on these laws, only one enforcement agency can be designated within the unincorporated area of Contra Costa County. Under these laws, the Pittsburg LEA cannot be designated by the City of Pittsburg as the enforcement agency for the Keller Canyon Landfill because the landfill is located in an unincorporated area which is the County's jurisdiction.

Contra Costa Environmental Health (CCEH) has served as the LEA in the unincorporated area since 1992. In addition, 18 of the County's cities have designated CCEH as their LEA.

CCEH staff has reviewed the proposal submitted by the City of Pittsburg. In its capacity as the County LEA, CCEH has indicated it is opposed to Pittsburg's proposal and remains committed to fulfilling its solid waste enforcement duties in Contra Costa County.

***Directive 3. Amount of waste currently being direct hauled to Keller Canyon that could be recovered and would therefore have to go through a transfer station as a result of the new / modified conditions of approval and possible decrease in associated fees paid to the County.***

This Directive is only relevant to changing the Land Use Permit (LUP) conditions as proposed in Option A. Staff has collected and analyzed all available data to offer our best estimates which were derived from a combination of variables, some of which had to be based on assumptions. Staff did not have to rely on assumptions for three of these variables because this data is included in reports submitted by the operator: actual tons of material hauled directly to KCL, actual jurisdiction of origin for each load of material, and actual material types. All of the following variables rely on assumptions which have the potential to significantly alter the outcome depending on what is assumed:

1. Question: Where would the C & D material go if not hauled directly to KCL?

*Assumption: Total amount originating in each jurisdiction within Contra Costa County would go to the nearest in-County transfer station. Loads from other counties would probably not go to an in-County transfer station, but if so it would end up at the nearest in-County transfer station.*

2. Question: How much C & D material would be diverted at in-County transfer stations?

*Assumption: Average of 91% diversion for the Recycling Center & Transfer Station in Pittsburg, according to letters from the facility operator and an average of 50% diversion for both the Contra Costa Transfer & Recovery Station in the Martinez area and the Golden Bear Transfer Station in North Richmond, according to the certified facility list published by the Central Contra Costa Solid Waste Authority.*

3. Question: What gate rate would be paid by customers for C & D loads?

*Assumption: All tons would be subject to the current standard C&D gate rate of \$83.00 per ton. Actual rates paid vary significantly (and are mainly lower), but no data is available relating tons of disposal to specific rates, as further explained below.*

Tonnage amounts fluctuate seasonally and from year to year based on a wide range of factors, such as the economy which seems to have a direct impact on waste generation (more disposal when the economy is doing well). Therefore, staff is providing estimated annual average tonnage or dollar amounts calculated using actual reported tonnage by origin for the applicable waste types over a 4.75 year period starting in 2010.

Some of the County fees are paid based on tonnage amounts, however the highest fee paid to the County is the Surcharge required in the Landfill Franchise Agreement which is based on gate revenue (varies based on actual rates paid by customers during any given period). The Landfill sets its own rates which can vary based on waste type and customer. Since DCD staff does not know the actual rates charged for each load, we estimated fee impact using a flat gate rate since the Landfill operator indicated that most customers pay KCL's standard C&D gate rate. It is worth noting that this conservative assumption potentially over-estimates the potential fee impact noted as the Franchise Surcharge since it is based on a gate rate that in some cases may be substantially higher than the actual rate paid by some customers.

The majority of loads hauled directly to KCL for disposal contain contaminated soils, wastewater biosolids/byproducts, street sweepings and various other special wastes. These special wastes are legally classified as Class II because they are contaminated but fall below the hazardous waste thresholds. These Class II wastes are not suited for handling at transfer stations. Therefore, the restrictions on direct haul are focused on C&D loads which can be readily identified as being potentially recyclable at local transfer stations.

POTENTIAL INCREASE IN DIVERSION: Staff's estimates are summarized below. Most of the direct-hauled C & D has generally come from jurisdictions within Contra Costa County, however 23.2% originated outside the County. See the table in Exhibit I for more details about the waste diversion estimates summarized below.

OPTION A - Staff's estimates do not assume any of the C & D originating outside the county would be diverted because the amount of speculation required makes any diversion assumptions quite arbitrary. The worst case scenario assumption would be that all of the loads of C & D material previously direct hauled to KCL would bypass in-County transfer stations and instead be disposed of at out-of-county landfills (0% diversion). If only those loads originating within Contra Costa County ended up going to the local transfer stations nearest each jurisdiction (63% diversion) and the out-of-county loads were disposed of in other landfills (0% diversion), it would result in a total combined diversion rate of 48.5%. If all C & D loads instead went to one of the three in-County transfer stations, staff estimates that approximately 60% of the C & D material would be diverted.

OPTION B - If C & D loads continued being direct hauled to KCL and the proposed on-site material recovery operation were to be established on-site in compliance with the recommended conditions, the landfill operator would need to achieve and maintain an average diversion rate of 50% for direct hauled C & D materials.

POTENTIAL REDUCTION IN COUNTY FEES: Potential estimated reductions in County fees paid at KCL vary quite a bit depending on where the previously direct hauled C & D loads end up. See the table in Exhibit I for additional context related to the potential fee reduction estimates summarized below.

OPTION A - Some of the C & D loads would end up in one of the in-County transfer stations, so staff developed the estimates reflected in the tables below based on the amount of in-County disposal expected to result from the in-County transfer station utilization used for the two diversion scenarios discussed above.

OPTION B - If C & D loads continued being direct hauled to KCL and the proposed on-site material recovery operation were to be established on-site, the landfill operator would continue paying all County fees on total C & D tonnage. Since County fees would be paid on tons disposed and diverted, there would be no projected reduction in County fees. Based on the current standard C & D gate rate charged at Keller and the average annual tons in recent years, the estimated average annual County fee revenue that would be generated if these C& D loads continued going directly to KCL would be \$305,854.

**ESTIMATED ANNUAL REDUCTION IN COUNTY FEES FROM KCL IF OPTION A IS APPROVED**

Surcharge/Fee Type	Purpose	If all C&D direct haul loads went to Closest in-County Transfer Station	If only in-County C&D direct haul loads went to Closest in-County Transfer Station
Franchise Surcharge (varies based on gate rates)	General Fund	\$159,614	\$190,094
Mitigation Fee (\$1.75/ton)	Host Community	\$17,634	\$21,002
Mitigation Fee (\$1.25/ton)	City	\$12,596	\$15,001
LEA Fee (\$1.25/ton)	Monitoring & Enforcement	\$12,596	\$15,001
AB939 Fee \$1,800 (\$0.15/ton)	Countywide Recycling Hotline & Reporting	\$1,511	\$1,800
Bailey Road Improvement Disposal Surcharge (\$0.32/ton)	Reimbursement for Road Improvements	\$3,225	\$3,840
Bailey Road Maintenance Disposal Surcharge (\$0.68/ton)	Future Road Maintenance (County/City)	\$6,852	\$8,161
<b>Total Potential Reduction in Annual County Fees</b>		<b>\$214,028</b>	<b>\$254,899</b>

**ESTIMATED ANNUAL INCREASE IN COUNTY FEES FROM TRANSFER STATIONS IF OPTION A IS APPROVED**

County Fees Payable at in-County Transfer Stations for C & D Materials to be Disposed	Purpose	If all C&D direct haul loads went to Closest in-County Transfer Station	If only in-County C&D direct haul loads went to Closest in-County Transfer Station
Franchise Surcharge - Contra Costa Transfer & Recovery Station, Martinez Area (varies based on gate rate)	General Fund	\$38,129	\$31,385
LEA Fee - Contra Costa Transfer & Recovery Station, Martinez Area (\$1.25/ton)	Monitoring & Enforcement	\$10,098	\$8,312
AB939 Fee - Contra Costa Transfer & Recovery Station, Martinez Area (\$0.15/ton)	Countywide Recycling Hotline & Reporting	\$1,212	\$997
Joint City/County Mitigation Fee - Golden Bear Transfer Station, North Richmond (\$3.57/ton)	Host Community	\$16,184	\$7,491
LEA Fee - Golden Bear Transfer Station, North Richmond (\$1.25/ton)	Monitoring & Enforcement	\$5,667	\$2,623
AB939 Fee - Golden Bear Transfer Station, North Richmond (\$0.15/ton)	Countywide Recycling Hotline & Reporting	\$680	\$315
<b>Total Potential Increase in Annual County Fees</b>		<b>\$71,969</b>	<b>\$51,123</b>

***Directive 4. Obtain the information needed from Republic in order to estimate the time frame necessary to***

***complete permitting and the CEQA processes that would allow on-site processing of C & D at Keller Canyon.***

The landfill operator provided DCD staff with an outline (Exhibit E) describing key characteristics of the on-site C & D processing operation initially proposed in the letter dated December 16, 2014 and submitted to the Board by Scott Gordon, attorney for KCL (Exhibit F). The site and operational changes proposed to recover some of the C & D materials that would otherwise be disposed of in the landfill are relatively minor in nature. The proposal does not include any new buildings or stationary sorting or grinding equipment. The landfill operator has indicated that the proposed changes could be implemented within three to six months of securing the required approvals. Changes proposed at KCL in order to implement on-site recovery of C & D materials include:

- an all-weather pad would be installed to facilitate off-loading and sorting of certain materials contained within incoming loads of C&D debris direct hauled to the landfill;
- mixed C&D loads would be stored temporarily on the all-weather pad until a sufficient quantity of material is stockpiled to warrant sorting;
- C&D would be sorted manually with the aid of existing equipment (e.g. excavator, backhoe, etc.) when needed in order to pull out certain types of material;
- recovered C & D materials would be segregated by type and consolidated into designated storage bunkers (walled off areas on the pad) or bins (large containers that can be readily transported) awaiting removal for beneficial use on-site or transport off-site; and
- most recovered materials would remain in storage bunkers/bins until they needed to be removed and utilized on-site for beneficial reuse purposes, however recovered wood would be stored in bunkers/bins until needing to be transported off-site for use at biomass facility(ies).

These proposed changes would not require an LUP amendment. These can all be reviewed and approved by DCD administratively if submitted in the form of a revised Material Recovery Program pursuant to LUP Condition 31.4. The existing condition language requires the landfill operator to “prepare and implement a program for recovering recyclable materials from refuse loads brought directly to the landfill.” CEQA does not require environmental review for proposed activities which are allowed within the parameters of existing permit conditions. Land owners are entitled to establish and operate a project once approved in a manner consistent with any applicable permit requirements imposed by the approving authority after considering the project's potential environmental impacts identified as a result of any applicable CEQA review. No further CEQA review is required in order to authorize implementation of this type of proposed on-site recovery operation under KCL's LUP because such had already been contemplated within the existing conditions approved when the project's original Environmental Impact Report (EIR) was approved in 1990. Therefore, the only process necessary prior to initiating the proposed on-site recovery activity in order to satisfy requirements of the LUP will be the administrative review and approval of a detailed project description.

However, the proposed on-site recovery activity can only be implemented if approved through the permitting process administered by CCEH in conjunction with CalRecycle. CCEH provided the attached overview summarizing the process for revising KCL's Solid Waste Facility Permit (SWFP), including the length of time for each step to be taken upon receipt of a completed permit application (Exhibit G).

Exhibit G shows that the maximum time to meet mandated deadlines to revise a SWFP is 150 days (five months), once a formal permit application is submitted to CCEH, in its capacity as the Local Enforcement Agency (LEA). Operators often submit a draft application to CCEH for an informal review. The length of time this informal process takes depends on the complexity of the project, completeness of the draft package, how much time the applicant takes to make any requested changes, and the nature of the feedback from CalRecycle. If CCEH determines that additional CEQA review is needed, then this may add to the length of the informal review period. Staff believes the maximum time for revising the SWFP and completing any additional CEQA review if necessary, and obtaining the concurrence of CalRecycle to a revised SWFP is 10-13 months.

***Directive 5. Identify CEQA implications associated with approving staff's recommended new and modified***

## ***Conditions.***

There are two separate scenarios that need to be addressed in order to adequately respond to this directive from the Board. The first is the question about CEQA implications that need to be identified pertaining to the original set of new and modified conditions reviewed and recommended for approval by the County Planning Commission (CPC), referred to as Option A. Second, is the question of CEQA implications resulting from the landfill operator's proposal to establish on-site processing to recover direct hauled materials, involving further edits to the new and modified conditions of approval, referred to as Option B. The additional edits proposed by staff were prompted in part by the landfill operator's proposed modifications to the Eligible Vehicles and Direct Haul Procedures conditions (conditions 8.1 and 8.6), which was presented in a letter to the Board at the December 16, 2014 meeting (see Exhibit F).

Staff maintains that approval of the first set of new and modified conditions presented to the Board on December 16, 2014 (Option A) is exempt from CEQA as recommended previously. The vast majority of conditions proposed for modification provided more clarification language and would not have additional impacts on the environment. Having re-examined the proposed new conditions related to Direct Haul procedures, staff continues to be of the opinion that this would not create a new project or have new adverse impacts on the environment.

Since a new version of new and modified conditions has since been developed containing revisions prompted by the requested changes submitted by the landfill operator (Option B), staff has also identified the CEQA implications related to that option to be fully responsive to this Board directive. In Option B, staff revised the two conditions noted above (8.1 and 8.6) as well as conditions related to Direct Haul (8.5), the Notification Program (11.4), Material Recovery (31.4) and Wood Chipping (31.6). In reviewing the original, certified EIR for the landfill, staff closely examined the original project assumptions to better assess the potential impacts these new and modified conditions might have on the environment. KCL's existing LUP states that C&D hauling trucks are eligible as long as they contain materials originating within the County (this geographic restriction was in effect nullified in the 1990s as a result of court decisions). The original EIR addressed impacts for daily truck trips up to a maximum of 340 which is well above the current number of truck trips reported at the landfill. KCL's SWFP includes a limitation on daily truck trips which also ensures that operations stay within the parameters established in the EIR. The EIR identifies C&D trucks and material among the types of vehicles and waste that could go directly to KCL, which helps explain the basis for that truck type being included in the Eligible Vehicles condition (8.1). Additionally, actions taken by the Board in 1992-93 identified certain waste load characteristics that warranted direct haul including heavy or powdery materials which would apply to certain C&D waste loads. This helps explain staff's earlier determination that the proposed materials recovery program complies with condition of approval 31.4 and additional CEQA review is not necessary (see above).

Therefore, the revised new and modified conditions for the Eligible Vehicles and Direct Haul procedures would not require additional CEQA analysis or create a new project with significant environmental impacts. The language added to the Notification Program condition is a slightly modified version of wording that had previously been recommended as part of the revised Materials Recovery condition. The added language requires KCL to periodically remind its customers about eligible wastes for direct haul to the landfill.

As currently proposed, neither version of the new and modified conditions (Exhibits B & C) would require further CEQA analysis, or have potentially significant impacts on the environment in accordance with CEQA Guidelines. This final determination is reflected in staff's recommendation # 4 that the Board of Supervisors find this permit review process and the Selected Version of the conditions of approval exempt from CEQA.

## **TWO VERSIONS OF PROPOSED NEW AND MODIFIED LUP CONDITIONS OF APPROVAL - OPTIONS A & B**

There are two separate sets of new and modified conditions of approval that staff has presented as options for Board consideration. The second recommendation provides for the Board decision to select either Option A or Option B as the preferred set of conditions (Selected Version). The primary differences expected to result from the approving Option A or B involve the amount of C & D material potentially disposed vs. diverted, amount of fees paid to the County and the amount of trips coming and going to/from KCL and other local transfer stations as explained below. Notwithstanding the below, neither option is expected to have a significant impact on the environment because the net number of truck trips that will occur under either option will not exceed what was addressed in the original EIR. This limitation has been imposed as a requirement within KCL's SWFP.

Option A is the same set of conditions presented on December 16, 2014 which is the version reviewed and recommended for approval by the CPC. Approval of this option would require that KCL stop accepting loads of C & D currently being direct hauled to the landfill since they contain various materials types that would be diverted if first processed at a local transfer station. Roughly 23% of the C & D direct hauled to KCL originates in other counties. It is extremely unlikely that all of the out-of-county C & D currently being direct hauled to KCL would end up at one of the in-County transfer stations. Selecting this option is likely to provide for a higher level of waste diversion in comparison to Option B, however staff is unable to estimate the degree of difference for the most likely scenario since it would require too much speculation about the potential out-of-county diversion. However, staff has provided some potential diversion estimates for a few different scenarios under Directive 3 above. That section also contains estimated potential reductions in County fees paid at Keller and associated increases in County fees paid at local transfer stations that would result from those same diversion scenarios. Staff suggests that the Board authorize that enforcement of this new requirement be delayed if approving Option A in order to allow adequate time to raise customer awareness in advance of the change taking effect to avoid negative unintended consequences, including illegal dumping. Staff and the operator will also need a little time to prepare, review and approve the documentation needed to implement the Direct Haul screening procedures. Selecting Option A is expected to reduce the number of direct haul truck trips going to KCL, however it would also increase the amount of incoming transfer truck trips at Keller as well as added truck trips going to and from local transfer stations and out-of-county facilities. The increased truck trips coming from local transfer stations would include waste to be disposed of as well as possibly some of the recovered materials that Keller can use beneficially on-site. Increases in truck trips does not necessarily result in increased emissions because it depends on the distances involved (more trips would result in less emissions if traveling shorter distances which together add up to less total miles traveled). Additional details regarding direct haul C & D received at KCL can be found in Exhibit I.

Option B contains revised versions of six conditions (Conditions 8.1, 8.5, 8.6, 11.4, 31.4 and 31.6) and the remainder of the conditions mirror what is presented in Option A. Changes to these six conditions were prompted by KCL's proposal to establish on-site material recovery at KCL. Changes include revisions intended to serve as alternatives to the landfill operator's requested edits presented to the Board on December 16, 2014. Approval of this option would allow KCL to continue accepting the same direct haul loads without requiring that they first go through a transfer station as long as the landfill operator moves forward with the on-site material recovery permitting and implementation within the time frame prescribed in the revised conditions. KCL would be allowed to continue disposing of all mixed C & D loads direct hauled to Keller until March 16, 2016. Thereafter, rather than continuing to dispose of all loads of mixed C & D material, the landfill operator would have to begin diverting at least 50% of incoming C & D materials on-site (unless delayed by third party legal challenge) consistent with a revised Material Recovery Program to be approved by DCD. If the required on-site material recovery is not in place by March 16, 2016, KCL would have to cease acceptance of direct haul C & D loads (similar to Option A) until such time as on-site materials recovery has been permitted and put into operation at KCL. Selecting this option provides for payment of all existing County fees whether or not the material is diverted as a result of on-site material recovery, thereby avoiding any anticipated decrease in County fees associated with Option A (the estimated reduction in fees is speculative as explained previously under Directive 3). Selecting Option B is not expected to increase the number of incoming truck trips currently going to KCL or local transfer stations, however the number of outgoing truck trips are projected to increase slightly (4-10 per month) due to transport of C & D materials recovered that would not be used on-site compared to existing

conditions. Option B is expected to generate a smaller increase in outgoing truck trips at KCL than would be the case for outgoing truck trips leaving the transfer stations as a result of approving Option A since transfer stations would not retain any of the recovered materials on-site for beneficial reuse. Additional details regarding direct haul C & D received at KCL can be found in Exhibit I.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve either of the recommended new and modified conditions of approval for the Keller Canyon Landfill Land Use Permit, the existing conditions of approval would remain in effect and continue to govern the use of the landfill site.

CHILDREN'S IMPACT STATEMENT:

Not Applicable.

CLERK'S ADDENDUM

***CONTINUED to March 31, 2015 at 9:30 a.m.***

ATTACHMENTS

Exhibit A: County Planning Resolution

Exhibit B: Option A - New and Modified Conditions of Approval

Exhibit C: Option B - New and Modified Conditions of Approval

Exhibit D: January 9, 2015 Letter from City of Pittsburg

Exhibit E: Draft C&D Processing Proposal

Exhibit F: December 16, 2014 Letter from Scott Gordon

Exhibit G: January 28, 2015 Letter from Environmental Health

Exhibit H: Condition of Approval Compliance Table (Revised after Permit Review before CPC)

Exhibit I: Direct Haul C & D Statistics and Assumptions

# EXHIBIT A

## RESOLUTION NO. 14-2014

### **RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, PERMIT REVIEW HEARING RECOMMENDING ADDITIONS AND MODIFICATIONS TO THE CONDITIONS OF APPROVAL FOR THE KELLER CANYON LANDFILL LAND USE PERMIT, COUNTY FILE #LP89-2020 AS AMENDED, IN THE PITTSBURG AREA OF SAID COUNTY.**

WHEREAS, in 1990, the Board of Supervisors approved County File #LP89-2020 to allow the construction and operation of Keller Canyon Landfill, which included condition of approval #11.1 that allows for the addition or modification of the conditions through permit review hearings; and

WHEREAS, in 1995, the Board of Supervisors approved a Board Order that outlined the criteria to add or modify the conditions of approval that would improve public health, safety, and welfare. Additional modifications to the conditions of approval may also be recommended to address inconsistencies resulting from court decisions or regulatory changes made since the permit was approved in July 1990; and

WHEREAS, on February 25, 2014, the Contra Costa County Board of Supervisors directed the Department of Conservation and Development ("DCD") staff to initiate the permit review process in accordance with the conditions of approval for County File #LP89-2020 as amended; and

WHEREAS, after notice was lawfully given, a public hearing was scheduled before the County Planning Commission ("Commission") on October 28, 2014, whereat all persons interested therein might appear and be heard; and

WHEREAS, on October 28, 2014, the County Planning Commission opened the public hearing and continued this matter to November 18, 2014, to allow staff to address the additional correspondence received after the Better Government Ordinance deadline; and

WHEREAS, on Tuesday, November 18, 2014, the County Planning Commission having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter closed the public hearing.

NOW, THEREFORE BE IT RESOLVED, that the County Planning Commission takes the following actions:

- 1) CONSIDER the information presented in the October 28, 2014 and November 18, 2014, staff reports and the associated Exhibits as adequate to satisfy the 1995 Permit Review Criteria for KCL's Land Use Permit, County File #LP98-2020; and
- 2) RECOMMEND the Board of Supervisors approve the proposed new and modified conditions of approval for Keller Canyon Landfill's land use permit (see Attachment B), and;
- 3) RECOMMEND the Board of Supervisors direct DCD staff to schedule the next permit review hearing in one-year.

These actions were the subject of a motion approved by the County Planning Commission on Tuesday, November 18, 2014, by the following vote:

AYES: Commissioners – Steele, Terrell, Stewart, Swenson, Wright and Snyder

NOES: Commissioners – None


ABSENT: Commissioners – Clark

ABSTAIN: Commissioners – None

BE IT FURTHER RESOLVED that the Secretary of the County Planning Commission shall respectively sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors all in accordance with the Planning Laws of the State of California.

Don Snyder,  
Chair of the County Planning Commission,  
County of Contra Costa, State of California

ATTEST:

  
\_\_\_\_\_  
Aruna Bhat, Secretary  
County Planning Commission  
County of Contra Costa  
State of California

## OPTION A

PROPOSED NEW OR MODIFIED CONDITIONS  
FOR 2014 PERMIT REVIEWLAND USE PERMIT 2020-89  
CONDITIONS OF APPROVAL  
KELLER CANYON LANDFILL

*This document only contains the Conditions of Approval proposed to be either added or modified. \**

**NEW Conditions** are shown in **shaded text** for ease of identification.

**MODIFIED Conditions** are shown in underline/strikeout formatting to discern what changes are being proposed.

Underline = Language proposed to be added

~~Strikeout~~ = Language proposed to be eliminated.

\* **GLOBAL TEXT EDITS** to the all Conditions of Approval to update and correct regulatory references and public agency names, like those noted below, are proposed to be applied to all applicable Conditions if approved as recommended.

- Community Development (CDD) → Conservation and Development (DCD)
- Riverview Fire Protection District → applicable Fire Protection District
- Health Services Department → Contra Costa Environmental Health  
[except those Conditions intended to refer to the Hazardous Materials  
Division]

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2.3 Assignment of Responsibility.

- (a) The Board may assign the responsibility of administering specific Conditions of Approval or provisions of this LUP, such as State Minimum Standards, to County Departments or other units of government.
- (b) The Board may suspend the implementation of conditions or provisions of this LUP where such conditions or provisions are inconsistent with the terms of a contract or agreement entered into between the Board and the operator or other units of government, or by the terms of a joint powers agreement where the County is a member of the joint powers agency. This would not alleviate the need to comply with the public approval process required when amending this LUP. Any Board approved suspension would automatically be nullified at such time as the contract or agreement no longer includes terms inconsistent with the specified condition.
- (c) For the purposes of Condition 2.3(b), the Franchise Agreement between the County and the Landfill Owner as amended in November 1994, is an eligible contract.
- (d) If no contract or agreement is in force, as referred to in Condition 2.3(b), the County retains authority to implement this LUP and all of its Conditions.

- 3.1 Compliance Objective. The Landfill developer and operator shall at all times comply with the requirements of laws and permits applicable to the facility. This condition is not intended to grant authority or assign responsibility to the County for the independent enforcement of regulatory and permitting requirements that fall within the primary jurisdiction of other agencies (see Condition 11.11).
- 3.3 State Minimum Standards. The operation and maintenance of this facility shall at all times comply with Minimum Standards for Solid Waste Handling and Disposal (California ~~Administrative Code~~ of Regulations, Title 14 and Title 27, Division 7, Chapter 3).
- 3.4 Land Use Permits. The Landfill developer and operator shall at all times comply with the provisions and requirements of this Land Use Permit. A violation of any of these conditions ~~is~~ may be cause for revocation of the Land Use Permit pursuant to County Code Section 418-4.020 following reasonable written notice. Alternatively, the County has the option of issuing

- formal notices and assessing penalties pursuant to Section 4.19 of the Landfill Franchise Agreement or County Code Chapter 14-6, Civil Enforcement.
- 3.5 Solid Waste Facilities Permit. The Landfill operator shall conform with all provisions and requirements of the Landfill's Solid Waste Facilities Permit, and any related directives of which is based on the guidelines of the California Department of Resources Recycling and Recovery (CalRecycle) or Contra Costa Environmental Health, as the Local Enforcement Agency for CalRecycle Integrated Waste Management Board.
- 3.6 Subchapter 15 Class II Landfill Requirements. The Landfill operator shall at all times comply with the Class II waste disposal facility provisions and requirements of Article 3, of SubChapter 15, of Chapter 3 of Title 23 and Title 27 of the California Administrative Code of Regulations ("Subchapter 15") for a Class II waste disposal facility.
- 3.9 Notice Coordination. Copies (or originals) of The Landfill operator shall notify the Department of Conservation and Development (DCD) in writing at the time any reports is submitted to other agencies concerning the design, operation, and maintenance of the Landfill facility, shall be sent by mail or hand-delivery, and eCopies shall be made available or mailed to DCD offices at 30 Muir Road in Martinez the Community Development Department upon request, 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095.
- 5.1 Area of Origin. The area of origin of all waste hauling vehicles admitted to the landfill, shall be Contra Costa County. The Landfill operator shall not refuse to receive eligible wastes or cover materials which originate in Contra Costa County provided such wastes or materials are delivered to the facility in accordance with these Conditions of Approval and the landfill's Solid Waste Facilities Permit, and provided that appropriate disposal the required governmental fees are paid. Rate setting requirements are specified in the Landfill Franchise Agreement and Section 12 of this Land Use Permit.
- 5.2 Out-of-County Wastes. INVALIDATED BY LEGISLATURE  
The Landfill operator shall not receive wastes from outside Contra Costa County unless such imports of waste are specifically approved by the Board of Supervisors. This condition shall not apply to wastes which may be temporarily received under the Emergency Use provisions of Condition 6.5 or the Reciprocal Capacity Agreement of Condition 5.4.
- 5.5 Pre-Requisite Curbside Recycling Program. The Landfill shall not admit for disposal ale of waste loads from communities which do not have in operation

an eligible curbside recycling, or equivalent, programs as determined by the Department of Conservation and Development. An eligible program shall recover a range of recyclable materials approved by the Board of Supervisors. Board of Supervisors approval may be interpreted as a consistent~~cy~~ with a curbside recycling program operating pursuant to a Board of Supervisors-approved franchise agreement. The Board of Supervisors has the discretion to identify additional factors to be considered when determining the eligibility. The Board retains the authority to approve of a community's programs previously deemed to be ineligible by the Department of Conservation and Development.

- 6.1 Eligible Wastes. The Landfill operator shall allow only wastes eligible for disposal in a Class II facility, as defined by the Regional Water Quality Control Board to be admitted to the landfill. The wastes admitted to the landfill shall also be consistent with the Solid Waste Facilities Permit (07-AA-0032), administered by ~~the Contra Costa Environmental~~Health Services Department, and consistent with the 1990 Environmental Impact Report and Board of Supervisors' policies and approvals (including the Board of Supervisors conditional authorization in 1992-93 to accept special wastes and limited direct haul – see Conditions 8.5 through 8.7) and these conditions of approval. To the extent allowed by law, the Board of Supervisors may direct the Landfill operator not to accept wastes that do not meet State and County policies and regulations.
- 6.2 Designated Wastes. The Landfill operator shall allow only those designated wastes (as defined ~~in~~by Section ~~20210522 of Article 2 of Subchapter 15,~~ of Title ~~2327,~~ of the California ~~Administrative Code of Regulations and Section 13173 of the California Water Code~~) approved for this facility by the San Francisco Regional Water Quality Control Board, and shall be consistent with the ~~Solid Waste Facilities Permit to be admitted for disposal~~waste types allowed for disposal pursuant to Condition 6.1. The Board of Supervisors may designate special rates for this waste to the extent allowed pursuant to the terms of the Landfill Franchise Agreement.
- 6.5 Emergency Use. If the service area of the Landfill is determined to be a sub-area of the County, the County Department of Conservation and Development or Contra Costa Environmental Health Services Department may allow legal waste originating in areas of Contra Costa County, other than those stipulated in Section 5, to have access to the landfill for periods up to 180 days on an emergency basis. The department(s) may grant one extension for no longer than 180 days. The Board of Supervisors may allow the emergency use of the landfill to continue for any time period deemed necessary up to two years.

- 6.6 Hazardous Waste Screening and Management. See Section 19.
- 6.7 Area of Origin Restrictions. See Condition-Section 5.
- 7.2 Load Covering. The Landfill operator shall spot check all incoming waste-hauling vehicles for proper covering or containerization consistent with the requirements of Section 418-2.008(a) of the County Code. The operator shall ~~not admit~~identify any waste loads which are susceptible to littering or leakage because of the lack of covering, inadequate covering, or disrepair of screens, covers or containers. Customers delivering any such waste loads shall be required to provide evidence that corrective actions have been taken to effectively cover and contain waste loads (e.g. waste adequately secured with covers and containers in good repair) in order to be eligible to deliver waste loads in the future. Landfill operator shall track and report applicable details about the occurrences and corrective actions taken to the County Department of Conservation and Development annually.
- 8.1 Eligible Vehicles. The Landfill operator shall admit only the following refuse transport vehicles:
- a) Transfer station trucks (vans) ~~from a transfer station located in Contra Costa County~~. Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations. Program may be subject to the approved by of the Board of Supervisors if deemed necessary for consistency with the Countywide Integrated Waste Management Plan.
  - b) Demolition and construction material trucks hauling debris that is would not be recycled or otherwise diverted from disposal if processed at a local Transfer Station originating in Contra Costa County. There are ~~If the Board of Supervisors has established waste reduction requirements goals that apply to such wastes generated by for the businesses and industries generating such wastes, therefore the operator shall assist the County to help ensure generators shall compliancey with such requirements or goals through implementation and compliance with Conditions 8.5 – 8.7.~~
  - c) Incinerated sewage sludge-hauling trucks originating at utilities ~~located in Contra Costa County, or other utilities serving Contra Costa County.~~
  - d) Sewage and water treatment plant sludge and other byproduct trucks ~~originating in Contra Costa County,~~ with loads complying with San Francisco Regional Water Quality Control Boards solids-to-liquid

requirements.

- e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board. ~~The wastes shall originate in Contra Costa County.~~
- f) Other specialized waste transport trucks, hauling wastes ~~originating in Contra Costa County and~~ identified in the Landfill's Solid Waste Facilities Permit which cannot be feasibly processed through a Transfer Station.

8.5 Direct Haul. Only wastes in the prescribed vehicles which would not be recycled or otherwise diverted from disposal if processed through a local transfer station may be considered for direct haul pursuant to the Procedures specified in Condition 8.6. Loads containing materials that will be used as cover or otherwise beneficially reused on-site and treated as diversion under the Integrated Waste Management Act may be direct hauled without going through a transfer station.

8.6 Direct Haul Procedures. Direct haul process and materials shall be consistent with the Solid Waste Facility Permit (No. 07-AA-0032), this LUP, and applicable policies adopted by the Board of Supervisors including those identified in 8.6(k) below. The operator shall ensure new customers receive information consistent with i) and j) prior to gaining access to the site. The operator shall conduct screening procedures specified in a) through h) prior to allowing customers to direct haul waste/material loads to the landfill. Operator shall provide written confirmation that eligibility has been demonstrated consistent with these procedures prior to loads being accepted for disposal. Operator shall summarize results of direct haul eligibility screening completed each quarter in the direct haul reports required under Condition 8.7.

- a. Name of company and physical location at which the waste or material was generated.
- b. Complete description of waste including chemical analysis and solids-to-liquid ratio when appropriate.
- c. Description of originator's in-house waste inspection program(s) to ensure screening for hazardous and/or toxic materials or originator's written confirmation that their practices comply with uniform waste inspection program prepared by the Landfill operator.
- d. Description of volume and expected frequency of waste to be hauled

and a description of the specialized waste transport vehicle(s) to be utilized.

- e. Description of the waste originator's in-house waste reduction and recycling program(s) or originator's written confirmation that their practices comply with a uniform waste reduction and recycling plan to be prepared by Landfill operator and approved by the Department of Conservation and Development.
- f. Originator's or transporter's affirmation to adhere to County imposed haul route and peak hour hauling restrictions.
- g. Annual written confirmation by the Landfill operator, to be reviewed and approved by the Department of Conservation and Development that the waste(s) to be disposed is(are) not currently accepted for recycling (or otherwise diverted from disposal) at transfer stations within Contra Costa County, and
- h. Written waste eligibility determination from Keller Canyon Landfill Company based on a) through g) above.
- i. Requirements of Keller Canyon Landfill Company describing contract for landfill use, rules and regulations of the landfill (e.g. on-site speed limit), prescribed haul route, load inspection program, driver training program, and any other such information as required.
- j. Requirements for proper load covering or containerization and consequences for non-compliance specified in Condition 7.2.
- k. Any other information required by the Director of Conservation and Development, or by the actions of the Board on August 11, 1992, October 27, 1992, November 24, 1992, August 17, 1993 and December 14, 1993.

8.7 Direct Haul Reports. The Landfill operator shall submit quarterly direct haul reports to the Department of Conservation and Development. The quarterly reports shall contain details about all direct haul loads, including the date accepted, customer (company) name, waste type, tonnage, location and jurisdiction of waste/material origin (city and county) and end use (disposal, cover or other on-site beneficial reuse). Summarized results of all direct haul eligibility screening conducted during each period shall be submitted in conjunction with the quarterly waste origin reports. The quarterly reports shall also identify the total tonnage of municipal solid

waste (Class III waste) received that quarter, total tonnage of Class II wastes received that quarter, and the percentage of total waste received which is characterized as Class II. If determined necessary by DCD, additional reporting information or more frequent reporting may be required in the future.

8.8 Emergency Direct Haul. In the event that a natural disaster or other emergency prevents the timely processing of wastes through a transfer station before disposal at the landfill, such waste or loads may be considered for direct haul. The landfill operator shall submit a written request to the County Department of Conservation and Development when circumstances or conditions warrant, or may warrant, emergency direct haul to the landfill. The landfill operator shall not proceed with emergency direct haul until written approval has been provided by the Director of the Department of Conservation and Development. The landfill operator shall submit an incident report describing the basis for emergency direct haul and the contingency actions taken.

9.1 Hours of Operation. The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after ~~7:30~~7:00 p.m. Refuse shall be covered by 7:30 p.m. at which time working lights shall be extinguished. Entry and security lights shall be dimmed at 7:30 p.m. Other hours of operation, within those parameters, may be specified by the County Health Services Department or in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by ~~the County Contra Costa Environmental Health Services Department~~ or the Department of Conservation & Development.

The Director of ~~Community~~Conservation and Development may administratively shorten or extend the hours of operations prescribed above after consultation with the Landfill operator, ~~the County Health Services Department~~Contra Costa Environmental Health, and the ~~Local Advisory Committee~~City of Pittsburg, after holding a public hearing to obtain the comments of other interested parties. To shorten the hours of operation, the Director of ~~Community~~Conservation and Development shall find that the changes are needed to mitigate substantial noise, traffic, or similar impacts arising from the operation of the Landfill which were not known when this Land Use Permit was adopted. To extend the hours of operation, the Director of ~~Community~~Conservation and Development shall find that longer hours will not cause traffic, noise, glare, or similar impacts of Landfill operations to substantially increase in the vicinity of the Landfill. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and

- Development if required to address any applicable officially declared disaster.
- 9.2 Operating Days: The landfill shall remain open for operation six days a week except on Holidays. It shall close on Sundays. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and Development.
- 9.3 Maximum Daily Tonnage. The landfill may accept for disposal a maximum of 3,500 tons of refuse per day ~~through the year 2005~~. The Board of Supervisors shall review and revise, if necessary, the maximum allowable tonnages per day, ~~prior to the year 2005~~. If the Board establishes sub-County service areas, maximum tonnages for each landfill ~~shall~~ may be prorated to reflect their service areas. The Board may increase the maximum daily tonnages, if necessary, to reflect Reciprocal Capacity Agreements or emergency measures. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and Development. The Landfill operator shall submit quarterly reports to the Department of Conservation and Development solely showing daily waste tonnage accepted for disposal.
- 10.1 Volume Estimation. The Landfill operator shall prepare reports annually estimating the remaining landfill site life (years) and capacity (cubic yards and tons). Reports shall be submitted to the Department of Conservation and Development by March 1<sup>st</sup> of each year. ~~submit topographic maps of the landfill and a report of capacity absorption and fill rates to the Community Development Department every two years on the anniversary date of the landfill's opening.~~ The Landfill operator shall also submit an initial topographic map prior to receiving wastes.
- 10.3 Waste Characterization. The Landfill operator shall participate with transfer station operators serving the landfill in a tracking and reporting program to characterize incoming wastes by generator (customer) name, type, amount, and originating community and perform detailed load inspections on vehicles according to a program specified by the Department of County Community Conservation and Development ~~Department and County Health Services Department~~. Reports shall be submitted to the County Department of Conservation and Development on a quarterly basis on or before the landfill reporting deadlines specified in the Disposal Reporting regulations (Title 14).
- 11.1 Permit Review. The Landfill operator shall submit reports to the Department of Conservation and Development summarizing the compliance status for

these Land Use Permit Conditions of Approval annually unless otherwise specified by the Director of Conservation and Development. The Board of Supervisors will hold annual public hearings to review the Conditions of Approval for this Land Use Permit for three years beginning one year after the commencement of operations of the Landfill. The Board may refer proposed changes to the Land Use Permit to the County Planning Commission for processing. Thereafter, the County Planning Commission shall hold public hearings on the Land Use Permit at three-year intervals. As a result of a review and public hearing, the County Planning Commission may recommend to the Board of Supervisors new or modified conditions to improve the public health, safety, and welfare or in response to court decisions or regulatory changes. Nothing in this condition shall preclude the Landfill owner from applying for amendments to the Land Use Permit at any time or preclude the County from addressing emergency situations or new requirements imposed by State or Federal legislation or the courts.

- 11.2 Local Advisory Committee. The Community Department of Conservation and Development ~~Department~~ shall organize, and the Landfill developer shall participate in a local advisory committee, consisting of elected representatives of local residents and neighborhood associations, to comment and advise on the development of the landfill and its operations. The Board of Supervisors may sanction the Local Advisory Committee as an official County committee. The committee shall be established as soon as reasonably possible after the Board of Supervisors' approval of this Land Use Permit, if such approval is forthcoming. Meetings shall be initiated following the approval of a Land Use Permit and shall be held at least quarterly through the first two years of landfill operation. Subsequently, meetings may be held annually, but with the provision for meetings on call by the chair or the written request of 3 or more members unless otherwise specified by the County Board of Supervisors. The County Health Services Department shall be notified at least 10 days in advance of all meetings. Subjects for consideration at meetings will include, but shall not be limited to safety and emergency procedures, landfill fill-related traffic problems, screening of visual impacts and problems of litter, odor, and noise control. Meeting agenda also may include discussion of reports on the landfill construction, operation and maintenance. The Landfill operator shall provide reasonable access to the landfill arranged through the Community Conservation and Development Department. A surcharge on the tipping fee may be used to fund the advisory group's operations.
- 11.3 Insurance and/or Bonding. The applicant shall provide the insurance and bonds specified by the units of government having approval authority over the project. The applicant/operator is obligated to comply with additional

- County specified insurance and bonding requirements pursuant to Article 12 of the First Amended Landfill Franchise Agreement. Subjects ~~will~~ may include, ~~but not be limited to,~~ continuity of landfill operation, non-compliance, emergency measures, construction performance, landscaping and closure.
- 11.4 Notification Program. The Landfill operator shall prepare and implement a program to notify potential users of the landfill of its opening and closing times, and the conditions of its use, including waste reduction and recycling requirements, load covering requirements, site access regulations, truck maintenance to conserve fuel and a detailed list of prohibited hazardous wastes and alternative disposal options. The program should be prepared in conjunction with the operator(s) of the transfer station(s) serving the landfill consistent with the Board of Supervisors' policies on direct haul (see Conditions 8.5 through 8.7). It shall be approved by the County Department of Community Conservation and Development ~~Department~~.
- 11.6 ~~Compliance Implementation~~ and Mitigation Monitoring Program. The Landfill operator shall ~~provide a fund to support the~~ County staff Department of Conservation and Development's program for monitoring of compliance with these Conditions of Approval and the Environmental Impact Report's mitigation monitoring programs, ~~as designed and implemented by the County Community Development and Health Services Departments.~~
- 11.10 Conditions Requiring Franchise. Conditions of Approval ~~Nos. 4.2, Operative Date, and 13.4, Franchise Agreement Requirement,~~ require a franchise or agreement to be established by this County. All of ~~these~~ Conditions of Approval ~~the terms of said franchise or agreement~~ shall be subordinate to ~~the terms of said franchise or agreement~~ these Conditions of Approval, and ~~these terms of said franchise or agreement~~ Conditions of Approval shall control in the case of any conflict unless otherwise provided for pursuant to Condition 2.3. There shall be no need to amend these Conditions of Approval or the franchise in the event of such a conflict.
- 11.11 Regulations Enforced by Other Agencies. Several of these Conditions of Approval relate, paraphrase or summarize laws and regulations which are imposed and enforced by other governmental agencies which have jurisdiction over particular aspects of this project. It is this Board's intent in adopting these Conditions of Approval to provide the applicant and the public with an overview of the scope of regulation applicable to this project and to provide this County with the authority to exercise enforcement power if deemed necessary in response to violations of such laws and regulations enforced by other agencies ~~are violated~~. Unless specifically stated in the Conditions of Approval, however, it is not this Board's intent to establish rules

or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds that any action or inaction is in compliance with, or violates, any such law or regulation, that finding shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such approval shall be deemed to have been given for purposes of these Conditions of Approval.

11.12 Required Expenditures. This Board does not intend, by requiring the applicant to fund various measures, to make any decision regarding whether or not, or how, any expenditures incurred may be recovered through the rate structure or otherwise by the applicant. Any such decision by this Board shall be reserved for its consideration in the franchise or agreement. No inference regarding this issue is to be drawn from this Board's use of any particular terminology in these Conditions of Approval.

11.13 Designation of Authority. In any instance where a Condition of Approval provides that this Board will decide or act upon a certain matter, this Board may delegate the initial decision making or action with respect to that matter to the Director of ~~Community Conservation and~~ Development or such other designee as this Board determines to be appropriate, provided that there shall be a right of appeal to this Board from any decision to the Director of ~~Community Conservation and~~ Development or other designee.

12.1 Rate Approval.

a) The Board of Supervisors ~~shall~~ may at its discretion review and approve all rates charged by the landfill operator at the landfill to the extent allowed by the terms of the applicable Franchise Agreement. The rates established by the Board ~~will be not only~~ shall be the -maximum rates ~~but also minimum rates.~~

b) The landfill operator shall at all times maintain on file with the County, a current schedule of Base Rates and Gate Rates charged to each customers as required in Section 6.6 of the Landfill Franchise Agreement.

a)c) As provided for in Condition 2.3, where there is an inconsistency between the requirement(s) of this or any other rate setting Condition in Section 12 and the terms of the Landfill Franchise Agreement which granted the operator sole discretion over setting the base gate rate charged to customers, the terms of the Landfill Franchise Agreement shall supersede the applicable language in Condition 12.21(a) and 12.2

- 12.6 until such inconsistency no longer exists pursuant to Condition 2.3(d).

- 12.2 Rate Review. ~~The~~If the Board of Supervisors ~~shall elects to~~ review and approve rates, it should be done—annually in accordance with ~~an approved~~the rate ~~application-review~~ procedure established by the County. More frequent review of rates may occur if requested by the landfill operator and if the Board determines that changing circumstances warrant such review. The Board may also review rates more frequently if the Board determines that it is in the public interest to do so pursuant to the terms of the Franchise Agreement for the landfill.
- 12.3 Form and Content of Rate Review Application. The landfill operator shall submit its rate application in a form and content as specified by the County. The Landfill operator shall provide any relevant rate and cost information requested by the County. Such application may require the landfill operator to submit the application on forms and/or using computer software provided by or specified by the County. The County shall have the right to inspect and audit all records of the landfill operators which support its rate review application.
- 13.1 Franchise Compliance and Agreement. The ~~Permittee~~ Landfill operator shall be subject to the terms and conditions of any franchise or agreement established by the Board of Supervisors. A draft franchise or agreement shall be submitted with or before the Final Development and Improvements Plan.
- 13.2 Assignment. The landfill operator and the landfill owners shall not assign or subcontract the franchise or agreement, any part of the franchise or agreement or any obligation of the franchise or agreement without written prior consent of the Board of Supervisors. Unless otherwise specified in the franchise agreement, The ~~the~~ term "assignment" shall include any dissolution, merger, consolidation or reorganization of the landfill's ownership or the sale or other transfer of the controlling percentage of the owner's stock in the landfill or the sale of 51% of the value of the assets of the landfill's owners.
- 14.2 Regulatory Agency Approvals. Subsequent to the approval of this Land Use Permit, the Landfill Developer shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for building, serving, and operating the Landfill. The approvals shall include, but are not limited to:
- a) Waste Discharge Requirements from the Regional Water Quality

Control Board.

- b) Authority to Construct (and Authority to Operate Requirements) from the Bay Area Air Quality Management District.
- c) Wetland Modification Permit from the Army Corps of Engineers.
- d) Streambed Alteration Agreement from the State Department of Fish and Game.

The Landfill developer shall notify the ~~Community Development~~ Department of Conservation and Development if proposed or adopted permit conditions or requirements of other regulatory agencies do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report. The Landfill operator shall submit to the County copies of all new and modified permits or entitlements at the time each is issued or approved by the applicable regulatory agency.

- 16.2 Seismic Design. The Landfill, its drainage features and operating components (lifts, berms, liners, sediment pond, leachate and gas collection systems and major stockpiles) shall be designed to withstand ~~the Maximum Credible Earthquake (MCE) and a 0.65g acceleration rate~~earthquakes as specified in applicable regulations. The Landfill developer shall utilize a MCE (design earthquake) specified by the ~~County Community Development Department and the~~ San Francisco Regional Water Quality Control Board. The Landfill developer shall provide substantiation in the Final Development and Improvements Plan that the Landfill design will withstand the MCE.

- 16.4 Geotechnical Inspector. The Landfill operator shall ~~contract with the County, or through the County, for~~fund the costs of an independent geotechnical consultant, who shall be selected by and be responsible to the County. The ~~consultant~~Inspector shall inspect ~~regularly~~ the installation and condition of liners, leachate control facilities and other installations, identified by the County, as they are installed and periodically thereafter as directed by the County. This provision shall remain in force over the life of the landfill.

- 16.6 Slope Monitoring. The Landfill operator shall install and maintain slope monitoring stakes on landslides and sensitive slopes which could affect an operating Landfill. The monitoring program shall be approved by the County ~~Community Development~~ Department of Conservation and Development.

- 16.8 ~~Post-Earthquake~~Emergency Landslide and Earthquake Program. The Landfill operator shall prepare and implement an emergency program for inspecting the Landfill facility, dealing with failures and providing for uninterrupted refuse handling for implementation following a ~~substantial~~

- landslide and/or earthquake. The program shall be subject to the approval of the County ~~Community Development~~ Department of Conservation and Development, and the County Contra Costa Environmental Health Services Department and the Regional Water Quality Control Board.
- 17.6 Downstream Well Monitoring. The groundwater monitoring program shall include selected wells down gradient from the site. The wells shall be subject to approval by the San Francisco Regional Water Quality Control Board ~~and the County Health Services Department.~~ The Landfill operator shall sample and analyze water from these wells on a quarterly basis as required by the Regional Water Quality Control Board. The location of these wells shall be identified on the Development and Improvements Plan.
- 17.11 Water Balance Calculations. The Landfill operator shall provide water balance calculations, when requested by the ~~County Health Services Department~~ Regional Water Quality Control Board or other applicable regulatory agency, to evaluate intermediate stages of Landfill operation to ensure the maintenance of a proper solids-to-liquid ratio.
- 17.17 Working Face. The Landfill operator shall maintain a maximum daily working face of 3 acres or less in order to minimize surface water infiltration to the refuse, as well as to control dust and erosion, prevent vector proliferation, and minimize visual impacts. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed to be warranted by the Director of Conservation and Development.
- 18.2 Surface Drainage System. The Landfill operator shall install and maintain a Landfill surface drainage system which shall be designed to meet State Class II standards. It shall accommodate a 1,000-year, 24-hour design storm, as specified by the County Public Works Department and the San Francisco Regional Water Quality Control Board (SFRWQCB). The drainage system shall convey surface water around the active fill area without contacting the working face or any solid waste. The surface drainage system shall be approved by the SFRWQCB and the County ~~Community Development~~ Department of Conservation and Development and included in the Development and Improvements Plan. Surface flow shall be evaluated further with groundwater levels and precipitation factors prior to construction, and findings incorporated into the final landfill design in order to lessen impacts to surface water flow. Flow rates and groundwater levels shall be monitored through the life of the landfill. If loss of surface flow is determined to have unforeseen impacts, a like amount of water shall be provided.
- 18.4 Surface Water Management and Sediment Control Plan. The Landfill

developer shall prepare and implement a ~~Surface Water Management and Sediment Control Plan~~, which shall be subject to the approval of the County ~~Community Development~~ Department of Conservation and Development. The plan shall include a Stability Analysis of proposed cut and fill slopes, and shall prevent substantial erosion on slopes on the project site and reduce the amounts of water-borne materials from reaching surface waters. It shall include the components listed below, and it shall be included in the Final Improvements and Development Plan.

- (a) Primary Grading. The Landfill developer shall perform primary grading for the project's fill modules, cover, roads, paved areas, building sites, and the construction of site slopes during the April through October low rainfall season.
- (b) Temporary Flow Restriction. If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the Landfill developer shall take corrective actions, which may include the installation of ground cloth or the placement of hay bales.
- (c) Ground Cover. The Landfill developer shall plant ground cover on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan.
- (d) Ditch/Swale Liners. The Landfill developer shall line any ditches and swales for conveying surface runoff across sanitary Landfill areas to limit water infiltration. Drainage-ways across other areas shall be lined or planted to limit erosion.
- (e) Sedimentation Ponds. The Landfill developer shall install and maintain a sedimentation pond system prior to other landfill development to hold and process drainage from the Landfill property which shall be designed to withstand the 1,000-year, 24-hour design storm and Maximum Credible Earthquake event. The Landfill developer shall develop a program for monitoring storage volumes in the sedimentation ponds and releasing water depending on expected rainfall. Flow rates for downstream discharge shall not exceed the 25-year, 24-hour design storm. The program shall include a preventive maintenance program which shall include a program for clearing of sedimentation ponds and maintenance of perimeter ditches and vegetative cover. The owner shall submit documentation to the Department of Conservation and Development documentation to demonstrate that basin maintenance (e.g. dredging) has been completed as needed or required prior to the start of the rainy season (October 15<sup>th</sup>). The program shall be subject to approval from the County ~~Community Development~~ Department of Conservation and Development, ~~Contra Costa Environmental Health Services, and~~ Public Works.

Departments, and the San Francisco Regional Water Quality Control Board. The efficacy of the Landfill surface water control system in reducing downstream flooding shall be addressed in the annual and triennial reviews required by Condition 11.1.

- f) Runoff Conveyance. Erosion to ditches or gullies used to convey runoff shall be corrected by use of appropriate measures such as energy dissipators or rip rap.
- g) Equalization Basin. Water in contact with the working face area of the landfill shall be discharged into an equalization basin, monitored, and treated if necessary.

19.4 ~~Transfer Station~~Hazardous Waste Pre-screening. The ~~Household Hazardous Waste Program shall include pre-screening at transfer stations for identification and separation of hazardous materials. In addition,~~ landfill entrance load screening procedures and a manual load check program during unloading operations shall be included in the load screening program required under Condition 7.1. Landfill ~~employees~~operators shall be instructed to investigate suspicious containers for hazardous materials during bulldozing and other activities. Any hazardous materials found shall be set aside for proper collection and disposal.

19.5 Regulatory Agency Approvals. The collection and storage of toxic and hazardous wastes pursuant to this section shall be subject to County Health Services Department's Hazardous Materials Division, State Department of Health Services, and other regulatory agency approvals.

20.2 Odor Containment. The Landfill operator shall operate the Landfill in a manner that prevents odors from being detected off-site, pursuant to Regulations 7-101 and 7-102 of the Bay Area Air Quality Management District. If odors are reported to ~~the Contra Costa Environmental~~County Health Services Department, or reports are relayed from the Bay Area Air Quality Management District, the Department of Conservation and Development or Contra Costa Environmental~~the Health Services Department~~ may require additional physical improvements or management practices as necessary to alleviate the problem. Contra Costa Environmental~~The Health Services Department~~ shall have the authority to cease disposal at a particular area of the Landfill, to control odors. A small daily working face (3 acres or less) shall be maintained. The leachate treatment system shall be enclosed and properly maintained to control odors from leachate. The landfill gas collection system and flare shall utilize BACT to reduce landfill gas as a source of toxics and odor.

The Landfill operator shall implement Best Management Practices of the industry to minimize odors from operations and emissions from equipment. If the operator is contacted about odors being detected off-site in surrounding areas, the date, time and description of the odor complaints shall be logged and investigated promptly to expedite implementation of any necessary corrective action by a the landfill operator. The Landfill operator shall contact Contra Costa Environmental Health or the Bay Area Air Quality Management District at minimum of once per year to obtain any information possible about odor complaints received by each agency. Any odor complaints received by the Landfill operator, Contra Costa Environmental Health or the Bay Area Air Quality Management District shall be included in the annual Activities Report required under the Landfill's Franchise Agreement unless otherwise specified by the Director of Conservation and Development. The landfill operator shall provide a means for receiving after hours odor complaints. Complaints shall be promptly investigated (after hours investigations required if/when multiple after hours complaints received on the same day or on multiple consecutive days) to identify whether the source of the odor is on the landfill site, in which case the problem should be corrected in a timely manner. A response to the person lodging the complaint shall be made within 48 hours and copied to the Department of Conservation and Development, detailing the problem and remedial action taken.

- 20.3 Cover Frequency. The Landfill operator shall cover newly disposed refuse with compacted soil or other cover material meeting the state regulatory requirements enforced by Contra Costa Environmental Health and CalRecycle of the State of California (currently, a minimum of 6 inches of daily cover) and approved in writing by the Department of Conservation and Development. All working faces of the Landfill shall be covered by the end of the working day. Intermediate cover, meeting the requirements of the State (currently a minimum of 12 inches) shall be applied over each layer of cells ("lift"). The type of cover material and frequency of cover shall be modified/increase in order to control odor, litter or birds, if necessary, or if required by the Director of Conservation and Development or the Landfill's Solid Waste Facilities Permit.
- 20.4 Odoriferous Loads. The Landfill operator shall identify potentially cover extremely odoriferous loads prior to acceptance and make any arrangements needed to ensure that disposal of odoriferous loads is managed to avoid off-site detection, which may involve covering such incoming loads immediately.
- 20.7 Air Flow Monitoring. The Landfill operator shall monitor air flow on the site upon commencement of operations and shall provide background

meteorological conditions including wind direction, wind velocity, ~~on-site air flows~~, and temperature. After the Landfill is in operation, data shall be used to correlate odor, dust, or litter management with meteorological conditions. Air flow monitoring reports shall be submitted or made available to the Contra Costa Environmental Health ~~unty Health Services~~ and the Department of Conservation and Community Development ~~Departments~~ upon request.

20.8 Contingency Program. Prior to the start of filling operations, Landfill operator shall prepare a "bad days" contingency program for managing the Landfill during periods of unusual wind speeds or directions, rainfall or drought or other atypical situations. It shall apply specific site monitoring information. The Landfill operator shall consider the comments of the City of Pittsburg local advisory committee and consult with the Bay Area Air Quality Management District and the Regional Water Quality Control Board. The program shall be approved by the County Department of Conservation and Development and Contra Costa Environmental Health Services Department, and it may be revised from time to time. See Condition 25.4.

20.9 Revegetation. The Landfill operator shall revegetate completed Landfill areas ~~immediately~~. Revegetation shall be in ~~be~~ accordance with the Development and Improvements Plan and shall be consistent with ~~the County policy on landscaping and~~ State and local water conservation landscaping requirements. Intermediate and final cover areas shall be reseeded with native grasses ~~vegetated~~ immediately. Excavations shall be reseeded with native grasses ~~vegetated~~ or filled immediately. Operating areas which will not be used for fill or construction for 90 days or longer shall be planted for dust and erosion control and for aesthetic purposes. Landfill operator shall provide the County Conservation and Development Department with written notice and documentation (e.g. photographs) of any inactive unvegetated areas of disturbance not being reseeded immediately whether due to on-site activity associated with the landfill (construction or operations) or naturally occurring (landslides, etc.). The Director of Conservation and Development may require that revegetation notices be submitted more frequently and/or on a fixed schedule.

20.17 Landfill Gas Testing. The Landfill operator shall test Landfill gas for its toxic composition and for toxic constituents. The testing program shall be subject to the approvals of the Bay Area Air Quality Management District ~~and, the~~ Contra Costa Environmental Health ~~unty Health Services~~ and the Community Department of Conservation and Development ~~Departments~~. The Landfill operator shall provide the results to the County Community Development ~~Department of Conservation and Development~~ and Contra

Costa Environmental Health Services Departments on a bi-annual quarterly basis unless a more frequent interval is specified in the Solid Waste Facilities Permit.

20.19 Cell Re-Opening. Previously-~~covered-closed~~ cells shall not be reopened without permission from Contra Costa Environmentalthe County Health Services Department. The Department of Conservation and Development shall be notified of any occurrence that potentially necessitates that one or more cells be re-opened.

20.20 Fissure Repair. The Landfill operator shall inspect the Landfill daily. Surface cracks, fissures, eroded areas, or inadequately covered areas on the Landfill may require repairs within 24 hours. The Department of Conservation and Development shall be notified in writing at the time the operator identifies any substantial surface cracks or fissures requiring repairs beyond the placement and compaction of additional clean soil. Photo of the crack should accompany the written notice which describes he expected cause and corrective action plans and repair schedule. This activity shall be included in the employee training program.

20.23 Speed Limits. The Landfill operator shall enforce speed limits set by the Contra Costa Environmental Healthunty Health Services Department on internal site roads. The Landfill operator shall install appropriate signs and speed control devices. The maximum internal on-site speed limit shall be 20 mph unless otherwise specified by Contra Costa Environmental Health.

21.2 Noise Monitoring Program. The Landfill operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the County Community-Development-Department of Conservation and Development and Contra Costa Environmental Health Services Departments. The program shall monitor noise levels at sensitive receptor locations, one West of Bailey Road and South of West Leland Road, one near Bailey north of West Leland, and another in the Jacqueline Drive area south of West Leland Road. The Director of Community Conservation and Development may specify other monitoring locations. Noise monitoring reports shall be submitted to the County Conservation and Development Department on a quarterly basis unless otherwise specified by the Director of Conservation and Development. If the monitoring noise levels at the Landfill boundary line or other monitored location exceed 60 dBA during daylight hours, or 50 ~~dB~~dBA during the evening or at night, the County may require the operator to institute additional noise reduction measures to bring noise emanating from the Landfill to the forementioned levels or less.

- 22.2 Landscape Plan. The Landfill developer shall prepare and implement a site Landscaping Plan. The plan shall enhance the site's visual values as open space and its functional values as wildlife habitat. It shall minimize the visual impacts of the landfill operations and appurtenant facilities through revegetation and landscape screening. The plan shall show the plant species, size, and locations to be used to blend in with the existing natural vegetation. Natural, drought tolerant species shall be used, in accordance with State and local County Policy on Water Conservation Landscaping requirements. A landscape maintenance program shall be part of the plan. A Weed Monitoring and Control Program shall be included, containing a listing of noxious weeds, a monitoring program, and abatement measure options. A Landscape Plan shall be included in the Development and Improvements Plan. The Landscape Plan shall assure no visual impact on the Cities of Concord and Clayton consistent with the Environmental Impact Report.
- 24.6 Mosquito Control. The Landfill operator shall grade areas within the Landfill property to prevent ponding of water which could harbor mosquitos (except for sedimentation ponds and riparian habitat areas). Sedimentation ponds shall be stocked with mosquito fish unless otherwise specified by the Mosquito & Vector Control District. If a mosquito problem persists, ~~the Contra Costa Environmental Health Services Department~~ may require the preparation and implementation of additional mosquito control measures, such as spraying of non-toxic larval suppressant.
- 25.1 Litter Control Objective. The Landfill operator shall manage the facility in a manner which confines litter to the working face of the Landfill, which prevents litter from accumulating on another parts of the site, and which prevents litter from being blown off the site.
- 25.2 Load Covering. The Landfill operator shall implement a program ~~to requiring~~ landfill users (customers) to securely containerize their load to avoid littering and exclude uncovered loads from arriving at the Landfill consistent with the requirements of Section 418-2.008 of the County Code. The program shall be subject to the approval of the County Department of Conservation and Development and Contra Costa Environmental Health Services Department. See also Condition 7.2.
- 25.4 Contingency Litter Control. Under windy conditions, the Landfill operator shall cover the refuse with County approved cover materials ~~soil~~ as often as necessary to control blowing litter. Other options shall be considered as necessary, including the alignment of unloading areas away from the

prevailing wind direction, increasing the number of compactors, decreasing the active face size, and reducing the number of vehicles tipping at one time. The Contingency Litter Control measures shall be contained in the Litter Control and Prevention Program that is subject to review and approval of the Department of Conservation and Development and Contra Costa Environmental Health ~~County Health Services Department. Contra Costa Environmental Health~~ shall have the authority to enforce this requirement. See Section 20.8.

- 25.7 On-Site Litter Policing. The Landfill operator shall remove litter from the litter fences and planting screens at least once each day. On-site roads, including 500 feet of Bailey Road south of the site entrance, shall be policed at least daily. ~~The Contra Costa Environmental Health Services Department~~ may require more frequent policing to control the accumulation of litter.
- 25.8 Off-Site Litter Policing. The Landfill operator shall provide weekly (or more frequent) litter clean-up along Bailey Road from ~~West Leland Road~~ Highway 4 to at least 500 feet south of the site entrance ~~during the Landfill's first year of operations~~. Based on experience, the County Department of Conservation and Development or Contra Costa Environmental Health Services Department may modify frequency of clean-up and/or area of coverage. If wind-blown litter from the landfill reaches other properties, the Director of Environmental Health Services or the Director of Conservation and Development may require the Landfill operator to remove the litter and the Director(s) may require the operator to institute additional measures to prevent recurrence of the problem.
- 25.11 Public access. Public access to the landfill shall be prohibited unless such access is provided for special events, such as tours, open house functions or wetland field trips for local schools.
- 26.9 Gas Migration Monitoring. The Landfill operator shall prepare and implement a gas migration monitoring program to detect underground gas migration. Landfill buildings and paved areas within 1,000 feet of the Landfill disposal area shall be monitored unless otherwise specified in state regulations. The monitoring program shall be approved by Contra Costa Environmental Health ~~the County Health Services Department~~.
- 27.3 Security Staffing. The Landfill operator shall staff the Landfill 24 hours per day. Private security services may be retained when the site is not open to patrol and/or aid with investigating after hours odor complaints (see Condition 20.2) as needed.

29.2 Access Route. Access to the landfill facility shall be via State Highway 4, and Bailey Road unless alternate routes are approved by the County Department of Conservation and Development on an interim basis. No waste-hauling traffic shall be allowed entrance to the landfill from Bailey Road south of the site. The Landfill operator shall specify use of the prescribed route in all user contracts and shall notify non-contract users of the requirement. At the request of the Board of Supervisors, the Landfill Operator shall reimburse the County for the cost of enforcement of this Condition on the access route. The Board of Supervisors may also request the Landfill operator to reimburse the City of Concord for an access control police inspection stop on Bailey Road should it become necessary to enforce this access route condition.

29.9 Peak Period Traffic Management. The Landfill operator shall prepare a study, in conjunction with the local transfer station(s) serving the landfill, for managing transfer vehicle traffic to reduce peak period conflicts with traffic on Highway 4. The study shall address the restricted departure periods from the Landfill identified in the Environmental Impact Report (6:30 - 8:30 a.m. and 3:30 - 6:30 p.m.) and shall identify any changes to the conditions of approval needed to implement a peak-period traffic reduction program. The study shall be approved by the County Public Works and Conservation and Community Development Departments and shall be provided to the County Community Development Department with the Development and Improvements Plan. The Director of Community—Conservation and Development has imposed the shall specify peak period traffic restrictions identified in a) and b) below. The Director of Conservation and Development may specify any additional peak period traffic restrictions deemed to be warranted. The Landfill operator shall comply with such restrictions, and shall require compliance in contracts with Landfill users.

a) The A.M. peak period departure from the landfill shall commence at 7:10 a.m.

b) A three minute interval shall be maintained between waste hauling vehicles en route to Highway 4 westbound during the period of 7:10 a.m. and 8:30 a.m.

c) Waste hauling vehicles en route to eastbound Highway 4 (the uncongested “reverse commute” direction) may be released without restriction

30.0 Site Services and Utilities Objective. The Landfill developer shall design, develop and manage the facility in such a manner that services and utilities

adequately meet the landfills requirements, while ensuring the protection of site employees, area residents, and the surrounding environment.

- 31.4 Materials Recovery. The Landfill operator shall prepare and implement a program establishing waste acceptance criteria and associated customer education to limit the Landfill's acceptance of refuse loads containing recyclable materials to those which are beneficially reused on-site (diversion under the Integrated Waste Management Act). Customers shall be notified and periodically reminded of waste acceptance criteria so that refuse loads containing for recovering recyclable materials (e.g. construction and demolition debris) are not being from refuse loads brought directly to the landfill but instead redirected to transfer station(s) or other locations offering to recover said materials. The operator shall coordinate the material recovery program with the operator(s) of a local transfer station(s) serving the Landfill to maintain an up-to-date understanding of the wastes accepted and material recovery opportunities at local transfer stations to ensure that customers only deliver those loads to the Landfill which will not be recycled or otherwise diverted from disposal if processed at transfer stations in Contra Costa County. The program shall be consistent with the Countywide Integrated Waste Management Plan and shall be subject to the approval of the County Community Development Department of Conservation and Development.
- 31.5 Composting Program ~~ject~~. The Landfill operator shall develop and implement a ~~pilot~~ program for composting organic material ~~at the landfill site~~. The program may occur at the landfill site, or off-site or in coordination with third party(ies), and shall be approved by the County Health Services Contra Costa Environmental Health and the Community Development Department of Conservation and Development. The compost shall be used for landfill landscaping, cover material or other approved on-site uses; alternatively, compost can be made available or sold off-site. The purpose of the composting program purpose of the pilot project shall be to determine implement a cost effective and feasible means of providing adequate local organics diversion capacity through ility of large-scale on-site composting. The composting operations shall be subject to regulatory and permitting requirements enforced by Contra Costa Environmental Health, the Air District and the Water Board meet the State Department of Health Services' regulations on land application, if applicable. No later than January 1, 2016, the Landfill operator shall submit substantiation that they have applied for the required regulatory approvals (permits) processes necessary to conduct large-scale composting or demonstrate that arrangements are underway to implement an equivalent off-site program. The Landfill operator shall make all feasible efforts to assist the County in ensuring that there will be adequate

composting capacity available to readily divert the organics waste stream generated in Contra Costa County which is currently used as Alternative Daily Cover (ADC) prior to the sunset of the ADC diversion credit on January 1, 2020. pilot project shall be in operation within six months of the opening of the Landfill. Its results shall be considered at the second Land Use Permit review.

31.6 Wood Chipping. The Landfill operator shall establish a program to encourage landscape services and construction/demolition ~~material-debris~~ haulers to segregate wood material for chipping and diversion from landfill disposal. -The program may occur off-site, however unless and until there is on-site recovery (landfill diversion pursuant to the Integrated Waste Management Act) the Landfill operator shall direct these customers to deliver loads of landscaping and construction/demolition debris to facility(ies) that recover and chip wood material. The program shall be submitted for review and approvaled by the County ~~Community Development~~ Department of Conservation and Development and implemented on an ongoing basis following approval. and shall be placed in operation within six months of the landfill's opening.

31.9 County Resource Recovery Management Program.

a) When directed by the County, the Landfill operator shall impose a tonnage surcharge adequate to support a County Resource Recovery Management Program ~~consisting of the Office of Resource Recovery Management and its program~~. The cost of the program to be supported by the surcharge shall not exceed \$100,000 at 1987 levels. If other solid waste disposal facilities are subject to this or a similar condition, the County may pro-rate the cost of the program among them according to a formula approved by the Board of Supervisors.

b) As provided for in Condition 2.3, where there is an inconsistency between this condition and the terms of the Landfill Franchise Agreement which effectively suspended the collection of this Resource Recovery Management Program Fee, the terms of the Landfill Franchise Agreement shall supersede Condition 31.9 (a) until such inconsistency no longer exists pursuant to Condition 2.3(d).

32.2 Exemption. The Landfill developer may request, in writing, and the Director of ~~Community Conservation and~~ Development may grant, exemptions to Condition 32.1 for specific times for cause. An example is the placing of concrete.

- 32.6 Dust Suppression. The developer shall sprinkle or chemically treat graded areas, borrow sites, stock piles, and temporary pavements to control dust, as determined necessary by Contra Costa Environmental Health the County Health Services Department and the Bay Area Air Quality Management District.
- 33.2 Funding of Closure and Postclosure Maintenance Plan. The Landfill operator shall submit to the Board of Supervisors ~~and California Department of Resources Recycling and Recovery (CalRecycle) Integrated Waste Management Board~~ evidence of financial ability to provide for the cost of closure and postclosure maintenance in an amount not less than the estimated cost of closure and 15 years of postclosure maintenance as contained in the submitted closure and postclosure maintenance plan unless otherwise required by the State. Evidence of financial ability shall be in the form of a trust fund approved by the Board of Supervisors in which funds will be deposited on an annual basis in amounts sufficient to meet closure and postclosure costs when needed ~~unless~~ is identified as acceptable to the Board of Supervisors. The Board of Supervisors determined that the State required financial guarantees approved and periodically reviewed by -and the California Integrated Waste Management Board CalRecycle are equivalent and therefore adequate to satisfy this condition. The Landfill operator shall maintain a trust fund balance that equals or exceeds the requirements of state law or regulation notwithstanding, however, the trust fund balance shall be at least equal to the then current closure and postclosure cost estimate at such time the landfill has reached one-half of its permitted capacity. The Trust Fund balance requirement shall be appropriately adjusted if the landfill is closed in stages under Condition 33.4.
- 35.4 Resource Recovery Program Fee.
- a) The Landfill developer or operator shall pay to the County of Contra Costa a resource recovery program fee of \$200,000 annually, beginning July 1, 1990. The developer or operator shall deposit the monies in a segregated account established by the County. The extent of the fee shall be subject to reconsideration when a franchise or agreement is established for the Landfill. The resource recovery program fee from its inception shall be a pass-through business cost for the purpose of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.
- a)b) As provided for under Condition 2.3, where there is an inconsistency

between this condition and the terms of the Landfill Franchise Agreement which effectively suspended this Resource Recovery Program Fee, the terms of the Landfill Franchise Agreement shall supersede Condition 35.4 (a) until such inconsistency no longer exists pursuant to Condition 2.3(d).

- 35.5 Violation of Prescribed Haul Route. Upon a receiving a written determination from the County that a user of the Landfill has violated Condition ~~of Approval Section 29.2~~ by using a prohibited access route, ~~and upon a written direction by the County,~~ the Landfill operator shall impose on that user the sanction that is directed by the County. Such sanction may include a surcharge on the tipping fee, prohibition against accepting waste from that user for a designated period of time, revocation of County refuse-hauling license, or other sanction directed by the County. A system for reporting alleged violation and for monitoring enforcement data shall be established by the County and implemented by the Landfill operator.

#### **History of Revisions**

7/23/1990 – Original Land Use Permit Approval

11/1/1994 – Amendment 1 Approval (added COA 35.8)

6/25/2002 – Amendment 2 Approval (added Section 36 “Landfill Gas Power Plant” – LP012115)

11/18/2014 – Proposed New and Modified Conditions for 2014 Permit Review

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## OPTION B

### PROPOSED NEW OR MODIFIED CONDITIONS FOR 2014 PERMIT REVIEW

### LAND USE PERMIT 2020-89

### CONDITIONS OF APPROVAL

### KELLER CANYON LANDFILL

*This document only contains the Conditions of Approval proposed to be either added or modified. \**

**NEW Conditions** are shown in **shaded text** for ease of identification.

**MODIFIED Conditions** are shown in underline/strikeout formatting to discern what changes are being proposed.

Underline = Language proposed to be added

~~Strikeout~~ = Language proposed to be eliminated.

\* **GLOBAL TEXT EDITS** to the all Conditions of Approval to update and correct regulatory references and public agency names, like those noted below, are proposed to be applied to all applicable Conditions if approved as recommended.

- Community Development (CDD) → Conservation and Development (DCD)
- Riverview Fire Protection District → applicable Fire Protection District
- Health Services Department → Contra Costa Environmental Health  
[except those Conditions intended to refer to the Hazardous Materials  
Division]

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## 2.3 Assignment of Responsibility.

- (a) The Board may assign the responsibility of administering specific Conditions of Approval or provisions of this LUP, such as State Minimum Standards, to County Departments or other units of government.
- (b) The Board may suspend the implementation of conditions or provisions of this LUP where such conditions or provisions are inconsistent with the terms of a contract or agreement entered into between the Board and the operator or other units of government, or by the terms of a joint powers agreement where the County is a member of the joint powers agency. This would not alleviate the need to comply with the public approval process required when amending this LUP. Any Board approved suspension would automatically be nullified at such time as the contract or agreement no longer includes terms inconsistent with the specified condition.
- (c) For the purposes of Condition 2.3(b), the Franchise Agreement between the County and the Landfill Owner as amended in November 1994, is an eligible contract.
- (d) If no contract or agreement is in force, as referred to in Condition 2.3(b), the County retains authority to implement this LUP and all of its Conditions.

- 3.1 Compliance Objective. The Landfill developer and operator shall at all times comply with the requirements of laws and permits applicable to the facility. This condition is not intended to grant authority or assign responsibility to the County for the independent enforcement of regulatory and permitting requirements that fall within the primary jurisdiction of other agencies (see Condition 11.11).
- 3.3 State Minimum Standards. The operation and maintenance of this facility shall at all times comply with Minimum Standards for Solid Waste Handling and Disposal (California ~~Administrative Code~~ Code of Regulations, Title 14 and Title 27, Division 7, Chapter 3).
- 3.4 Land Use Permits. The Landfill developer and operator shall at all times comply with the provisions and requirements of this Land Use Permit. A violation of any of these conditions ~~is~~ may be cause for revocation of the Land Use Permit pursuant to County Code Section 418-4.020 following reasonable written notice. Alternatively, the County has the option of issuing formal notices and assessing penalties pursuant to Section 4.19 of the

Landfill Franchise Agreement or County Code Chapter 14-6, Civil Enforcement.

- 3.5 Solid Waste Facilities Permit. The Landfill operator shall conform with all provisions and requirements of the Landfill's Solid Waste Facilities Permit, and any related directives of which is based on the guidelines of the California Department of Resources Recycling and Recovery (CalRecycle) or Contra Costa Environmental Health, as the Local Enforcement Agency for CalRecycle Integrated Waste Management Board.
- 3.6 ~~Subchapter 15 Class II Landfill Requirements.~~ The Landfill operator shall at all times comply with the Class II waste disposal facility provisions and requirements of Article 3, of Subchapter 15, of Chapter 3 of Title 23 and Title 27 of the California Administrative Code of Regulations ("Subchapter 15") for a Class II waste disposal facility.
- 3.9 Notice Coordination. ~~Copies (or originals) of~~The Landfill operator shall notify the Department of Conservation and Development (DCD) in writing at the time any ~~reports is submitted~~ to other agencies concerning the design, operation, and maintenance of the Landfill facility, shall be sent by mail or hand-delivery, and~~Copies shall be made available or mailed to DCD offices at 30 Muir Road in Martinez the Community Development Department upon request, 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095.~~
- 5.1 Area of Origin. ~~The area of origin of all waste hauling vehicles admitted to the landfill, shall be Contra Costa County.~~ The Landfill operator shall not refuse to receive eligible wastes or cover materials which originate in Contra Costa County provided such wastes or materials are delivered to the facility in accordance with these Conditions of Approval and the landfill's Solid Waste Facilities Permit, and provided that ~~appropriate disposal~~the required governmental fees are paid. Rate setting requirements are specified in the Landfill Franchise Agreement and Section 12 of this Land Use Permit.
- 5.2 Out-of-County Wastes. INVALIDATED BY LEGISLATURE  
~~The Landfill operator shall not receive wastes from outside Contra Costa County unless such imports of waste are specifically approved by the Board of Supervisors. This condition shall not apply to wastes which may be temporarily received under the Emergency Use provisions of Condition 6.5 or the Reciprocal Capacity Agreement of Condition 5.4.~~
- 5.5 Pre-Requisite Curbside Recycling Program. The Landfill shall not admit for disposal~~of~~ waste loads from communities which do not have in operation an eligible curbside recycling, or equivalent, programs as determined by the

Department of Conservation and Development. An eligible program shall recover a range of recyclable materials approved by the Board of Supervisors. Board of Supervisors approval may be interpreted as a consistent~~ey~~ with a curbside recycling program operating pursuant to a Board of Supervisors-approved franchise agreement.. The Board of Supervisors has the discretion to identify additional factors to be considered when determining the eligibility. The Board retains the authority to approve of a community's programs previously deemed to be ineligible by the Department of Conservation and Development.

- 6.1 Eligible Wastes. The Landfill operator shall allow only wastes eligible for disposal in a Class II facility, as defined by the Regional Water Quality Control Board to be admitted to the landfill. The wastes admitted to the landfill shall also be consistent with the Solid Waste Facilities Permit (07-AA-0032), administered by ~~the Contra Costa Environmental~~Health Services Department, and consistent with the 1990 Environmental Impact Report and Board of Supervisors' policies and approvals (including the Board of Supervisors conditional authorization in 1992-93 to accept special wastes and limited direct haul – see Conditions 8.5 through 8.7) and these conditions of approval. To the extent allowed by law, the Board of Supervisors may direct the Landfill operator not to accept wastes that do not meet State and County policies and regulations.
- 6.2 Designated Wastes. The Landfill operator shall allow only those designated wastes (as defined ~~in by~~ Section 20210522 of Article 2 of Subchapter 15, of Title 2327, of the California Administrative Code of Regulations and Section 13173 of the California Water Code) approved for this facility by the San Francisco Regional Water Quality Control Board, and shall be consistent with the Solid Waste Facilities Permit to be admitted for disposal waste types allowed for disposal pursuant to Condition 6.1. The Board of Supervisors may designate special rates for this waste to the extent allowed pursuant to the terms of the Landfill Franchise Agreement.
- 6.5 Emergency Use. If the service area of the Landfill is determined to be a sub-area of the County, the County Department of Conservation and Development or Contra Costa Environmental ~~Health Services Department~~ may allow legal waste originating in areas of Contra Costa County, other than those stipulated in Section 5, to have access to the landfill for periods up to 180 days on an emergency basis. The department~~(s)~~ may grant one extension for no longer than 180 days. The Board of Supervisors may allow the emergency use of the landfill to continue for any time period deemed necessary up to two years.
- 6.6 Hazardous Waste Screening and Management. See Section 19.

- 6.7 Area of Origin Restrictions. See ~~Condition~~ Section 5.
- 7.2 Load Covering. The Landfill operator shall spot check all incoming waste-hauling vehicles for proper covering or containerization consistent with the requirements of Section 418-2.008(a) of the County Code. The operator shall ~~not admit~~ identify any waste loads which are susceptible to littering or leakage because of the lack of covering, inadequate covering, or disrepair of screens, covers or containers. Customers delivering any such waste loads shall be required to provide evidence that corrective actions have been taken to effectively cover and contain waste loads (e.g. waste adequately secured with covers and containers in good repair) in order to be eligible to deliver waste loads in the future. Landfill operator shall track and report applicable details about the occurrences and corrective actions taken to the County Department of Conservation and Development annually.
- 8.1 Eligible Vehicles. The Landfill operator shall admit only the following refuse transport vehicles:
- a) Transfer station trucks (vans) ~~from a transfer station located in Contra Costa County~~. Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations. Program may be subject to the approved by of the Board of Supervisors if deemed necessary for consistency with the Countywide Integrated Waste Management Plan.
  - b) Demolition and construction material trucks hauling debris that is would not be recycled or otherwise diverted from disposal if processed at a local Transfer Station or on-site consistent with the approved Materials Recovery Program (Condition 31.4) originating in Contra Costa County. There are If the Board of Supervisors has established waste reduction requirements goals that apply to such wastes generated by for the businesses and industries generating such wastes, therefore the operator shall assist the County to help ensure generators shall compliancey with such requirements or goals through implementation and compliance with Conditions 8.5 – 8.7.
  - c) Incinerated sewage sludge-hauling trucks originating at utilities ~~located in Contra Costa County, or other utilities serving Contra Costa County.~~
  - d) Sewage and water treatment plant sludge and other byproduct trucks ~~originating in Contra Costa County~~, with loads complying with San Francisco Regional Water Quality Control Boards solids-to-liquid requirements.

- e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board. ~~The wastes shall originate in Contra Costa County.~~
- f) Other specialized waste transport trucks, hauling wastes ~~originating in Contra Costa County and~~ identified in the Landfill's Solid Waste Facilities Permit which cannot be feasibly processed to increase diversion through a Transfer Station.
- g) The provisions set forth in subsections (b) and (f) above shall become effective on March 16, 2016 or upon the commencement of on-site sorting to recover materials from mixed waste loads as provided for in Condition 31.4, whichever is sooner ("Implementation Date"). In order to continue accepting direct haul loads in specified vehicle types prior to and until the Implementation Date, the Landfill operator shall submit a revised Material Recovery Program (Condition 31.4) and a completed permit application to County Environmental Health for on-site sorting and recovery no later than April 1, 2015. The forgoing notwithstanding, in the event of a legal challenge to the County's approval of this modified Condition 8.1 and/or to the approval of a Material Recovery Program, the Implementation Date shall be the later of date of the resolution of the legal challenges including exhaustion of all appeals to final judgment, or March 16, 2016.

8.5 Direct Haul. Only wastes in the prescribed vehicles which would not be recycled or otherwise diverted from disposal if processed through a local transfer station may be considered for direct haul pursuant to the Procedures specified in Condition 8.6. At least once per year, the Landfill operator shall submit an updated list of waste and material types recovered prior to transfer for disposal at the landfill if contained in loads delivered to any of the local transfer stations open to the public. The annual list shall be subject to the review and approval of the Department of Conservation and Development and is intended to be used when screening direct haul eligibility pursuant to Condition 8.6(g). Loads containing materials that will be used as cover or otherwise beneficially reused on-site and treated as diversion under the Integrated Waste Management Act may be direct hauled without going through a transfer station.

8.6 Direct Haul Procedures. Direct haul process and materials shall be consistent with the Solid Waste Facility Permit (No. 07-AA-0032), this LUP, and applicable policies adopted by the Board of Supervisors including those identified in 8.6(k) below. The operator shall ensure new customers receive information consistent with i) and j) prior to gaining

access to the site. The operator shall conduct screening procedures specified in a) through h) prior to allowing customers to direct haul waste/material loads to the landfill. Operator shall provide written confirmation that eligibility has been demonstrated consistent with these procedures prior to loads being accepted for disposal. Operator shall summarize results of direct haul eligibility screening completed each quarter in the direct haul reports required under Condition 8.7.

- a. Name of company and physical location at which the waste or material was generated.
- b. Complete description of waste including chemical analysis and solids-to-liquid ratio when appropriate.
- c. Description of originator's in-house waste inspection program(s) to ensure screening for hazardous and/or toxic materials or originator's written confirmation that their practices comply with uniform waste inspection program prepared by the Landfill operator.
- d. Description of volume and expected frequency of waste to be hauled and a description of the specialized waste transport vehicle(s) to be utilized.
- e. Description of the waste originator's in-house waste reduction and recycling program(s) or originator's written confirmation that their practices comply with a uniform waste reduction and recycling plan to be prepared by Landfill operator and approved by the Department of Conservation and Development.
- f. Originator's or transporter's affirmation to adhere to County imposed haul route and peak hour hauling restrictions.
- g. ~~Annual written confirmation by the Landfill operator, to be reviewed and approved by the Department of Conservation and Development that the waste(s) to be disposed is(are) not currently accepted for recycling (or otherwise diverted from disposal) at transfer stations within Contra Costa County Effective on March 16, 2016 or upon the commencement of on-site sorting to recover materials from mixed waste loads as provided for in Condition 31.4, whichever is sooner ("Implementation Date"), the Landfill operator shall prior to acceptance verify that Class III waste loads do not contain recyclable materials on the approved annual listing described in Condition 8.5 unless being accepted for on-site diversion or recovery pursuant to the Material Recovery Program (Condition 31.4). The forgoing notwithstanding, in~~

the event of a legal challenge to the County's approval of this modified Condition 8.6 and/or to the approval of a Material Recovery Program, the Implementation Date shall be the later of date of the resolution of the legal challenges including exhaustion of all appeals to final judgment, or March 16, 2016.

- h. Written waste eligibility determination from Keller Canyon Landfill Company based on a) through g) above.
- i. Requirements of Keller Canyon Landfill Company describing contract for landfill use, rules and regulations of the landfill (e.g. on-site speed limit), prescribed haul route, load inspection program, driver training program, and any other such information as required.
- j. Requirements for proper load covering or containerization and consequences for non-compliance specified in Condition 7.2.
- k. Any other information required by the Director of Conservation and Development, or by the actions of the Board on August 11, 1992, October 27, 1992, November 24, 1992, August 17, 1993, and December 14, 1993.

8.7 Direct Haul Reports. The Landfill operator shall submit quarterly direct haul reports to the Department of Conservation and Development. The quarterly reports shall contain details about all direct haul loads, including the date accepted, customer (company) name, waste type, tonnage, location and jurisdiction of waste/material origin (city and county) and end use (disposal, cover or other on-site beneficial reuse). Summarized results of all direct haul eligibility screening conducted during each period shall be submitted in conjunction with the quarterly waste origin reports. The quarterly reports shall also identify the total tonnage of municipal solid waste (Class III waste) received that quarter, total tonnage of Class II wastes received that quarter, and the percentage of total waste received which is characterized as Class II. If determined necessary by DCD, additional reporting information or more frequent reporting may be required in the future.

8.8 Emergency Direct Haul. In the event that a natural disaster or other emergency prevents the timely processing of wastes through a transfer station before disposal at the landfill, such waste or loads may be considered for direct haul. The landfill operator shall submit a written request to the County Department of Conservation and Development when circumstances or conditions warrant, or may warrant, emergency direct haul to the landfill. The landfill operator shall not proceed with emergency direct

haul until written approval has been provided by the Director of the Department of Conservation and Development. The landfill operator shall submit an incident report describing the basis for emergency direct haul and the contingency actions taken.

- 9.1 Hours of Operation. The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after ~~7:30~~7:00 p.m. Refuse shall be covered by 7:30 p.m. at which time working lights shall be extinguished. Entry and security lights shall be dimmed at 7:30 p.m. Other hours of operation, within those parameters, may be specified by the County Health Services Department or in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by ~~the County Contra Costa Environmental Health Services Department~~ or the Department of Conservation & Development.

The Director of ~~Community Conservation and~~ Development may administratively shorten or extend the hours of operations prescribed above after consultation with the Landfill operator, ~~the County Health Services Department~~ Contra Costa Environmental Health, and the ~~Local Advisory Committee~~ City of Pittsburg, after holding a public hearing to obtain the comments of other interested parties. To shorten the hours of operation, the Director of ~~Community Conservation and~~ Development shall find that the changes are needed to mitigate substantial noise, traffic, or similar impacts arising from the operation of the Landfill which were not known when this Land Use Permit was adopted. To extend the hours of operation, the Director of ~~Community Conservation and~~ Development shall find that longer hours will not cause traffic, noise, glare, or similar impacts of Landfill operations to substantially increase in the vicinity of the Landfill. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and Development if required to address any applicable officially declared disaster.

- 9.2 Operating Days. The landfill shall remain open for operation six days a week except on Holidays. It shall close on Sundays. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and Development.
- 9.3 Maximum Daily Tonnage. The landfill may accept for disposal a maximum of 3,500 tons of refuse per day ~~through the year 2005~~. The Board of Supervisors shall review and revise, if necessary, the maximum allowable tonnages per day, ~~prior to the year 2005~~. If the Board establishes sub-County service areas, maximum tonnages for each landfill ~~shall~~ may be

prorated to reflect their service areas. The Board may increase the maximum daily tonnages, if necessary, to reflect Reciprocal Capacity Agreements or emergency measures. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed warranted by the Director of Conservation and Development. The Landfill operator shall submit quarterly reports to the Department of Conservation and Development solely showing daily waste tonnage accepted for disposal.

- 10.1 Volume Estimation. The Landfill operator shall prepare reports annually estimating the remaining landfill site life (years) and capacity (cubic yards and tons). Reports shall be submitted to the Department of Conservation and Development by March 1<sup>st</sup> of each year.~~submit topographic maps of the landfill and a report of capacity absorption and fill rates to the Community Development Department every two years on the anniversary date of the landfill's opening.~~ The Landfill operator shall also submit an initial topographic map prior to receiving wastes.
- 10.3 Waste Characterization. The Landfill operator shall participate with transfer station operators serving the landfill in a tracking and reporting program to characterize incoming wastes by generator (customer) name, type, amount, and originating community and perform detailed load inspections on vehicles according to a program specified by the Department of County Community Conservation and Development~~Department and County Health Services Department~~. Reports shall be submitted to the County Department of Conservation and Development on a quarterly basis on or before the landfill reporting deadlines specified in the Disposal Reporting regulations (Title 14).
- 11.1 Permit Review. The Landfill operator shall submit reports to the Department of Conservation and Development summarizing the compliance status for these Land Use Permit Conditions of Approval annually unless otherwise specified by the Director of Conservation and Development. The Board of Supervisors will hold annual public hearings to review the Conditions of Approval for this Land Use Permit for three years beginning one year after the commencement of operations of the Landfill. The Board may refer proposed changes to the Land Use Permit to the County Planning Commission for processing. Thereafter, the County Planning Commission shall hold public hearings on the Land Use Permit at three-year intervals. As a result of a review and public hearing, the County Planning Commission may recommend to the Board of Supervisors new or modified conditions to improve the public health, safety, and welfare or in response to court decisions or regulatory changes. Nothing in this condition shall preclude the Landfill owner from applying for amendments to the Land Use Permit at any time or preclude the County from addressing emergency situations or new requirements imposed by State or Federal legislation or the courts.

- 11.2 Local Advisory Committee. The ~~Community-Department of Conservation and~~ Development ~~Department~~ shall organize, and the Landfill developer shall participate in a local advisory committee, consisting of elected representatives of local residents and neighborhood associations, to comment and advise on the development of the landfill and its operations. The Board of Supervisors may sanction the Local Advisory Committee as an official County committee. The committee shall be established as soon as reasonably possible after the Board of Supervisors' approval of this Land Use Permit, if such approval is forthcoming. Meetings shall be initiated following the approval of a Land Use Permit and shall be held at least quarterly through the first two years of landfill operation. Subsequently, meetings may be held annually, but with the provision for meetings on call by the chair or the written request of 3 or more members unless otherwise specified by the County Board of Supervisors. The County Health Services Department shall be notified at least 10 days in advance of all meetings. Subjects for consideration at meetings will include, but shall not be limited to safety and emergency procedures, landfill fill-related traffic problems, screening of visual impacts and problems of litter, odor, and noise control. Meeting agenda also may include discussion of reports on the landfill construction, operation and maintenance. The Landfill operator shall provide reasonable access to the landfill arranged through the ~~Community Conservation and~~ Development Department. A surcharge on the tipping fee may be used to fund the advisory group's operations.
- 11.3 Insurance and/or Bonding. The applicant shall provide the insurance and bonds specified by the units of government having approval authority over the project. The applicant/operator is obligated to comply with additional County specified insurance and bonding requirements pursuant to Article 12 of the First Amended Landfill Franchise Agreement. Subjects ~~will~~ may include, ~~but not be limited to~~, continuity of landfill operation, non-compliance, emergency measures, construction performance, landscaping and closure.
- 11.4 Notification Program. The Landfill operator shall prepare and implement a program to notify potential ~~users of the landfill~~ customers and periodically remind existing customers of ~~the Landfill's~~ its opening and closing times, and the conditions of its use, including waste reduction and recycling requirements, load covering requirements, site access regulations, truck maintenance to conserve fuel and a detailed list of prohibited hazardous wastes and alternative disposal options. Customers shall also be notified and periodically reminded of waste acceptance eligibility criteria so that refuse loads containing materials on the list approved annually pursuant to Condition 8.5 are not being brought directly to the landfill. The program should be prepared in conjunction with the operator(s) of the transfer

station(s) serving the landfill consistent with the Board of Supervisors' policies on direct haul (see Conditions 8.5 through 8.7). It shall be approved by the County Department of Community Conservation and Development Department.

- 11.6 Compliance Implementation and Mitigation Monitoring Program. The Landfill operator shall ~~provide a fund to support the~~ County ~~staff Department of Conservation and Development's program for~~ monitoring of compliance with these Conditions of Approval and the Environmental Impact Report's mitigation monitoring programs, ~~as designed and implemented by the County Community Development and Health Services Departments.~~
- 11.10 Conditions Requiring Franchise. Conditions of Approval ~~Nos. 4.2, Operative Date, and 13.4, Franchise Agreement Requirement,~~ require a franchise or agreement to be established by this County. All of ~~these Conditions of Approval~~ the terms of said franchise or agreement shall be subordinate to ~~the terms of said franchise or agreement~~ these Conditions of Approval, and ~~these terms of said franchise or agreement~~ Conditions of Approval shall control in the case of any conflict unless otherwise provided for pursuant to Condition 2.3. There shall be no need to amend these Conditions of Approval or the franchise in the event of such a conflict.
- 11.11 Regulations Enforced by Other Agencies. Several of these Conditions of Approval relate, paraphrase or summarize laws and regulations which are imposed and enforced by other governmental agencies which have jurisdiction over particular aspects of this project. It is this Board's intent in adopting these Conditions of Approval to provide the applicant and the public with an overview of the scope of regulation applicable to this project and to provide this County with the authority to exercise enforcement power if deemed necessary in response to violations of such laws and regulations enforced by other agencies ~~are violated.~~ Unless specifically stated in the Conditions of Approval, however, it is not this Board's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds that any action or inaction is in compliance with, or violates, any such law or regulation, that finding shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such approval shall be deemed to have been given for purposes of these Conditions of Approval.
- 11.12 Required Expenditures. This Board does not intend, by requiring the applicant to fund various measures, to make any decision regarding whether or not, or how, any expenditures incurred may be recovered through the rate

structure or otherwise by the applicant. Any such decision by this Board shall be reserved for its consideration in the franchise or agreement. No inference regarding this issue is to be drawn from this Board's use of any particular terminology in these Conditions of Approval.

- 11.13 Designation of Authority. In any instance where a Condition of Approval provides that this Board will decide or act upon a certain matter, this Board may delegate the initial decision making or action with respect to that matter to the Director of Community Conservation and Development or such other designee as this Board determines to be appropriate, provided that there shall be a right of appeal to this Board from any decision to the Director of Community Conservation and Development or other designee.

12.1 Rate Approval.

- a) The Board of Supervisors shall may at its discretion review and approve all rates charged by the landfill operator at the landfill to the extent allowed by the terms of the applicable Franchise Agreement. The rates established by the Board will be not only shall be the maximum rates but also minimum rates.
- b) The landfill operator shall at all times maintain on file with the County, a current schedule of Base Rates and Gate Rates charged to each customers as required in Section 6.6 of the Landfill Franchise Agreement.
- a)c) As provided for in Condition 2.3, where there is an inconsistency between the requirement(s) of this or any other rate setting Condition in Section 12 and the terms of the Landfill Franchise Agreement which granted the operator sole discretion over setting the base gate rate charged to customers, the terms of the Landfill Franchise Agreement shall supersede the applicable language in Condition 12.21(a) and 12.2 - 12.6 until such inconsistency no longer exists pursuant to Condition 2.3(d).

- 12.2 Rate Review. The If the Board of Supervisors shall elects to review and approve rates, it should be done —annually in accordance with an approvedthe rate application-review procedure established by the County. More frequent review of rates may occur if requested by the landfill operator and if the Board determines that changing circumstances warrant such review. The Board may also review rates more frequently if the Board determines that it is in the public interest to do so pursuant to the terms of the Franchise Agreement for the landfill.

- 12.3 Form and Content of Rate Review Application. The landfill operator shall

submit its rate application in a form and content as specified by the County. The Landfill operator shall provide any relevant rate and cost information requested by the County. Such application may require the landfill operator to submit the application on forms and/or using computer software provided by or specified by the County. The County shall have the right to inspect and audit all records of the landfill operators which support its rate review application.

- 13.1 Franchise Compliance and Agreement. The ~~Permittee~~-Landfill operator shall be subject to the terms and conditions of any franchise or agreement established by the Board of Supervisors. A draft franchise or agreement shall be submitted with or before the Final Development and Improvements Plan.
- 13.2 Assignment. The landfill operator and the landfill owners shall not assign or subcontract the franchise or agreement, any part of the franchise or agreement or any obligation of the franchise or agreement without written prior consent of the Board of Supervisors. Unless otherwise specified in the franchise agreement, The-the term "assignment" shall include any dissolution, merger, consolidation or reorganization of the landfill's ownership or the sale or other transfer of the controlling percentage of the owner's stock in the landfill or the sale of 51% of the value of the assets of the landfill's owners.
- 14.2 Regulatory Agency Approvals. Subsequent to the approval of this Land Use Permit, the Landfill Developer shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for building, serving, and operating the Landfill. The approvals shall include, but are not limited to:
- a) Waste Discharge Requirements from the Regional Water Quality Control Board.
  - b) Authority to Construct (and Authority to Operate Requirements) from the Bay Area Air Quality Management District.
  - c) Wetland Modification Permit from the Army Corps of Engineers.
  - d) Streambed Alteration Agreement from the State Department of Fish and Game.

The Landfill developer shall notify the ~~Community Development~~ Department of Conservation and Development if proposed or adopted permit conditions or requirements of other regulatory agencies do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report. The Landfill operator shall submit to the County copies of all new and modified permits or entitlements at the time each is issued or approved by the

applicable regulatory agency.

- 16.2 Seismic Design. The Landfill, its drainage features and operating components (lifts, berms, liners, sediment pond, leachate and gas collection systems and major stockpiles) shall be designed to withstand ~~the Maximum Credible Earthquake (MCE) and a 0.65g acceleration rate~~earthquakes as specified in applicable regulations. The Landfill developer shall utilize a MCE (design earthquake) specified by the ~~County Community Development Department and the~~ San Francisco Regional Water Quality Control Board. The Landfill developer shall provide substantiation in the Final Development and Improvements Plan that the Landfill design will withstand the MCE.
- 16.4 Geotechnical Inspector. The Landfill operator shall ~~contract with the County, or through the County, for~~fund the costs of an independent geotechnical consultant, who shall be selected by and be responsible to the County. The ~~consultant-Inspector~~ shall inspect ~~regularly~~ the installation and condition of liners, leachate control facilities and other installations, identified by the County, as they are installed and periodically thereafter as directed by the County. This provision shall remain in force over the life of the landfill.
- 16.6 Slope Monitoring. The Landfill operator shall install and maintain slope monitoring stakes on landslides and sensitive slopes which could affect an operating Landfill. The monitoring program shall be approved by the County ~~Community Development Department~~ of Conservation and Development.
- 16.8 ~~Post-Earthquake~~Emergency Landslide and Earthquake Program. The Landfill operator shall prepare and implement an emergency program for inspecting the Landfill facility, dealing with failures and providing for uninterrupted refuse handling for implementation following a substantial landslide and/or earthquake. The program shall be subject to the approval of the County ~~Community Development Department~~ of Conservation and Development, and the County Contra Costa Environmental Health Services Department and the Regional Water Quality Control Board.
- 17.6 Downstream Well Monitoring. The groundwater monitoring program shall include selected wells down gradient from the site. The wells shall be subject to approval by the San Francisco Regional Water Quality Control Board ~~and the County Health Services Department.~~ The Landfill operator shall sample and analyze water from these wells ~~on a quarterly basis~~ as required by the Regional Water Quality Control Board. The location of these wells shall be identified on the Development and Improvements Plan.
- 17.11 Water Balance Calculations. The Landfill operator shall provide water balance calculations, when requested by the ~~County Health Services~~

~~Department~~Regional Water Quality Control Board or other applicable regulatory agency, to evaluate intermediate stages of Landfill operation to ensure the maintenance of a proper solids-to-liquid ratio.

- 17.17 Working Face. The Landfill operator shall maintain a maximum daily working face of 3 acres or less in order to minimize surface water infiltration to the refuse, as well as to control dust and erosion, prevent vector proliferation, and minimize visual impacts. Exceptions to this limitation may be granted in response to natural disasters or other emergencies if deemed to be warranted by the Director of Conservation and Development.
- 18.2 Surface Drainage System. The Landfill operator shall install and maintain a Landfill surface drainage system which shall be designed to meet State Class II standards. It shall accommodate a 1,000-year, 24-hour design storm, as specified by the County Public Works Department and the San Francisco Regional Water Quality Control Board (SFRWQCB). The drainage system shall convey surface water around the active fill area without contacting the working face or any solid waste. The surface drainage system shall be approved by the SFRWQCB and the County ~~Community Development~~ Department of Conservation and Development and included in the Development and Improvements Plan. Surface flow shall be evaluated further with groundwater levels and precipitation factors prior to construction, and findings incorporated into the final landfill design in order to lessen impacts to surface water flow. Flow rates and groundwater levels shall be monitored through the life of the landfill. If loss of surface flow is determined to have unforeseen impacts, a like amount of water shall be provided.
- 18.4 Surface Water Management and Sediment Control Plan. The Landfill developer shall prepare and implement a ~~-Surface Water Management and Sediment Control Plan~~, which shall be subject to the approval of the County ~~Community Development~~ Department of Conservation and Development. The plan shall include a Stability Analysis of proposed cut and fill slopes, and shall prevent substantial erosion on slopes on the project site and reduce the amounts of water-borne materials from reaching surface waters. It shall include the components listed below, and it shall be included in the Final Improvements and Development Plan.
- (a) Primary Grading. The Landfill developer shall perform primary grading for the project's fill modules, cover, roads, paved areas, building sites, and the construction of site slopes during the April through October low rainfall season.
  - (b) Temporary Flow Restriction. If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the

Landfill developer shall take corrective actions, which may include the installation of ground cloth or the placement of hay bales.

- (c) Ground Cover. The Landfill developer shall plant ground cover on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan.
- (d) Ditch/Swale Liners. The Landfill developer shall line any ditches and swales for conveying surface runoff across sanitary Landfill areas to limit water infiltration. Drainage-ways across other areas shall be lined or planted to limit erosion.
- (e) Sedimentation Ponds. The Landfill developer shall install and maintain a sedimentation pond system prior to other landfill development to hold and process drainage from the Landfill property which shall be designed to withstand the 1,000-year, 24-hour design storm and Maximum Credible Earthquake event. The Landfill developer shall develop a program for monitoring storage volumes in the sedimentation ponds and releasing water depending on expected rainfall. Flow rates for downstream discharge shall not exceed the 25-year, 24-hour design storm. The program shall include a preventive maintenance program which shall include a program for clearing of sedimentation ponds and maintenance of perimeter ditches and vegetative cover. The owner shall submit documentation to the Department of Conservation and Development documentation to demonstrate that basin maintenance (e.g. dredging) has been completed as needed or required prior to the start of the rainy season (October 15<sup>th</sup>). The program shall be subject to approval from the County Community Department of Conservation and Development, Contra Costa Environmental Health Services, and Public Works Departments, and the San Francisco Regional Water Quality Control Board. The efficacy of the Landfill surface water control system in reducing downstream flooding shall be addressed in the annual and triennial reviews required by Condition 11.1.
- f) Runoff Conveyance. Erosion to ditches or gullies used to convey runoff shall be corrected by use of appropriate measures such as energy dissipators or rip rap.
- g) Equalization Basin. Water in contact with the working face area of the landfill shall be discharged into an equalization basin, monitored, and treated if necessary.

- 19.4 ~~Transfer Station~~Hazardous Waste Pre-screening. The ~~Household Hazardous Waste Program shall include pre-screening at transfer stations for identification and separation of hazardous materials. In addition, landfill~~

entrance load screening procedures and a manual load check program during unloading operations shall be included in the load screening program required under Condition 7.1. Landfill ~~employees~~operators shall be instructed to investigate suspicious containers for hazardous materials during bulldozing and other activities. Any hazardous materials found shall be set aside for proper collection and disposal.

19.5 Regulatory Agency Approvals. The collection and storage of toxic and hazardous wastes pursuant to this section shall be subject to County Health Services Department's Hazardous Materials Division, State Department of Health Services, and other regulatory agency approvals.

20.2 Odor Containment. The Landfill operator shall operate the Landfill in a manner that prevents odors from being detected off-site, pursuant to Regulations 7-101 and 7-102 of the Bay Area Air Quality Management District. If odors are reported to ~~the Contra Costa Environmental~~Health Services Department, or reports are relayed from the Bay Area Air Quality Management District, the Department of Conservation and Development or Contra Costa Environmental~~the Health Services Department~~ may require additional physical improvements or management practices as necessary to alleviate the problem. Contra Costa Environmental~~The Health Services Department~~ shall have the authority to cease disposal at a particular area of the Landfill, to control odors. A small daily working face (3 acres or less) shall be maintained. The leachate treatment system shall be enclosed and properly maintained to control odors from leachate. The landfill gas collection system and flare shall utilize BACT to reduce landfill gas as a source of toxics and odor.

The Landfill operator shall implement Best Management Practices of the industry to minimize odors from operations and emissions from equipment. If the operator is contacted about odors being detected off-site in surrounding areas, the date, time and description of the odor complaints shall be logged and investigated promptly to expedite implementation of any necessary corrective action by a the landfill operator. The Landfill operator shall contact Contra Costa Environmental Health or the Bay Area Air Quality Management District at minimum of once per year to obtain any information possible about odor complaints received by each agency. Any odor complaints received by the Landfill operator, Contra Costa Environmental Health or the Bay Area Air Quality Management District shall be included in the annual Activities Report required under the Landfill's Franchise Agreement unless otherwise specified by the Director of Conservation and Development. The landfill operator shall provide a means for receiving after hours odor complaints. Complaints shall be promptly investigated (after hours investigations

- required if/when multiple after hours complaints received on the same day or on multiple consecutive days) -to identify whether.~~—T~~ the source of the odor is on the landfill site, in which case the problem should be corrected in a timely manner. A response to the person lodging the complaint shall be made within 48 hours and copied to the Department of Conservation and Development, detailing the problem and remedial action taken.
- 20.3 Cover Frequency. The Landfill operator shall cover newly disposed refuse with compacted soil or other cover material meeting ~~the state regulatory~~ requirements enforced by Contra Costa Environmental Health and CalRecycle of the State of California (currently, a minimum of 6 inches of daily cover) and approved in writing by the Department of Conservation and Development. All working faces of the Landfill shall be covered by the end of the working day. Intermediate cover, meeting the requirements of the State ~~(currently a minimum of 12 inches)~~ shall be applied over each layer of cells ("lift"). The type of cover material and frequency of cover shall be modified/increase in order to control odor, litter or birds, if necessary, or if required by the Director of Conservation and Development or the Landfill's Solid Waste Facilities Permit.
- 20.4 Odoriferous Loads. The Landfill operator shall identify potentially cover extremely odoriferous loads prior to acceptance and make any arrangements needed to ensure that disposal of odoriferous loads is managed to avoid off-site detection, which may involve covering such incoming loads immediately.
- 20.7 Air Flow Monitoring. The Landfill operator shall monitor air flow on the site upon commencement of operations and shall provide background meteorological conditions including wind direction, wind velocity, ~~on-site air flows,~~ and temperature. After the Landfill is in operation, data shall be used to correlate odor, dust, or litter management with meteorological conditions. Air flow monitoring reports shall be submitted or made available to the ~~Contra Costa Environmental Health unty Health Services and the Department of Conservation and Community Development—Departments~~ upon request.
- 20.8 Contingency Program. Prior to the start of filling operations, Landfill operator shall prepare a "bad days" contingency program for managing the Landfill during periods of unusual wind speeds or directions, rainfall or drought or other atypical situations. It shall apply specific site monitoring information. The Landfill operator shall consider the comments of the City of Pittsburg local advisory committee and consult with the Bay Area Air Quality Management District and the Regional Water Quality Control Board. The program shall be approved by the County Department of Conservation and

Development and Contra Costa Environmental Health Services Department, and it may be revised from time to time. See Condition 25.4.

- 20.9 Revegetation. The Landfill operator shall revegetate completed Landfill areas ~~immediately~~. Revegetation shall be in ~~be~~ accordance with the Development and Improvements Plan and shall be consistent with ~~the County policy on landscaping and~~ State and local water conservation landscaping requirements. Intermediate and final cover areas shall be reseeded with native grasses~~vegetated~~ immediately. Excavations shall be reseeded with native grasses~~vegetated~~ or filled immediately. Operating areas which will not be used for fill or construction for 90 days or longer shall be planted for dust and erosion control and for aesthetic purposes. Landfill operator shall provide the County Conservation and Development Department with written notice and documentation (e.g. photographs) of any inactive unvegetated areas of disturbance not being reseeded immediately whether due to on-site activity associated with the landfill (construction or operations) or naturally occurring (landslides, etc.). The Director of Conservation and Development may require that revegetation notices be submitted more frequently and/or on a fixed schedule.
- 20.17 Landfill Gas Testing. The Landfill operator shall test Landfill gas for its toxic composition and for toxic constituents. The testing program shall be subject to the approvals of the Bay Area Air Quality Management District ~~and, the Contra Costa Environmental Health~~County Health Services and ~~the Community Department of Conservation and Development~~Departments. The Landfill operator shall provide the results to the County Community Development~~Department of Conservation and Development~~ and Contra Costa Environmental Health Services~~Departments~~ on a bi-annual ~~quarterly~~ basis unless a more frequent interval is specified in the Solid Waste Facilities Permit.
- 20.19 Cell Re-Opening. Previously-~~covered~~ ~~closed~~ cells shall not be reopened without permission from Contra Costa Environmental~~the County Health Services Department~~. The Department of Conservation and Development shall be notified of any occurrence that potentially necessitates that one or more cells be re-opened.
- 20.20 Fissure Repair. The Landfill operator shall inspect the Landfill daily. Surface cracks, fissures, eroded areas, or inadequately covered areas on the Landfill may require repairs within 24 hours. The Department of Conservation and Development shall be notified in writing at the time the operator identifies any substantial surface cracks or fissures requiring repairs beyond the placement and compaction of additional clean soil. Photo of the crack should accompany the written notice which describes he

expected cause and corrective action plans and repair schedule. This activity shall be included in the employee training program.

- 20.23 Speed Limits. The Landfill operator shall enforce speed limits set by the ~~Contra Costa Environmental Health~~County Health Services Department on internal site roads. The Landfill operator shall install appropriate signs and speed control devices. The maximum internal on-site speed limit shall be 20 mph unless otherwise specified by Contra Costa Environmental Health.
- 21.2 Noise Monitoring Program. The Landfill operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the County ~~Community Development~~Department of Conservation and Development and ~~Contra Costa Environmental Health Services Departments~~Contra Costa Environmental Health Services Department. The program shall monitor noise levels at sensitive receptor locations, one West of Bailey Road and South of West Leland Road, one near Bailey north of West Leland, and another in the Jacqueline Drive area south of West Leland Road. The Director of ~~Community Conservation and Development~~Conservation and Development may specify other monitoring locations. Noise monitoring reports shall be submitted to the County Conservation and Development Department on a quarterly basis unless otherwise specified by the Director of Conservation and Development. If the monitoring noise levels at the Landfill boundary line or other monitored location exceed 60 dBA during daylight hours, or 50 ~~dB~~dBA during the evening or at night, the County may require the operator to institute additional noise reduction measures to bring noise emanating from the Landfill to the forementioned levels or less.
- 22.2 Landscape Plan. The Landfill developer shall prepare and implement a site Landscaping Plan. The plan shall enhance the site's visual values as open space and its functional values as wildlife habitat. It shall minimize the visual impacts of the landfill operations and appurtenant facilities through revegetation and landscape screening. The plan shall show the plant species, size, and locations to be used to blend in with the existing natural vegetation. Natural, drought tolerant species shall be used, in accordance with ~~State and local County Policy on Wwater Cconservation Llandscaping requirements~~State and local County Policy on Water Conservation Landscaping requirements. A landscape maintenance program shall be part of the plan. A Weed Monitoring and Control Program shall be included, containing a listing of noxious weeds, a monitoring program, and abatement measure options. A Landscape Plan shall be included in the Development and Improvements Plan. The Landscape Plan shall assure no visual impact on the Cities of Concord and Clayton consistent with the Environmental Impact Report.
- 24.6 Mosquito Control. The Landfill operator shall grade areas within the Landfill

property to prevent ponding of water which could harbor mosquitos (except for sedimentation ponds and riparian habitat areas). Sedimentation ponds shall be stocked with mosquito fish unless otherwise specified by the Mosquito & Vector Control District. If a mosquito problem persists, ~~the Contra Costa Environmental unty~~ Health Services Department may require the preparation and implementation of additional mosquito control measures, such as spraying of non-toxic larval suppressant.

- 25.1 Litter Control Objective. The Landfill operator shall manage the facility in a manner which confines litter to the working face of the Landfill, which prevents litter from accumulating on another parts of the site, and which prevents litter from being blown off the site.
- 25.2 Load Covering. The Landfill operator shall implement a program ~~to requiring landfill users (customers) to securely containerize their load to avoid littering and~~ exclude uncovered loads from arriving at the Landfill consistent with the requirements of Section 418-2.008 of the County Code. The program shall be subject to the approval of the County Department of Conservation and Development and Contra Costa Environmental Health Services Department. See also Condition 7.2.
- 25.4 Contingency Litter Control. Under windy conditions, the Landfill operator shall cover the refuse with County approved cover materials ~~soil~~ as often as necessary to control blowing litter. Other options shall be considered as necessary, including the alignment of unloading areas away from the prevailing wind direction, increasing the number of compactors, decreasing the active face size, and reducing the number of vehicles tipping at one time. The Contingency Litter Control measures shall be contained in the Litter Control and Prevention Program that is subject to review and approval of the Department of Conservation and Development and Contra Costa Environmental County Health Services Department. Contra Costa Environmental Health shall have the authority to enforce this requirement. See Section 20.8.
- 25.7 On-Site Litter Policing. The Landfill operator shall remove litter from the litter fences and planting screens at least once each day. On-site roads, including 500 feet of Bailey Road south of the site entrance, shall be policed at least daily. ~~The Contra Costa Environmental unty~~ Health Services Department may require more frequent policing to control the accumulation of litter.
- 25.8 Off-Site Litter Policing. The Landfill operator shall provide weekly (or more frequent) litter clean-up along Bailey Road from ~~West Leland Road~~ Highway 4 to at least 500 feet south of the site entrance ~~during the Landfill's first year~~

- ~~of operations.~~ Based on experience, the County Department of Conservation and Development or Contra Costa Environmental Health Services Department may modify frequency of clean-up and/or area of coverage. If wind-blown litter from the landfill reaches other properties, the Director of Environmental Health Services or the Director of Conservation and Development may require the Landfill operator to remove the litter and the Director(s) may require the operator to institute additional measures to prevent recurrence of the problem.
- 25.11 Public access. Public access to the landfill shall be prohibited unless such access is provided for special events, such as tours, open house functions or wetland field trips for local schools.
- 26.9 Gas Migration Monitoring. The Landfill operator shall prepare and implement a gas migration monitoring program to detect underground gas migration. Landfill buildings and paved areas within 1,000 feet of the Landfill disposal area shall be monitored unless otherwise specified in state regulations. The monitoring program shall be approved by Contra Costa Environmental Health~~the County Health Services Department.~~
- 27.3 Security Staffing. The Landfill operator shall staff the Landfill 24 hours per day. Private security services may be retained when the site is not open to patrol and/or aid with investigating after hours odor complaints (see Condition 20.2) as needed.
- 29.2 Access Route. Access to the landfill facility shall be via State Highway 4, and Bailey Road unless alternate routes are approved by the County Department of Conservation and Development on an interim basis. No waste-hauling traffic shall be allowed entrance to the landfill from Bailey Road south of the site. The Landfill operator shall specify use of the prescribed route in all user contracts and shall notify non-contract users of the requirement. At the request of the Board of Supervisors, the Landfill Operator shall reimburse the County for the cost of enforcement of this Condition on the access route. The Board of Supervisors may also request the Landfill operator to reimburse the City of Concord for an access control police inspection stop on Bailey Road should it become necessary to enforce this access route condition.
- 29.9 Peak Period Traffic Management. The Landfill operator shall prepare a study, in conjunction with the local transfer station(s) serving the landfill, for managing transfer vehicle traffic to reduce peak period conflicts with traffic on Highway 4. The study shall address the restricted departure periods from the Landfill identified in the Environmental Impact Report (6:30 - 8:30 a.m. and 3:30 - 6:30 p.m.) and shall identify any changes to the conditions of

approval needed to implement a peak-period traffic reduction program. The study shall be approved by the County Public Works and Conservation and Community Development Departments and shall be provided ~~to the County Community Development Department~~ with the Development and Improvements Plan. The Director of Community Conservation and Development has imposed the shall specify peak period traffic restrictions identified in a) and b) below. The Director of Conservation and Development may specify any additional peak period traffic restrictions deemed to be warranted. The Landfill operator shall comply with such restrictions, and shall require compliance in contracts with Landfill users.

- a) The A.M. peak period departure from the landfill shall commence at 7:10 a.m.
- b) A three minute interval shall be maintained between waste hauling vehicles en route to Highway 4 westbound during the period of 7:10 a.m. and 8:30 a.m.
- c) Waste hauling vehicles en route to eastbound Highway 4 (the uncongested "reverse commute" direction) may be released without restriction

30.0 Site Services and Utilities Objective. The Landfill developer shall design, develop and manage the facility in such a manner that services and utilities adequately meet the landfills requirements, while ensuring the protection of site employees, area residents, and the surrounding environment.

31.4 Materials Recovery. The Landfill operator shall prepare and implement a Materials Recovery pProgram for recovering recyclable materials from refuse loads brought directly to the landfill. The Program shall describe in detail all existing and proposed on-site recovery activities and the associated percent of waste diversion for each, including materials diverted for use as cover, on-site beneficial reuse as well as transported off-site (e.g. biomass facilities). The Program shall include proposed on-site recovery activities intended to handle source separated loads and comingled loads to be sorted on-site to increase diversion. On-site recovery activities for direct haul loads of Class III waste loads containing recyclables shall be designed and operated to ensure that diversion levels are not less than 50%. The Landfill operator shall pay all County fees and surcharges on materials recovered on-site in the same manner as if material was disposed.~~The operator shall coordinate the material recovery program with the operator(s) of a transfer station(s) serving the Landfill.~~ —The pProgram shall be consistent with Conditions 8.5 and 8.6 the and shall only include on-site direct haul recovery activities that will divert no less than an average of 50% for consistency with the Countywide Integrated Waste Management Plan. The Program and

shall be subject to the approval of the County ~~Community Development~~ Department of Conservation and Development.

- 31.5 Composting ~~Program~~jeet. The Landfill operator shall develop and implement a ~~pilot~~ program for composting organic material ~~at the landfill site~~. The program may occur at the landfill site, off-site or in coordination with third party(ies), and shall be approved by ~~the County Health Services Contra Costa Environmental Health and the Community Development~~ Department of Conservation and Development. The compost shall be used for landfill landscaping, cover material or other approved on-site uses; alternatively, compost can be made available or sold off-site. The purpose of the composting program~~purpose of the pilot project~~ shall be to ~~determine~~ implement a cost effective and feasible means of providing adequate local organics diversion capacity through ~~ility of large-scale on-site~~ composting. The composting operations shall be subject to regulatory and permitting requirements enforced by Contra Costa Environmental Health, the Air District and the Water Board meet the State Department of Health Services' regulations on land application, if applicable. No later than January 1, 2016, ~~The~~ Landfill operator shall submit substantiation that they have applied for the required regulatory approvals (permits) processes necessary to conduct large-scale composting or demonstrate that arrangements are underway to implement an equivalent off-site program. The Landfill operator shall make all feasible efforts to assist the County in ensuring that there will be adequate composting capacity available to readily divert the organics waste stream generated in Contra Costa County which is currently used as Alternative Daily Cover (ADC) prior to the sunset of the ADC diversion credit on January 1, 2020. pilot project shall be in operation within six months of the opening of the Landfill. Its results shall be considered at the second Land Use Permit review.
- 31.6 Wood Chipping. The Landfill operator shall establish a program to encourage landscape services and construction/demolition ~~material debris~~ haulers to segregate wood material for chipping and diversion from landfill disposal. ~~The program may occur off-site, however unless and until there is on-site recovery (waste diversion as defined in the Integrated Waste Management Act) the Landfill operator shall direct these customers to deliver loads of landscaping and construction/demolition debris to facility(ies) that recover and chip wood material. The program shall be submitted for review and approved by the County Community Development Department of Conservation and Development and implemented on an ongoing basis following approval. and shall be placed in operation within six months of the landfill's opening.~~

31.9 County Resource Recovery Management Program.

- a) When directed by the County, the Landfill operator shall impose a tonnage surcharge adequate to support a County Resource Recovery Management Program ~~consisting of the Office of Resource Recovery Management and its program~~. The cost of the program to be supported by the surcharge shall not exceed \$100,000 at 1987 levels. If other solid waste disposal facilities are subject to this or a similar condition, the County may pro-rate the cost of the program among them according to a formula approved by the Board of Supervisors.
- b) As provided for in Condition 2.3, where there is an inconsistency between this condition and the terms of the Landfill Franchise Agreement which effectively suspended the collection of this Resource Recovery Management Program Fee, the terms of the Landfill Franchise Agreement shall supersede Condition 31.9 (a) until such inconsistency no longer exists pursuant to Condition 2.3(d).

32.2 Exemption. The Landfill developer may request, in writing, and the Director of ~~Community Conservation and~~ Development may grant, exemptions to Condition 32.1 for specific times for cause. An example is the placing of concrete.

32.6 Dust Suppression. The developer shall sprinkle or chemically treat graded areas, borrow sites, stock piles, and temporary pavements to control dust, as determined necessary by Contra Costa Environmental Health ~~the County Health Services Department and the Bay Area Air Quality Management District~~.

33.2 Funding of Closure and Postclosure Maintenance Plan. The Landfill operator shall submit to the Board of Supervisors and California Department of Resources Recycling and Recovery (CalRecycle) ~~Integrated Waste Management Board~~ evidence of financial ability to provide for the cost of closure and postclosure maintenance in an amount not less than the estimated cost of closure and 15 years of postclosure maintenance as contained in the submitted closure and postclosure maintenance plan unless otherwise required by the State. Evidence of financial ability shall be in the form of a trust fund approved by the Board of Supervisors in which funds will be deposited on an annual basis in amounts sufficient to meet closure and postclosure costs when needed unless ~~or~~ an equivalent financial arrangement is identified as acceptable to the Board of Supervisors. The Board of Supervisors determined that the State required financial guarantees approved and periodically reviewed by ~~and the California Integrated Waste Management Board~~ CalRecycle are equivalent and therefore adequate to

satisfy this condition. The Landfill operator shall maintain a trust fund balance that equals or exceeds the requirements of state law or regulation notwithstanding, however, the trust fund balance shall be at least equal to the then current closure and postclosure cost estimate at such time the landfill has reached one-half of its permitted capacity. The Trust Fund balance requirement shall be appropriately adjusted if the landfill is closed in stages under Condition 33.4.

35.4 Resource Recovery Program Fee.

a) The Landfill developer or operator shall pay to the County of Contra Costa a resource recovery program fee of \$200,000 annually, beginning July 1, 1990. The developer or operator shall deposit the monies in a segregated account established by the County. The extent of the fee shall be subject to reconsideration when a franchise or agreement is established for the Landfill. The resource recovery program fee from its inception shall be a pass-through business cost for the purpose of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.

a)b) As provided for under Condition 2.3, where there is an inconsistency between this condition and the terms of the Landfill Franchise Agreement which effectively suspended this Resource Recovery Program Fee, the terms of the Landfill Franchise Agreement shall supersede Condition 35.4 (a) until such inconsistency no longer exists pursuant to Condition 2.3(d).

35.5 Violation of Prescribed Haul Route. Upon a receiving a written determination ~~from~~of the County that a user of the Landfill has violated Condition ~~of Approval Section 29.2~~ by using a prohibited access route, ~~and upon a written direction by the County,~~ the Landfill operator shall impose on that user the sanction that is directed by the County. Such sanction may include a surcharge on the tipping fee, prohibition against accepting waste from that user for a designated period of time, revocation of County refuse-hauling license, or other sanction directed by the County. A system for reporting alleged violation and for monitoring enforcement data shall be established by the County and implemented by the Landfill operator.

**History of Revisions**

7/23/1990 – Original Land Use Permit Approval

11/1/1994 – Amendment 1 Approval (added COA 35.8)

6/25/2002 – Amendment 2 Approval (added Section 36 “Landfill Gas Power Plant” – LP012115)

2/18/2015 – Proposed New and Modified Conditions for 2014 Permit Review

## PROPOSED MODIFICATIONS TO THE KELLER CANYON LANDFILL LAND USE PERMIT CONDITIONS OF APPROVAL

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## City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

January 9, 2015

The Honorable John Gioia, Chair  
Contra Costa County  
Board of Supervisors  
651 Pine Street  
Martinez, CA 94553

Subject: Proposal for City of Pittsburg as Local Enforcement Agency Designation for Keller Canyon Landfill

Chair Gioia and Board of Supervisors:

Pursuant to the Board of Supervisor's request on December 16, 2014, the City of Pittsburg is providing a proposal for solid waste inspections and enforcement for Keller Canyon Landfill. The proposal will provide a brief background of the Pittsburg Local Enforcement Agency (Pittsburg LEA), reasoning for the designation of the Pittsburg LEA for Keller Canyon Landfill, and potential resource savings for the County.

The City of Pittsburg was formally designated a Local Enforcement Agency by the California Integrated Waste Management Board (presently known as CalRecycle) on December 15, 1993. The City has all the proper certifications by CalRecycle to inspect Keller Canyon Landfill and is in good standing with the State with commendable evaluations. In addition, Pittsburg currently employs three qualified staff members with a combined 85 years of experience.

The Pittsburg LEA is typically the first agency approached in the local community when issues arise concerning Keller Canyon Landfill. Designation of the Pittsburg LEA over Keller Canyon Landfill would eliminate the additional step by residents contacting the County LEA. Being in closer proximity to the Keller Canyon Landfill will enable a more efficient handling of community issues. The designation will also provide a local contact in the community that is the most impacted due to the landfill residing in Pittsburg's sphere of influence. The Keller Canyon Landfill will have a long legacy for Pittsburg and local oversight will ensure its short-term and long-term influences are safe for the local community most impacted.

The Pittsburg LEA has experienced staff available immediately to begin solid waste inspections and enforcement. Enforcement activities will comply with State regulations and permit requirements. This proposal will allow for a transitional period of three years from the County LEA to the Pittsburg LEA and will be reflected in a resource friendly package to the County. During the transitional period, joint inspections by the Pittsburg LEA and County LEA will occur to ensure a smooth transition for Keller Canyon Landfill as well as to provide transparency during the process. Throughout the term of Pittsburg acting as Keller Canyon's LEA, Pittsburg will submit an annual report to the County.

Based on all present conditions, the following fees would apply from the present Keller Canyon generated LEA fees for the designation of the Pittsburg LEA for the Keller Canyon Landfill:

Year	Fees
1 <sup>st</sup> year	\$ 2,200.00 per month
2 <sup>nd</sup> year	\$ 2,350.00 per month
3 <sup>rd</sup> year	\$ 2,500.00 per month
4 <sup>th</sup> year and beyond	To be determined.

Additional services will be billed on a time and material basis.

In recognition of the expenses the City will invest to take on the additional duties and responsibilities of the LEA designation, if Contra Costa County retracts the Pittsburg LEA designation during the transitional period, the Pittsburg LEA will be paid a "wind-down fee" equivalent to fifty percent of the Keller Canyon generated LEA fees collected for that three-year period. This payment would offset investment costs incurred by the City during the start-up, management, wind-down period, and afterward, including but not limited to expenses for outreach to the community, staff transition, equipment, and implementation of necessary organizational changes.

This proposal will require approval by the Contra Costa County Board of Supervisors, the City of Pittsburg City Council, and CalRecycle before it can proceed. We anticipate that the proposal will be incorporated into a negotiated Memorandum of Understanding that is fair and reasonable to all parties.

The Pittsburg LEA appreciates the opportunity to provide this proposal and looks forward to future discussions. Please feel free to call me at (925) 252-4850 if you have questions on the above information.

Sincerely,



Joe Sbranti  
City Manager

cc: Contra Costa County Board of Supervisors  
City of Pittsburg City Council  
David Twa, County Administrator  
Garrett Evans, Assistant City Manager

# C&D Processing at Keller Canyon Landfill – Preliminary Draft

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## 1) Background and Introduction

- a) In compliance with Land Use Permit 2020-89, Condition 8.1b, construction and demolition (C&D) material has been coming into Keller Canyon Landfill (KCL) for over 20-years.
- b) The material is from a variety of sources including independent haulers using self-dumping trailers or rolloff trucks to contractors with end-dumps or debris boxes.
- c) The understanding is that the majority of this material has already undergone some form of generator or job location source separation and material specific source reduction prior to arriving at Keller. This understanding is supported by information obtained by market area representatives, and involves principally three concepts;
  - i) Construction economics dictate that recoverable materials be removed prior to disposal because they either have monetary value (e.g. metal) or can be processed or managed at a much lower cost than what is associated with disposal (e.g. clean wood)
  - ii) Many communities where generators are located (including the County) have mandatory C&D recycling ordinances or other recycling incentives
  - iii) Visual observations made by trained landfill personnel on existing inbound materials

## 2) Purpose and Need

- a) As stated, customers have been bringing their C&D to KCL for over 20 years. It is a convenient, cost-effective location to manage this fraction of materials from jobsites/projects they are associated with and an important resource for local businesses.
- b) By adding on-site sorting and processing capabilities, KCL will increase diversion for the County and continue to provide a valuable service to the community.

## 3) Benefits/Impact on County TS processing Capacity

- a) If much of the material has already been presorted or segregated, there is little benefit to sending it through a transfer station. In fact, it unnecessarily adds costs, traffic, carbon footprint and greenhouse gas impacts.
- b) Since material has been coming to KCL for so long, additional processing and diversion at KCL will have little to no impact on the operation of local transfer stations. This

project will maintain the status quo, except for additional processing and diversion at KCL.

4) Timeframe/Schedule

- a) Once approved, the operation could be implemented fairly quickly; probably within 3 to 6-months, depending on final project parameters and seasonal weather conditions.

5) Processing Hours/Days

- a) Processing would be limited to normal business days (M-F) and hours (8 a.m. – 4 p.m.)
- b) Depending on volumes, processing would likely only be required 3-5 days per week for 4-6 hours per day
- c) Flexibility may be required in the event that additional processing capacity is needed for larger jobs, but in no case will it occur outside of normal business days and hours.

6) Waste Types and Volumes/day

- a) Waste types are expected to be similar to what is received now, which includes pre-processed and unprocessed C&D from a variety of sources including residential, commercial and industrial.
- b) Waste volumes are anticipated to be similar to what is received now; 400-1500 tons per month, depending on seasonality, economic conditions, and other market factors.

7) Operational Changes

- a) Processes
  - i) C&D loads received that the site for processing will be directed to the Processing Area, as shown in Figure 1, where they will be offloaded onto an all-weather sorting pad.
  - ii) The material will be stored until a sufficient quantity of material has been received to warrant sorting and segregation. Material will normally be sorted within 5 business-days of receipt, and in no case more than 15 business-days.
  - iii) Sorting will occur using a ground sort method with both manual and equipment aided processes
    - (1) Once the material has been received and offloaded onto the sorting pad, manual and equipment aided sorting will begin. Larger pieces will be removed and placed in nearby bunkers, bins or piles. Equipment and laborers will spread the material out as needed to facilitate further sorting.
  - iv) Material placed in bunkers, bins or piles will be stored until sufficient quantities are accumulated:

- (1) Materials such as clean wood and metal will be stored in open air piles until sufficient quantities are accumulated for outhaul.
    - (a) Clean wood will be transported out by a third party to a biofuel location, similar to how it is currently handled at other RSG locations.
    - (b) Metal will be sent to Sims or Schnitzer steel (or similar service provider) for further recycling.
  - (2) Other materials such as concrete, asphalt, dirt and related fines will be stockpiled and beneficially used on-site for pad, road construction and cover (daily or intermediate) as needed.
- v) Residual materials not sorted for diversion will be transferred to the working face for disposal.
- vi) All material movements will be tracked and recorded as appropriate.
- b) Equipment
  - i) Much of the sorting will be done manually using on-site labor. Necessary equipment will be used as needed to safely move and manage the material and stockpiles.
  - ii) Existing equipment that may be used includes the following;
    - (1) Excavator/backhoe/wheel loader/skid steer
    - (2) Rolloff bins, trucks and an end-dump
- c) Buildings/Site Improvements
  - i) No additional buildings will be needed.
  - ii) Site improvements include construction of an all-weather tipping and sorting pad as well as bunkers delineated by K-Rails or similar concrete blocks. Stockpiles will also be used to store bulk materials such as concrete and dirt that may be removed from the C&D loads. These piles will be similar to existing onsite piles of these types of materials.
  - iii) The operational area will be graded to optimize drainage. Signs will be placed as needed to direct the sorting, moving, transport and storage of material.

## 8) Diversion Methods

- a) As described above, diversion will be largely accomplished through a combination of manual and equipment-aided sorting. Experience shows that significant diversion can be accomplished in this manner.

## 9) Diversion Percentage

- a) A minimum 50% diversion is expected.
- b) Tracking of aggregate amounts diverted during a given month will occur as materials are sorted and sent offsite, beneficially used on site or transported for disposal.

- c) Diversion and disposal reporting will be performed in accordance with the LUP and SWFP conditions

#### 10) Vehicle trips

- a) No significant additional vehicle trips are anticipated, as the intent is to continue to service customers that already bring this material to KCL. Some additional outbound loads will be required to accommodate diverted material. This may amount to 10-40 loads per month (or an increase of less than 1% over existing permitted levels).

#### 11) Personnel/Staffing Requirements

- a) Sorting will be done on a part-time basis and staffed accordingly. Existing onsite workforce will be used and additional temporary recycling workers will be brought in as needed to facilitate the required sorting operations.
- b) An onsite KCL operator and driver will also be used to run equipment and vehicles as needed.

#### 12) Permitting and Compliance

- a) Conditions will need to be addressed, modified or approved as needed in the following permits;
  - i) LUP COA; County DCD
  - ii) SWFP/RDSI; LEA & CalRecycle

#### 13) Maps/Locations

- a) Processing locations are under consideration, but will likely occur either up top on the top deck area or in the area adjacent to the landfill on the east side or south side of the fill placement area.

LAW OFFICES OF  
**SCOTT W. GORDON**  
A PROFESSIONAL CORPORATION  
1990 NORTH CALIFORNIA BLVD. SUITE 620  
WALNUT CREEK, CALIFORNIA 94596

SCOTT W. GORDON  
SWGORDON@SBCGLOBAL.NET

215 W. 7<sup>TH</sup> STREET, NO. 509  
LOS ANGELES, CALIFORNIA 90014

ENVIRONMENTAL, LAND USE  
PUBLIC AGENCY PRACTICE

REPLY TO: WALNUT CREEK

925-295-3133  
FAX: 925-295-3132

December 16, 2014

Via Hand Delivery December 16, 2014

The Hon. Karen Mitchoff, Chair  
and Members of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street  
Martinez, CA 94553

Re: Agenda Item D. 7; Permit review to consider new and modified conditions  
of approval for Keller Canyon Landfill's Land Use Permit

Dear Chair Mitchoff and Members of the Board:

This undersigned serves as counsel for Keller Canyon Landfill Company, Inc. ("KCLC"), the permittee in the pending proceeding for County review and update of the Land Use Permit for the Keller Canyon Landfill. I am writing to address one of the suggested modifications forwarded to you by Mr. Kopchik, Interim Director of the Conservation & Development Department ("CDD") following the County Planning Commission's review completed on November 18, 2014.

Specifically, KCLC believes changes can and should be made to the proposed language for LUP conditions 8.1, 8.5 and 8.6 included in the CDD staff mark up of proposed permit conditions for Recommendation No. 3 in your Board Order, dealing with eligible vehicles and the guidelines for direct haul of materials to the landfill facility. KCLC's suggested text revisions are included as Attachment A to this letter, with suggested changes noted in the blue underlined and highlighted text.

The brief background and need for the modification is as follows. For the past 20 years of the landfill's operation pursuant to the LUP, the site has been receiving construction and demolition debris type waste loads directly brought to the landfill, in accordance with the direct haul guidelines. This is waste material that in the landfill's experience has largely been pre-processed by generators prior to delivery to the landfill. However, in the course of the CDD staff and Planning Commission review of the LUP as directed by the permit and your Board, certain

competitor companies – using lawyers, consultants and surrogate entities with names like the California Compost Coalition and Organics Waste Solutions, LLC -- have aggressively lobbied staff and the Planning Commission for changes to conditions 8.1, 8.5 and 8.6, urging the staff and Commission to adopt the revised condition language embodied in Recommendation No. 3, and even urging the Commission to have gone further in attempting to force waste materials that have been received at the landfill via direct haul to be diverted to other facilities, including of course facilities owned by competitors. The lawyers and businesses are strangers to the Keller permit who inappropriately seek to use this review proceeding to further their business interests at the expense of Keller Canyon Landfill and the County.

The KCLC language proposal before you is a slight modification to the current draft CDD permit update language that would allow the landfill site itself to undertake additional processing of this waste material, subject of course to compliance with environmental review requirements of CEQA<sup>1</sup> and the permitting process. The language stipulates that Keller Canyon will apply for permits by April 1, 2015 to perform additional processing at the landfill site for materials it currently receives and has taken over the past 20 years. This is not a new waste stream and would not change the inbound traffic into the facility. By doing supplemental on site processing, the landfill will be taking the extra step to capture excess materials suitable for diversion prior to disposal, while maintaining the status quo allowing the facility to continue operations without loss of these waste streams and materials to economically motivated competitors. The landfill would implement the new CDD language for conditions 8.1, 8.5 and 8.6 once permits were obtained to implement additional processing. Until then, the current practice, reflecting the status quo, would remain in place. This approach is in our judgment fair, given that implementing the CDD language could disrupt the inbound waste streams and result in a loss of facility revenues and franchise fees to the County as a result. It seems patently unfair and a brazen step that business competitors -- companies who have not made the kind of investment of the magnitude required to establish a state of the art solid waste management facility like Keller Canyon -- should be able to use another facility's permit review process to implement what amounts to a flow control measure to take away business in order to reap economic benefits for their own businesses.

The Keller Canyon facility has been extensively regulated by the County and other agencies for the past 20 years, and the LUP permit requirements have been interpreted and administered by the County over the same period authorizing the direct haul of demolition and debris materials. The landfill pays franchise fees to the County for receipt of this material. Fairness in the administration of the LUP counsels in favor of our suggested approach. Everyone wins in this situation: traffic is not altered and redistributed to other facilities with unknown consequences; Keller Canyon rightfully retains business revenues it has earned in the marketplace; the facility achieves additional diversion; and the stability of revenues means that

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<sup>1</sup> California Environmental Quality Act, Pub. Res. Code section 21000 *et seq.*

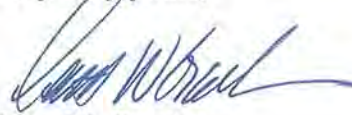
The Hon. Karen Mitchoff, Chair  
and Members of the Board  
Contra Costa County Board of Supervisors  
December 16, 2014  
Page 3

that County's franchise fees on the facility's receipt of this waste material continue, benefitting the County.

We respectfully request that the Board approve the proposed new and modified conditions of approval for the Keller Canyon Landfill Land Use Permit (LUP), County File #LP89-2020, reflected in Exhibit B, but substituting the specific modifications to conditions 8.1, 8.5 and 8.6 set forth in attachment A to this letter.

Thank you for your consideration of these matters.

Very truly yours,



Scott W. Gordon

Encls.

SWG:cg

cc: Mike Caprio, Northern California Area President  
Rick King, KCLC General Manager  
Tim Argenti, General Manager  
Ms. Deidra Dingman, CCC Solid Waste Programs Manager

Requested Changes in Highlighted and Underlined Blue Text:

8.1 Eligible Vehicles. The Landfill operator shall admit only the following refuse transport vehicles:

- a) Transfer station trucks (vans). Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations, which may be subject to the approval of the Board of Supervisors if deemed necessary for consistency with the Countywide Integrated Waste Management Plan.
- b) Demolition and construction material trucks hauling debris that would not be recycled or otherwise diverted from disposal and is not processed onsite or at a local Transfer Station. There are waste reduction requirements that apply to such wastes generated by businesses and industries, therefore the operator shall assist the County to help ensure compliance with such requirements or goals through implementation and compliance with Conditions 8.5 – 8.7.
- c) Incinerated sewage sludge-hauling trucks originating at utilities.
- d) Sewage and water treatment plant sludge and other byproduct trucks with loads complying with San Francisco Regional Water Quality Control Boards solids-to-liquid requirements.
- e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board.
- f) Other specialized waste transport trucks, hauling wastes identified in the Landfill's Solid Waste Facilities Permit which cannot be feasibly processed onsite or through a local Transfer Station.
- g) The provisions set forth in subsections (b) and (f) above shall become effective on January 1, 2016 or upon Landfill Operator's receipt of all necessary permits and approvals for onsite processing of waste materials, whichever is later ("Implementation Date"). Consideration and issuance of permits and approvals is subject to compliance with CEQA and applicable laws. Prior to and until the Implementation Date, Landfill Operator's current practice and procedures for Eligible Vehicles shall remain in effect. Landfill Operator shall apply for such permits and approvals by April 1, 2015.

8.5 Direct Haul. Only wastes in the prescribed vehicles which is not recycled or otherwise diverted from disposal if processed onsite or through a local transfer station may be considered for direct haul pursuant to the Procedures specified in Condition 8.6. Loads containing materials that will be used as cover or otherwise beneficially reused on-site and treated as diversion under the Integrated Waste Management Act may be direct hauled without going through a transfer station.

8.6 Direct Haul Procedures. Direct haul process and materials shall be consistent with the Solid Waste Facility Permit (No. 07-AA-0032), this LUP, and applicable policies adopted by the Board of Supervisors including those identified in 8.6(k) below. The operator shall ensure new customers receive information consistent with i) and j) prior to gaining access to the site. The operator shall conduct screening procedures specified in a) through h) prior to allowing customers to direct haul waste/material loads for disposal at the landfill. Operator shall provide written confirmation that eligibility has been demonstrated consistent with these procedures prior to loads being accepted for disposal. Operator shall summarize results of direct haul eligibility screening completed each quarter in the direct haul reports required under Condition 8.7. These requirements shall not apply to loads being received for onsite processing. These provisions shall become effective on January 1, 2016 or upon Landfill Operator's receipt of all necessary permits and approvals for onsite processing of waste materials, whichever is later ("Implementation Date"). Consideration and issuance of permits and approvals is subject to compliance with CEQA and applicable laws. Prior to and until the Implementation Date, Landfill Operator's existing and past practice and procedures for Direct Haul waste materials shall remain in effect. Landfill Operator shall apply for such permits and approvals by April 1, 2015.

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER  
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PH.D. REHS  
DIRECTOR OF ENVIRONMENTAL HEALTH



CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cchealth.org/eh/

2015 FEB -2 P 4: 51

**Date:** January 28, 2015

**To:** Deidra Dingman, Department of Conservation and Development

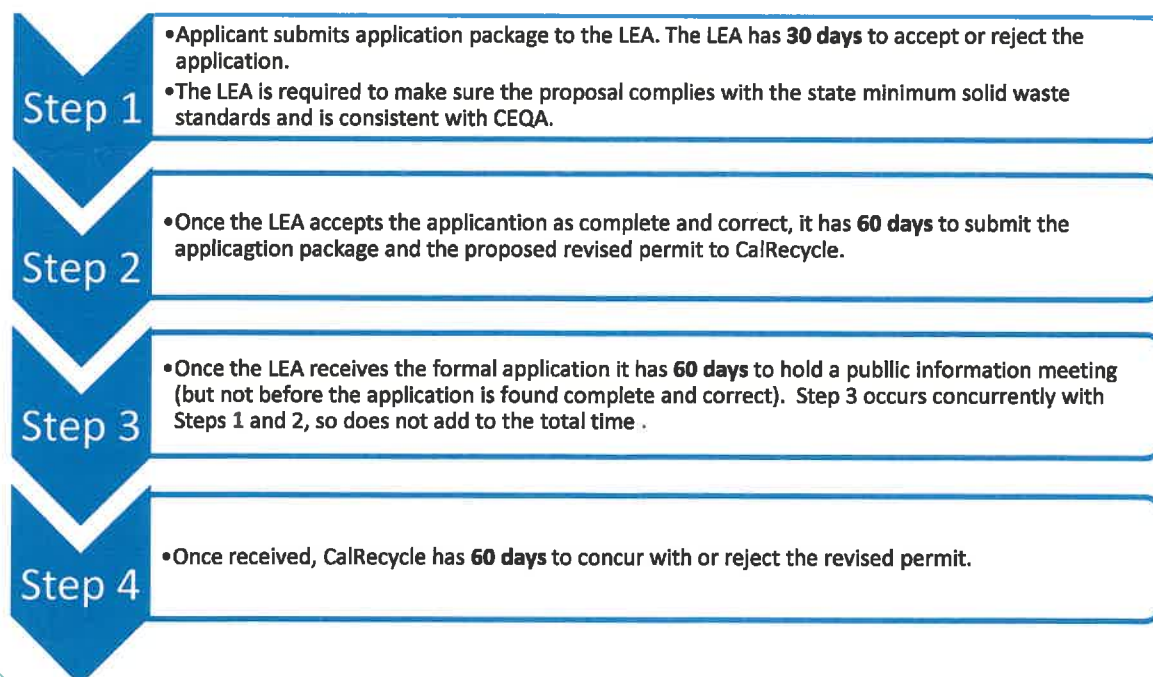
**From:** Joe Doser 

**Subject:** Process for Revising a Solid Waste Permit

To revise a solid waste permit an operator submits an application to the Local Enforcement Agency (LEA). Once a permit is submitted, both the LEA and CalRecycle are required to meet mandated deadlines as described below.

Due to the complexity of these projects, many operators submit a draft application package to the LEA who then shares this with CalRecycle. This informal review by both agencies helps the applicant provide a formal submittal that has the best chance of approval. The length of time this informal process takes will depend on the complexity of the project, motivation of the applicant, completeness of the draft package, and how much time the applicant takes to make any requested changes. During this informal process, CalRecycle also provides feedback.

The lead agency for CEQA is often the Department of Conservation and Development. The CEQA process is typically completed prior to the formal submission of a permit application to the LEA. During the CEQA process, the LEA will review and comment on the CEQA document with the goal that it can find the project in conformance with CEQA as described in the chart below.



Deidra Dingman  
January 28, 2015  
Page 2 of 2

**The maximum time to complete Step 1 through Step 4 is 150 days.** The informal review can reduce this time, since the agencies are already familiar with the project, done the bulk of the review, and the LEA has prepared the proposed revised permit.

JD:tf

cc: Marilyn C. Underwood, Ph.D., Director of Environmental Health  
Eric Fung, Environmental Health Specialist II

**Status Types**

<b>Completed</b>	requirements were satisfied and no further action or monitoring expected. Brief remarks are provided in the adjoining Comments column.
<b>Completed. On-Going</b>	initial required action or submittal was completed and continuing landfill operations must be conducted in conformance with applicable submittal/requirements on an on-going basis.
<b>Completed. Updated As Needed</b>	submittal requirement was satisfied, but submittal addresses on-going or future activities and may be updated if/when warranted based on operating experience or requirements imposed by regulations or another permit/regulatory agency.
<b>Further Review Required</b>	compliance status has not yet been confirmed pending completion of further review and/or coordination with other regulatory agencies.
<b>In Compliance. On-Going</b>	compliance with general requirements of conditions involving facility design standards, daily operations, or scheduled monitoring.
<b>Informational</b>	primarily informational and does not require specific actions.
<b>In-process</b>	applicable compliance efforts are underway but not yet completed.
<b>No Longer Applicable</b>	determined to be unenforceable or infeasible subsequent to issuance of the KCL LUP in 1990. Examples include conditions superseded by regulations; conditions that no longer apply due to U.S. Supreme Court decisions. Explanation is provided in the adjoining Comments column.
<b>Not in Compliance</b>	further action is required by the operator to fully satisfy requirement(s), includes any that were only partially satisfied but not enough to be deemed substantially in compliance.
<b>Not Yet Required</b>	no action is required of the Landfill owner/operator until such time that circumstances or events occur that are specified in the condition of approval (e.g. upon request by the County). Explanation is provided in the adjoining Comments column.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
1.1	<b>Short Title.</b> The Keller Canyon Landfill project is henceforth referred to in this document as the Landfill.		Informational	Condition Acknowledged.
2.1	<b>Ultimate Responsibility.</b> The conditions of approval identify the Land-fill developer as the party responsible for implementing conditions involving construction and improvements, and the Landfill operator for implementing conditions involving maintenance and management. Regardless of these identifications, the Land-fill owner shall be responsible for complying with all conditions.		Informational	Condition Acknowledged.
2.2	<b>Transfer of Ownership.</b> The Land Use Permit for the Landfill shall run with the land; however, a new owner shall be responsible for notifying the County Community Development Department of any change in ownership. A change in ownership shall be interpreted to mean the acquisition of 5 percent or more of the value of the Landfill site covered by this Land Use Permit. (It is noted that other permits may not necessarily run with the land.)		Completed. On-Going	The First Amended Landfill Franchise Agreement contains assignment requirements pertinent to a change in ownership. The Keller Canyon Landfill Company (KCLC) was owned by Browning Ferris Industries (BFI) at the time the Landfill began operations in 1992. In 1999, BFI sold/transferred KCLC and other local assets to Allied Waste Industries. In 2008, Allied Waste Industries merged with Republic Services, Inc.
3.1	<b>Compliance Objective.</b> The Landfill developer and operator shall at all times comply with the requirements of laws and permits applicable to the facility.		In Compliance. On-Going	Operation has generally been conducted in compliance with all local, State, and federal laws and regulations. The Department of Conservation and Development (DCD) is not aware of any violations that were not corrected in a timely manner. The Landfill operator and any Vendors/operators subcontracted to work at KCL is required to comply with this LUP and all other permits with regulatory authority over landfill operations. See Condition 14.2 for a listing of approved permits.
3.2	<b>Design Standard.</b> The Landfill developer shall design the Landfill facility to meet the requirements of the San Francisco Regional Water Quality Control Board for a Class II waste disposal facility.		In Compliance. On-Going	KCL is a Class II waste disposal facility that has been classified by the Regional Water Quality Control Board (RWQCB) according to the provisions of Title 27, Environmental Protection--Division 2, Solid Waste Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites . Keller Canyon Landfill's design, construction, and operation comply with all State Minimum Standards for solid waste handling and disposal specified in Title 27 of the California Code of Regulations (CCR). The design for each phase of the landfill is subject to RWQCB review and approval prior to construction being authorized by DCD.
3.3	<b>State Minimum Standards.</b> The operation and maintenance of this facility shall at all times comply with Minimum Standards for Solid Waste Handling and Disposal (California Administrative Code, Title 14, Division 7, Chapter 3).		In Compliance. On-Going	In 1997, California Code of Regulations (CCR) Title 14 and 23 for the Solid Waste Facilities Permit, were modified into CCR Title 27. KCL complies with all Minimum Standards for Solid Waste Handling and Disposal. The LEA has local enforcement authority over KCL and conducts monthly inspections of the landfill site to ensure compliance with the Minimum Standards for Solid Waste Handling and Disposal. See Condition 3.10.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
3.4	<b>Land Use Permits.</b> The Landfill developer and operator shall at all times comply with the provisions and requirements of this Land Use Permit. A violation of any of these conditions is cause for revocation of the Land Use Permit.		In Compliance. On-Going	Landfill owner/operator is in compliance with the vast majority of LUP conditions of approval currently in effect. This table reflects DCD staff's assessment of landfill operator's current status of compliance for each LUP Condition of Approval.
3.5	<b>Solid Waste Facilities Permit.</b> The Landfill operator shall conform with all provisions and requirements of the Landfill's Solid Waste Facilities Permit, which is based on the guidelines of the California Integrated Waste Management Board.		In Compliance. On-Going	The landfill operator submitted a Report of Disposal Site Information (RDSI) and formal application for a Solid Waste Facility Permit (SWFP) on 1/3/1992 (see letter from S. Gordon (KCLC) to C. Nicholson (HSD), dated 1/3/1992. SWFP 07-AA-0032 was issued April 29, 1992, and is reviewed every five years, The last revision was on December 14, 2009. The LEA conducts monthly inspections. The last violation noted in the inspection reports completed by the LEA was for “Reporting and Control of Excessive Gas Concentrations” in July 2011. Also see Condition 3.10.
3.6	<b>Subchapter 15.</b> The Landfill operator shall at all times comply with the provisions and requirements of Subchapter 15 of Chapter 3 of Title 23 of the California Administrative Code ("Subchapter 15") for a Class II waste disposal facility.		In Compliance. On-Going	In 1997, California Code of Regulations (CCR) Title 14 and 23 for the Solid Waste Facilities Permit, were modified into CCR Title 27. Title 27 allows for preparation of a <i>Joint Technical Document (JTD)</i> to include the Report of Disposal Site Information (RDSI), Report on Waste Discharge, Preliminary Closure Plan, and Postclosure Maintenance Plan. These documents formerly were submitted separately.
3.7	<b>Other Regulatory Agencies' Requirements.</b> The Landfill operator shall at all times comply with the provisions and requirements of other regulatory agencies having jurisdiction over the facility.		In Compliance. On-Going	The landfill operator has generally been in compliance with all facility permits. There is no history or evidence of on-going non-compliance with other permits of other agencies with regulatory jurisdiction over landfill design and operations.
3.8	<b>Utilities, Service Districts, and Government Agencies' Requirements.</b> The Landfill developer or operator shall at all times comply with the regulations and requirements of utilities, districts, or agencies which have jurisdiction over the installation of improvements or provide services to the landfill.		In Compliance. On-Going	Operator is in compliance with all facility permits. There is no history or evidence of non-compliance with other permits of other agencies with regulatory jurisdiction over landfill design and operations.
3.9	<b>Notice Coordination.</b> Copies (or originals) of all reports to other agencies concerning the design, operation, and maintenance of the Landfill facility shall be sent by mail or hand-delivery, to the Community Development Department, 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095.		In Compliance. On-Going	Original compliance with this condition was approved by CDD on 10/15/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.  Copies of all reports concerning landfill design, construction, operation, and maintenance that are submitted to other agencies are available upon request. Reports submitted to some agencies are available on-line (e.g. RWQCB – Geotracker). All of the reports submitted to agencies in 2013 have been sent to DCD at the following address: Contra Costa County- Department of Conservation & Development -30 Muir Road, Martinez, CA 94553

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
3.10	<b>Monitoring and Inspection.</b> All monitoring reports and results of inspection or analysis shall be made available to the County Health Services and Community Development Departments. Any indication of an emergency or other serious problem relating to public health and safety shall be reported at once.		In Compliance. On-Going	<p>The landfill operator coordinates with both CCEH and DCD in reporting any potential problems relating to public health and safety. All monitoring and inspection reports are on-file at the Landfill owner/operator's office and available for review by interested agencies during normal business hours. Inspection reports produced by County Environmental Health and CalRecycle are posted and available on-line.</p> <p>Contra Costa Environmental Health operates as the solid waste Local Enforcement Agency (LEA) for the California Department of Resources Recycling and Recovery (CalRecycle) with the primary responsibility to ensure correct operation and closure of solid waste facilities in the State of California, including the proper storage and transportation of solid wastes. The LEA enforces SWFP #07-AA-0032 for Keller Canyon Landfill. Also see comments in condition of approval 14.2.</p>
3.11	<b>Master Chart.</b> The Landfill operator will maintain for reference a master chart showing schedules and results of preparation, operation, monitoring and reporting in all major phases of the facility.		Completed. On-Going	<p>An initial Master Chart was approved by CDD in 1991. An update of the original development plan for the landfill prepared in 1991 was necessitated by changes that occurred from landfill operations and site development. A Conceptual Master Plan for the landfill was submitted to CDD in July 2002. The Master Plan was comprehensive and addressed important aspects of landfill design and operation. The Master Plan also demonstrated that the original permitted air space volume of 75 million cubic yards was maintained after landslide repairs and other site development.</p> <p>Landfill development sequencing for the remaining lifespan of the landfill was prepared consisting of eight (8) groupings of phases. The phases within the first two groupings, collectively known as Phases 1 and 2 respectively, had all been completed by 2002. Currently Phase 3 is being implemented. A revised development plan for the remaining undeveloped portions of the landfill was presented in Figure 8 of the Master Plan. The revised plan accounts for mitigation of landslides, stability of containment systems and waste mass, and other design and operations parameters required to meet regulatory requirements.</p> <p>Over time, a Master Chart as described in this condition has been superseded by modern computerized project management systems. Similar information is already conveyed in periodic reports on landfill activities and site development that are submitted to the County or regional/state agencies (copies available for review during normal business hours).</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
4.1	<b>Validity Period.</b> The Landfill developer shall install pre-requisite improvements and open the Landfill for receiving refuse within three years of the final approval of the project's Solid Waste Facilities Permit. This validity period shall be tolled while any appeal filed by parties other than the Landfill developer is pending. The Landfill developer may request from the Director of Community Development one or more one-year extensions of the Land Use Permit. If the Land Use Permit is not implemented within the specified time, it shall become null and void. The Director of Community Development may allow each one-year extension if the Director finds that there are changed circumstances which warrant the consideration of changes to the Conditions of Approval.		Completed	The Contra Costa County Board of Supervisors approved LUP 2020-89 on July 24, 1990.  The Solid Waste Facility Permit was issued on April 29, 1992. KCL became operational on May 7, 1992, within the specified time period of this condition.
4.2	<b>Operative Date.</b> This Land Use Permit is valid upon approval by the Board of Supervisors. However, it shall not become operative until and unless the permittee (landfill owner, etc.) first obtains and the Board of Supervisors grants a franchise to or approves an agreement with permittee (see Section 13, Franchise Agreements).		Completed	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
5.1	<b>Area of origin.</b> The area of origin of all waste hauling vehicles admitted to the landfill, shall be Contra Costa County. The Landfill operator shall not refuse to receive eligible wastes which originate in Contra Costa County provided such wastes are delivered to the facility in accordance with these Conditions of Approval and the landfill's Solid Waste Facilities Permit, and provided that appropriate disposal fees are paid		No Longer Applicable	Judicial and legislative decisions have since overturned restrictions on disposal in local landfills to protect from too early filling. Waste origin restrictions were also nullified through the First Amended Franchise Agreement in 1994. The Board of Supervisors authorized KCL to accept certain special handling wastes (non-hazardous and non-toxic) originating outside of Contra Costa County pursuant to guidelines for directg haul originally approved by the Board on 10/27/1992. See report to the Board of Supervisors dated December 7, 1993 and approved on December 14, 1993.
5.2	<b>Out-of-County Wastes.</b> The Landfill operator shall not receive wastes from outside Contra Costa County unless such imports of waste are specifically approved by the Board of Supervisors. This condition shall not apply to wastes which may be temporarily received under the Emergency Use provisions of Condition 6.5 or the Reciprocal Capacity Agreement of Condition 5.4.		No Longer Applicable	The prohibition on import of waste from outside the County was rendered No Longer Applicable by U.S. Supreme Court decisions in June 1992 that reinforced that solid waste is a business commodity subject to federal commerce clause protection.[2]
5.3	<b>Sub-County Service Area.</b> If there is more than one Class II or Class III landfills operating in Contra Costa County, the Board of Supervisors may establish sub-County service areas for each on a temporary or long-term basis. If the Board has established a sub-County service area for the Landfill, the operator shall not accept waste for disposal from outside such area.		Not Yet Required	Sub-County service areas have not been established.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
5.4	<b>Reciprocal Capacity Agreement.</b> The Landfill operator shall receive waste from outside Contra Costa County if in accordance with the terms and conditions of a Reciprocal Capacity Agreement entered into by Contra Costa County with another county. Waste shall be received upon reasonable notice to the Landfill operator and the Board of Supervisors and direction by the Board to the Landfill operator as to the terms and conditions under which the waste will be received. The Board may specify disposal charges which are applicable only to the waste received under the Reciprocal Capacity Agreement.		Not Yet Required	Reciprocal Capacity Agreements with other jurisdictions have not been established..
5.5	<b>Pre-Requisite Curbside Recycling Program.</b> The Landfill shall not admit or dispose of waste loads from communities which do not have in operation a curbside recycling, or equivalent, program approved by the Board of Supervisors. Board of Supervisors approval may be interpreted as a consistency with a Board of Supervisors-approved Countywide Integrated Waste Management Plan. The Board of Supervisors may determine the eligibility of a community's program.		Further Review Required	<p>The landfill operator accepts waste loads from communities that have commercial and curbside recycling programs certified by CalRecycle. A recent review by the landfill operator of waste accepted by origin in year 2013 revealed that of 22 jurisdictions, all except Trinity County (0.22 ton of waste) had certifications in the CalRecycle database for commercial recyclers and collection companies.</p> <p>Further research and review is required in order to document the adequacy of the recycling programs from out-of-county for all areas waste is currently being accepted from (2013 listing attached). Need to institute a pre-acceptance procedure to ensure verification of curbside recycling occurs prior to loads being accepted from new area</p>
6.1	<b>Eligible Wastes.</b> The Landfill operator shall allow only wastes eligible for disposal in a Class II facility, as defined by the Regional Water Quality Control Board to be admitted to the land-fill. The wastes admitted to the landfill shall also be consistent with the Solid Waste Facilities Permit, administered by the County Health Services Department, and consistent with the Board of Supervisors' policies and these conditions of approval. To the extent allowed by law, the Board of Supervisors may direct the Landfill operator not to accept wastes that do not meet State and County policies and regulations.		In Compliance. On-Going	<p>The Landfill operator has unknowingly disposed of ineligible wastes on a few occurrences due to misrepresentation by the applicable generators(see Condition 6.4). Signage is posted at the gate and scale house outlining all prohibited material.</p> <p>Any instances where ineligible wastes were identified after acceptance were addressed in a timely manner as required by the applicable regulatory authorities.</p>
6.2	<b>Designated Wastes.</b> The Landfill operator shall allow only those designated wastes (as defined by Section 2522 of Article 2 of Subchapter 15, of Title 23, of the California Administrative Code) approved for this facility by the San Francisco Regional Water Quality Control Board, and shall be consistent with the Solid Waste Facilities Permit to be admitted for disposal. The Board of Supervisors may designate special rates for this waste.		In Compliance. On-Going	Facility is in compliance with regulations in Title 27 of the CCR and conditions related designated wastes. On December 14, 1993, the Board of Supervisors authorized KCL to accept certain designated wastes (special handling wastes, that are non-hazardous and non-toxic) originating outside of Contra Costa County, subject to specific conditions related to volume limitations, rates, waste inspection, and laboratory testing among others. See Recommendation from Val Alexeeff, GMEDA Director, to the Board of Supervisors dated December 7, 1993. The Board approved as recommended on December 14, 1993. Many of these designated wastes have since been incorporated into the SWFP as described in Condition 6.1 Eligible Wastes above.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
6.3	<b>Infectious Wastes.</b> The Landfill operator shall accept only those infectious wastes identified in, and disposed of in accordance with the Solid Waste Facilities Permit.		In Compliance. On-Going	All potentially infectious waste are disposed of in accordance with Section 14 Prohibitions of the SWFP.
6.4	<b>Ineligible Wastes.</b> The Landfill operator shall not allow the following wastes to be disposed at the landfill:  a) Hazardous or toxic wastes. b) Radioactive wastes. c) Liquid wastes, other than utility sludges meeting Regional Water Quality Control Board requirements. d) Other ineligible wastes specified in the Solid Waste Facilities permit administered by the County Health Services Department.		In Compliance. On-Going	All incoming loads are routinely screened in accordance with the most recent Load Check Program (updated in September 2013) and Condition 17j (Hazardous Waste Screening) of the SWFP. See Condition 6.1 & 7.1. Three incidents of potential ineligible waste acceptance were recorded at Keller Canyon Landfill which are summarized below. In all three cases, regulatory agencies were contacted following identification to bring them up to speed. 1) Air Products in 10/1997 - aluminum nickel oxide reformer catalyst, resulted in issuance of a Notice of Violation; 2) Ultramar, Inc. Refinery in 8/2001 - lead support rings, resulted from errors made by generator and landfill so Notice of Violation issued. Waste was excavated and taken to a Class I and subsequent testing found material was well below the federal limit; 3) Berkeley Unified School District in 8/2008 - contaminated soil, due to errors made by generator, completed excavated and taken to Class I and subsequent testing proved the material was not hazardous.
6.5	<b>Emergency Use.</b> If the service area of the Landfill is determined to be a sub-area of the County, the County Health Services Department may allow legal waste originating in areas of Contra Costa County, other than those stipulated in Section 5, to have access to the landfill for periods up to 180 days on an emergency basis. The department may grant one extension for no longer than 180 days. The Board of Supervisors may allow the emergency use of the landfill to continue for a period up to two years.		Not yet required	Sub-County service areas have not been established.
6.6	<b>Hazardous Waste Screening and Management.</b> See Condition 19.		See Section 19	This condition cross-references to another LUP condition.
6.7	<b>Area of Origin Restrictions.</b> See Condition 5.		See Section 5	This condition cross-references to another LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
7.1	<b>Eligible Vehicles and Loads.</b> The Landfill operator shall screen loads to limit to the extent practicable the intake of ineligible waste. Prior to receiving waste, the Landfill operator shall prepare in writing a program for identifying eligible vehicles and screening loads at the Landfill entrance, random sampling and inspection for ineligible wastes, and checking loads at the Land-fill disposal area. The Load Inspection program shall include inspection for hazardous wastes and procedures for their handling and off-site disposal consistent with the Contra Costa County Hazardous Waste Management Plan. The program shall be subject to the approval of the County Health Services Department and the County Community Development Department.	B-53	In Compliance. On-Going	<p>The original Load Check Program was approved in 1992 by the Health Services Department and CIWMB as part of the RDSI pursuant to issuance of the SWFP. The current Load Check Program was updated in September 2013, [DCD has not reviewed/approved this version it needs to be submitted to DCD and LEA right away] and contains policies and procedures for screening and checking of all incoming loads. Condition 17j (Hazardous Waste Screening) of the SWFP specifies procedures for hazardous waste inspection. Landfill personnel are trained in the implementation of identifying non-eligible vehicles and ineligible waste. Ineligible hazardous waste materials are not accepted at the landfill per conditions in this LUP and the SWFP.</p> <p>The load checking program was developed to conform with the requirements of 27 CCR, Section 20870, and the WDRs [Wastes and Their Classification (Part 11)] for KCL. The load checking program is designed to identify and remove hazardous and prohibited wastes from the municipal waste stream coming to the landfill. Incoming wastes are identified based on visual inspection, questioning by staff, physical assessment, and waste characterization analysis. If an incoming load is suspected of containing ineligible waste, based on the visual inspection, the hauler will be questioned by staff about the contents of the load. If there is still a question about the acceptability of the waste, the hauler will not be permitted to unload the waste.</p> <p>See Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.</p> <p>See Condition 19.4.</p>
7.2	<b>Load Covering.</b> The Landfill operator shall spot check all incoming waste-hauling vehicles for proper covering or containerization. The operator shall not admit waste loads which are susceptible to littering or leakage because of the lack of covering, inadequate covering, or disrepair of screens or containers.		In Compliance. On-Going	<p>Every incoming load is inspected to ensure all waste-hauling vehicles are covered; waste loads are screened for excessive littering and inadequate covering. Transfer vehicles with inadequate screens or containers are repaired as they are identified. Republic’s trucks should have phone number for others to call if litter is observed so corrective actions are taken in a timely manner (like “How’s my driving”) Also see Condition 25.3.</p> <p>On May 14, 1991, the Board of Supervisors amended County Ordinance Code 91-26 (Requirements for Vehicles Transporting Refuse) to require all waste-carrying vehicles transporting refuse to solid waste facilities in the County to have their loads covered. On September 9, 1991 the Board of Supervisors approved additional recommendations that included but was not limited to requiring CDD to include off-site litter policing in new permits for waste disposal and processing facilities; and directed County staff to work with the Sheriff's Department and California Highway Patrol to assure enforcement of covered load and anti-littering requirements.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
8.1	<p><b>Eligible Vehicles.</b> The Landfill operator shall admit only the following refuse transport vehicles:</p> <p>a) Transfer station trucks (vans) from a transfer station located in Contra Costa County. Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations, approved by the Board of Supervisors.</p> <p>b) Demolition and construction material trucks originating in Contra Costa County. If the Board of Supervisors has established waste reduction goals for the businesses and industries generating such wastes, the generators shall comply with such goals.</p> <p>c) Incinerated sewage sludge-hauling trucks originating at utilities located in Contra Costa County, or other utilities serving Contra Costa County.</p> <p>d) Sewage and water treatment plant sludge trucks originating in Contra Costa County, with loads complying with San Francisco Regional Water Quality Control Boards solids-to-liquid requirements.</p> <p>e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board. The wastes shall originate in Contra Costa County.</p> <p>f) Other specialized waste transport trucks, hauling wastes originating in Contra Costa County and identified in the Landfill's Solid Waste Facilities Permit.</p>	B-41	In Compliance. On-Going	Only eligible vehicles, as outlined in this condition and/or the operating permits, are allowed admittance into the Keller Canyon Landfill. In-county waste origin requirements of this condition are unenforceable as a result of U.S. Supreme Court decisions in June 1992 (see also the First Amended Franchise Agreement in 1994). See Condition 5.1.
8.2	<b>Service Area Restriction.</b> See Section 5.		See Section 5	This condition cross-references to another LUP condition.
8.3	<b>Emergency Exemption.</b> See Section 6.5.		See 6.5	This condition cross-references to another LUP condition.
8.4	<b>Reciprocal Use Exemption.</b> See Condition 5.4		See 5.4	This condition cross-references to another LUP condition.

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9.1	<p><b>Hours of Operation.</b> The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after 7:30 p.m. Refuse shall be covered by 7:30 p.m. at which time working lights shall be extinguished. Entry and security lights shall be dimmed at 7:30 p.m. Other hours of operation, within those parameters, may be specified by the County Health Services Department in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by the County Health Services Department.</p> <p>The Director of Community Development may administratively shorten or extend the hours of operations prescribed above after consultation with the Landfill operator, the County Health Services Department, and the Local Advisory Committee, after holding a public hearing to obtain the comments of other interested parties. To shorten the hours of operation, the Director of Community Development shall find that the changes are needed to mitigate substantial noise, traffic, or similar impacts arising from the operation of the Landfill which were not known when this Land Use Permit was adopted. To extend the hours of operation, the Director of Community Development shall find that longer hours will not cause traffic, noise, glare, or similar impacts of Landfill operations to substantially increase in the vicinity of the Landfill.</p>		In Compliance. On-Going	Hours of operation and control of on-site lighting are complied with as specified in this condition. There have been no shortening of hours due to unforeseen impacts arising after the LUP was issued. No waste is accepted after 7:00 P.M. The required daily cover is completed by 7:30 P.M. All stationary lights are extinguished by 7:30 P.M.
9.2	<p><b>Operating Days.</b> The landfill shall remain open for operation six days a week. It shall close on Sundays.</p>		In Compliance. On-Going	The facility is open six days a week and closed on Sundays as specified in this LUP condition; Specification 5b. of the SWFP; and Condition #17309 part 1 of the Major Facility Review permit issued by the BAAQMD.
9.3	<p><b>Maximum Daily Tonnage.</b> The landfill may accept for disposal a maximum of 3,500 tons of refuse per day through the year 2005. The Board of Supervisors shall review and revise, if necessary, the maximum allowable tonnages per day, prior to the year 2005. If the Board establishes sub-County service areas, maximum tonnages for each landfill shall be prorated to reflect their service areas. The Board may increase the maximum daily tonnages, if necessary, to reflect Reciprocal Capacity Agreements or emergency measures.</p>		In Compliance. On-Going	KCL is in compliance with the maximum daily tonnage limit of 3,500 specified in this LUP condition; Section 5c and Condition 17m of the SWFP; and Condition #17309 part 2(a) of the Major Facility Review permit issued by the BAAQMD. Tonnage records are submitted to County DCD and CCEH and are available for review. Sub-County services areas have not been established.
9.4	<p><b>Minimum Buffer Zone.</b> The Landfill developer shall reserve a minimum buffer of 2,000 feet from the closest place of permanent waste placement to the closest existing residence on Jacqueline Drive.</p>		In Compliance. On-Going	The Minimum Buffer Zone of 2,000 feet was established and is maintained per this condition.

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9.5	<b>Special Buffer Area.</b> No residential housing shall be permitted at any time in the special buffer area. See Condition 23.2.		In Compliance. On-Going	The Special Buffer Area continues to be under Williamson Act contract (Contra Costa County, 2008) and is zoned A-4, Agricultural Preserve.  No residential housing has been constructed in the Special Buffer Area. Application submitted for oil and gas well permit to drill a well in the Special Buffer Area (094-360-010) in June 2003.
9.6	<b>Dedication of Special Buffer Area.</b> At the time of the submission of the landfill's Development and Improvement Plan, pursuant to Government Code Section 7050, the landfill owner shall offer to dedicate the fee title of the land within the Special Buffer Area to the County of Contra Costa for recordation. The County may accept the fee title and complete the dedication subsequent to the opening of the landfill for the disposal of waste. In making the offer of dedication the Landfill owner may reserve the rights to carry out mitigation programs required by these Land Use Permit Conditions of Approval, and as may be further detailed in implementation plans required to be prepared by these Conditions within the Special Buffer Area.  The Landfill operator may perform grading and make installations, such as drainage ditches within the Special Buffer Area related to the landfill facility, provided that the grading and installations are consistent with the approved final Development and Improvements Plan and do not impair the capability of the Area to accommodate agricultural grazing and provide habitat mitigation consistent with these Conditions of Approval. Similarly, the Landfill operator shall be allowed to carry out closure and post-closure activities related to the landfill or the Special Buffer Area provided that such activities are consistent with a County-approved closure plan and with the uses of the land allowed by these Conditions of Approval.  The County may require the Landfill operator to maintain the Special Buffer Area, subsequent to dedication, at the operator's expense. Maintenance shall include security, weed control, erosion control and the provision of fire trails.		Completed	The landfill operator submitted a letter to the County Board of Supervisors with an Offer to Dedicate on October 23, 1991. The County Board of Supervisors formally accepted the dedication offer in the form of a Board Order "Acceptance of Development Rights for Special Buffer Area, Keller Canyon Landfill" recorded on November 19, 1996.  No waste disposal has occurred in the Special Buffer Area. Limited site development has occurred consistent with Attachment B Dedication of Development Rights of the Board Order and Report of Disposal Site Information and Final Development and Improvements Plan. This site development has not impaired the Special Buffer Area's capability to accommodate grazing or habitat mitigation. The Dedication of the Special Buffer Area reserves the rights of the landfill owner to carry out mitigation programs required by LUP conditions and/or other permits.  Offer letter substantiated by CDD on 10/23/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
10.1	<b>Volume Estimation.</b> The Landfill operator shall submit topographic maps of the landfill and a report of capacity absorption and fill rates to the Community Development Department every two years on the anniversary date of the landfill's opening. The Landfill operator shall also submit an initial topographic map prior to receiving wastes.		In Compliance. On-Going	Topographic maps, color aerial photos, and capacity absorption are completed annually and are available for review by interested agencies during normal business hours. Aerial surveys are required under Condition 17r of the SWFP which is enforced LEA. DCD receives landfill capacity and estimated volume of waste in place on an annual basis which is used to satisfy an annual reporting requirement enforced by the State.

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10.2	<b>Scales.</b> The Landfill developer shall install certified scale(s) at the landfill to weigh incoming and outgoing trucks. A weighing program, subject to approval by the County Department of Health Services and Director of Weights and Measures, shall be implemented to monitor incoming wastes.		In Compliance. On-Going	Certified scales were installed prior to commencement of landfill operations See County Certificate of Inspection dated 4/23/1992.  The weighing program was approved by the Health Services Department prior to perations (see Memo from C. Nicholson to C. Zahn, CDD dated 3/10/1992).
10.3	<b>Waste Characterization.</b> The Landfill operator shall participate with transfer station operators serving the landfill in a program to characterize incoming wastes by type, amount, and originating community and perform detailed load inspections on vehicles according to a program specified by the County Community Development Department and County Health Services Department. Reports shall be submitted to the County on a quarterly basis.		In Compliance. On-Going	The facility coordinates with transfer station operators on waste characterization as required by the County and the State’s Disposal Reporting System regulations. Waste characterization reports are prepared quarterly and submitted to DCD as required under this condition. A new Condition 8.7 is proposed to be added which addresses reporting for waste not processed through transfer stations.
11.1	<b>Permit Review.</b> The Board of Supervisors will hold annual public hearings to review the Conditions of Approval for this Land Use Permit for three years beginning one year after the commencement of operations of the Landfill. The Board may refer proposed changes to the Land Use Permit to the County Planning Commission for processing. Thereafter, the County Planning Commission shall hold public hearings on the Land Use Permit at three-year intervals. As a result of a review and public hearing, the County Planning Commission may recommend to the Board of Supervisors new or modified conditions to improve the public health, safety, and welfare. Nothing in this condition shall preclude the Landfill owner from applying for amendments to the Land Use Permit at any time or preclude the County from addressing emergency situations or new requirements imposed by State or Federal legislation or the courts.		In process	In June 1995, the County Board of Supervisors approved Permit Review Criteria for Keller’s Land Use Permit. Review of the County Land Use Permit LP89-2020 is currently underway and expected to be the subject of a hearing before the County Planning Commission in October 2014. under progress. Operator applied for LUP Amendment in 2008 which is in process. . DCD is currently reviewing the ubsequent EIR

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11.2	<b>Local Advisory Committee.</b> The Community Development Department shall organize, and the Landfill developer shall participate in a local advisory committee, consisting of elected representatives of local residents and neighborhood associations, to comment and advise on the development of the landfill and its operations. The Board of Supervisors may sanction the Local Advisory Committee as an official County committee. The committee shall be established as soon as reasonably possible after the Board of Supervisors' approval of this Land Use Permit, if such approval is forthcoming. Meetings shall be initiated following the approval of a Land Use Permit and shall be held at least quarterly through the first two years of landfill operation. Subsequently, meetings may be held annually, but with the provision for meetings on call by the chair or the written request of 3 or more members. The County Health Services Department shall be notified at least 10 days in advance of all meetings. Subjects for consideration at meetings will include, but shall not be limited to safety and emergency procedures, landfill fill-related traffic problems, screening of visual impacts and problems of litter, odor, and noise control. Meeting agenda also may include discussion of reports on the landfill construction, operation and maintenance. The Landfill operator shall provide reasonable access to the landfill arranged through the Community Development Department. A surcharge on the tipping fee may be used to fund the advisory group's operations.		Completed	Currently inactive due to action taken by the County Board of Supervisors on 1/25/1995. The last meeting took place on February 28, 1995. Landfill personnel periodically conduct site tours of the facility for the local community and make presentations to the Bay Point Municipal Advisory Council upon request.
11.3	<b>Insurance and/or Bonding.</b> The applicant shall provide the insurance and bonds specified by the units of government having approval authority over the project. Subjects will include, but not be limited to, continuity of landfill operation, non-compliance, emergency measures, construction performance, landscaping and closure.		In Compliance. On-Going	<p>The filing was substantiated by CDD on 10/25/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Insurance requirements are specified in Article 12 of the First Amended Landfill Franchise Agreement approved by the County in 1994. See also Condition 25.10.</p> <p>The only agency that required a bond at project approval was the Regional Water Quality Control Board. A Mitigation Bond of \$500,000 (Bond No. 98370) was filed by KCLC with the Regional Board. Landfill facility Insurances and bonds are updated annually according to inflation rates set by CalRecycle. Bonds are updated for closure, post-closure, and corrective action.</p>

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11.4	<b>Notification Program.</b> The Landfill operator shall prepare and implement a program to notify potential users of the landfill of its opening and closing times, and the conditions of its use, including waste reduction and recycling requirements, site access regulations, and a detailed list of prohibited hazardous wastes and alternative disposal options. The program should be prepared in conjunction with the operator(s) of the transfer station(s) serving the landfill. It shall be approved by the County Community Development Department.		Completed. On-Going	Notification requirements of this condition are included in sales, customer service, and special waste service agreement business contracts with users and potential users of the landfill. Signage of operating hours and conditions, conditions of use, and other requirements are posted at the facility entrance. Additionally, the back of every ticket issued to customers at the gate specifies unacceptable waste, and the actions that can be taken by the landfill operator at its sole discretion in the event a customer attempts to deliver unacceptable waste. The applicable waste reduction and recycling requirements can be found in Condition 5.5 and proposed new Condition 8.6.
11.5	<b>Development Coordinator.</b> The Landfill owner shall provide a fund to support a County Landfill Development Coordinator, if the County establishes the position, through the period of construction and landfill operations. The Coordinator shall be a staff member or a consultant. The owner shall make quarterly advance payments.  The Landfill developer and operator shall provide such information as the Development Coordinator may require to review plans and installations under the purview of the County, except that any requirements for additional studies shall be subject to the approval of the County's Director of Community Development.		In Compliance. On-Going	The Board of Supervisors approved initial consultant contract with Brown & Caldwell for Development Coordinator on September 3, 1992 for Phase 1B; & Geotechnical Coordinator (COA 16.4).The landfill operator reimburses the County for staff costs to review landfill plans, installations, and operations related to this LUP pursuant to Condition 11.6.
11.6	<b>Compliance and Mitigation Monitoring Program.</b> The Landfill operator shall provide a fund to support County staff monitoring of compliance with Conditions of Approval and mitigation monitoring programs, as designed and implemented by the County Community Development and Health Services Departments.		In Compliance. On-Going	Landfill owner provides funds to support County staff of the DCD and CCEH as required by this condition of approval.
11.7	<b>Pre-Annexation Notification.</b> If the Landfill owner decides to request annexation of the Landfill to a city, the owner shall notify the Board of Supervisors at least 180 days in advance of filing any application for such annexation. The Board may require the Landfill owner to consult with it or County staff to determine how solid waste management programs specified in these Conditions of Approval would be carried out subsequent to annexation. In no case shall the annexation relieve the Landfill operator of the financial responsibilities, including payment to the County of mitigation fees, specified in these Conditions.		Not Yet Required	Landfill owner has not requested annexation of the landfill property to a city.
11.8	<b>Fee and Surcharge Identification.</b> The Landfill operator (permittee) shall not identify the costs of public agency (County, etc.) fees, charges, or surcharges on bills and receipts issued to landfill users without first obtaining the specific written approval of the County.		In Compliance. On-Going	This Landfill owner is in compliance with this condition. No costs of public agency (County, etc.) fees are identified on customer invoices.

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11.9	<b>Interpretation of Conditions.</b> The Community Development Department Director is authorized to interpret these Conditions in the event that any clarification is needed.		Informational	Condition Acknowledged.
11.10	Conditions of Approval Nos. 4.2 and 13.4 require a franchise or agreement to be established by this County. All of these Conditions of Approval shall be subordinate to the terms of said franchise or agreement, and the terms of said franchise or agreement shall control in the case of any conflict. There shall be no need to amend these Conditions of Approval in the event of such a conflict.		Completed	Original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13,1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
11.11	Several of these Conditions of Approval relate, paraphrase or summarize laws and regulations which are imposed and enforced by other governmental agencies which have jurisdiction over particular aspects of this project. It is this Board's intent in adopting these Conditions of Approval to provide the applicant and the public with an overview of the scope of regulation applicable to this project and to provide this County with enforcement power if such laws and regulations enforced by other agencies are violated. Unless specifically stated in the Conditions of Approval, however, it is not this Board's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds that any action or inaction is in compliance with, or violates, any such law or regulation, that finding shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such approval shall be deemed to have been given for purposes of these Conditions of Approval.		Informational	Condition Acknowledged. The Department of Conservation and Development is not aware of any approval Keller has sought which was denied by a regulatory agency.
11.12	This Board does not intend, by requiring the applicant to fund various measures, to make any decision regarding whether or not, or how, any expenditures incurred may be recovered through the rate structure or otherwise by the applicant. Any such decision by this Board shall be reserved for its consideration in the franchise or agreement. No inference regarding this issue is to be drawn from this Board's use of any particular terminology in these Conditions of Approval.		Informational	Condition Acknowledged.

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11.13	In any instance where a Condition of Approval provides that this Board will decide or act upon a certain matter, this Board may delegate the initial decision making or action with respect to that matter to the Director of Community Development or such other designee as this Board determines to be appropriate, provided that there shall be a right of appeal to this Board from any decision to the Director of Community Development or other designee.		Informational	Condition Acknowledged.
12.1	<b>Rate Approval.</b> The Board of Supervisors shall approve all rates charged by the landfill operator at the landfill. The rates established by the Board will be not only maximum rates but also minimum rates.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.2	<b>Rate Review.</b> The Board of Supervisors shall review and approve rates annually in accordance with an approved rate application procedure. More frequent review of rates may occur if requested by the landfill operator and if the Board determines that changing circumstances warrant such review. The Board may also review rates more frequently if the Board determines that it is in the public interest to do so.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.3	<b>Form and Content of Rate Review Application.</b> The landfill operator shall submit its rate application in a form and content as specified by the County. Such application may require the landfill operator to submit the application on forms and/or using computer software provided by or specified by the County. The County shall have the right to inspect and audit all records of the landfill operators which support its rate review application.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.4	<b>Rate Application Guidelines.</b> The rate application shall be designed to ensure reconciliation of rates with audited company financial statements; detailed year-to-year cost comparisons; documented guidelines for allowable expense categories, accounting methodologies, allowable management costs and other cost elements; unit usage and unit cost data on major expense items; calculation and reporting of company productivity statistics by cost category; and full documentation of assumptions and source materials. The rate application process shall also provide for comparative rate surveys with other similar operations.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.

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12.5	<b>Financial Statement.</b> The landfill operator shall maintain full and complete accounting records in conformity with generally accepted accounting principals applied on a consistent basis. A financial statement for the proceeding fiscal year, in such form and providing such information as the Board may require, shall be submitted with each rate review application. The financial statement shall be prepared and certified by a Certified Public Accountant currently licensed to practice in the State of California. The County, through a Certified Public Accountant appointed by the County for that purpose, shall at all reasonable times have the right to inspect and audit the records of the landfill operator that supports the financial statements. The County reserves the right to determine which records are relevant.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.6	<b>Scope of Rates.</b> The Board of Supervisors may require that the landfill operator include in its rates collection for purposes other than disposal including but not limited to, charges for funding of inspections, charges relating to origin of waste such as out-of-county waste, franchise or agreement fees, closure and postclosure maintenance of other landfills, solid waste management programs such as general litter pick-up, abandoned vehicle removal, solid waste planning, and any other conditions of approval.		No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
13.1	<b>Franchise Compliance and Agreement.</b> The Permittee-Landfill operator shall be subject to the terms and conditions of any franchise or agreement established by the Board of Supervisors. A draft franchise or agreement shall be submitted with or before the Final Development and Improvements Plan.		Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13,1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
13.2	<b>Assignment.</b> The landfill operator and the landfill owners shall not assign or subcontract the franchise or agreement, any part of the franchise or agreement or any obligation of the franchise or agreement without written prior consent of the Board of Supervisors. The term "assignment" shall include any dissolution, merger, consolidation or reorganization of the landfill's ownership or the sale or other transfer of the controlling percentage of the owner's stock in the landfill or the sale of 51% of the value of the assets of the landfill's owners.		Completed. On-Going	Condition Acknowledged.
13.3	<b>Contents.</b> The franchise or agreement may contain such provisions as the Board deems necessary, including but not limited to complete indemnification of the County, liability insurance by type and amount, performance bond by type and amount, rights of the County to acquire ownership of the landfill, funding for mitigation and reimbursement of County costs, funding for closure or post-closure costs, franchise or agreement fee fees) rate review and approval procedure and determination of and consequences of breaches of the franchise.		Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13,1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
13.4	<b>Requirement.</b> Permittee shall not establish, operate or carry on the business of a solid waste facility pursuant to this permit unless and until it has been first granted a franchise (or entered an agreement with the Board of Supervisors).		Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13,1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
13.5	<b>County Discretion.</b> Notwithstanding any other provision of this Permit, Permittee acknowledges that the County's discretion to grant or deny one or more said exclusive, non-exclusive or otherwise franchises or similar agreements is not limited or abridged in any manner by this Permit; and that this Permit does not require the approval of any such franchise or agreement. County reserves the right as part of the negotiation and entry of any such franchise or agreement to enter a public-private partnership with the Permittee for the project and/or to pursue the rights of the County to acquire ownership of the Landfill.		Completed. On-Going	Condition Acknowledged.
14.1	<b>Initial Development and Improvements Plan.</b> The Initial Development and Improvements Plan approved by this Land Use Permit, and modified by these Conditions of Approval, shall consist of the following schematic plans included in the applicant's January 31, 1989 entitlement application, the Keller Canyon Landfill Comprehensive Project Description (February 1989) and addendum (December 1989), and the 3-volume Site Characterization Report (September 1989). a) Grading/Excavation Plans with fill limits for each phase. b) Layout for Groundwater Collection System. c) Liner System Cross-section and Installation Sequence. d) Leachate Collection System Layout Plan. e) Gas Collection Layout Plans for each phase. f) Surface Water Drainage Plan. g) Facilities Site Plan for Operations and Maintenance. h) Leachate, Landfill, Gas and Water Storage Facility. i) Landfill Access Road Plans Profiles, Typical Section. j) Bailey Road Plan and Typical Section. k) Landscape Facilities Site Plan for Operations and Maintenance. l) Landscape Plan for Leachate, Landfill Gas and Water Storage Facilities. m) Landscape Plan.		Completed. On-Going	All plan elements outlined in this condition of approval for the Initial Development and Improvements Plan were submitted and subsequently completed in final form in the Final Development and Improvements Plan (FDIP).

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
14.2	<p><b>Regulatory Agency Approvals.</b> Subsequent to the approval of this Land Use Permit, the Landfill Developer shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for building, serving, and operating the Landfill. The approvals shall include, but are not limited to:</p> <p>a) Waste Discharge Requirements from the Regional Water Quality Control Board. b) Authority to Construct (and Authority to Operate Requirements) from the Bay Area Air Quality Management District. c) Wetland Modification Permit from the Army Corps of Engineers. d) Streambed Alteration Agreement from the State Department of Fish and Game.</p> <p>The Landfill developer shall notify the Community Development Department if proposed or adopted conditions or requirements of regulatory agencies do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report.</p>		Completed. Updated As Needed	<p>The permits and approvals involved compliance with prevailing State and federal regulations and design standards for a Class II sanitary landfill and represent implementation of many mitigation measures specified in the 1990 Final EIR. All other project approvals were obtained and updated as follows:</p> <p>* Solid Waste Facility Permit (SWFP) #07-AA-0032, issued April 29, 1992 by the County Health Services Department, with concurrence from the former California Integrated Waste Management Board, now the California Department of Resources Recycling and Recovery (CalRecycle). Last reviewed and modified in 2009;</p> <p>* Waste Discharge Requirements (WDRs) Orders No. 91-052, 97-060, 98-081, 00-091, 01-240, R2-2003-0063, R2-2004-0080, issued 3/20/91 by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB). Last amended 2004;</p> <p>* Title V Permit Major Facility Review Plant No. A4618 last issued June 12, 2014 by the Bay Area Air Quality Management District (BAAQMD);* Authority to Construct/Permit to Operate Plant No. 4618 reviewed annually by the BAAQMD;</p> <p>* National Pollution Discharge Elimination System Permit #2-07S006887 issued September 17,1992 by the U.S. Environmental Protection Agency;</p> <p>* Nation-Wide Permit No. 26t, Section 404 of the Clean Water Act, issued June 14, 1991 by the U.S. Army Corps of Engineers;</p> <p>* Conditional Certification under the Clean Water Act, Section 401, issued October 3, 1991 by the California Regional Water Quality Control Board, San Francisco Bay Region;* Streambed Alteration Agreement No. 1461-90 by the California Department of Fish and Game was signed by the Warden on 8/4/1991 and executed by the Operator on October 18, 1991. Lawlor Creek (No. 1461-90); Sedimentation basin, drainages, culverts (No. 1462-90); and wetlands construction (No. 1463-90).</p> <p>* Industrial Waste Discharge Permit #292150-S last issued 2008 by the Delta-Diablo Sanitation District;</p> <p>* Cancellation of the Land Conservation Act (Williamson Act) Contract #6-71 on July 24, 1990 and amended on October 15, 1991 by Contra Costa County.</p> <p>* Report of Disposal Site Information (RDSI), 1992, pursuant to SWFP 07-AA-0032, as amended.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
14.3	<b>Improvements Requirements.</b> Subsequent to the approval of this Land Use Permit, the Landfill developer shall obtain approvals from the agencies, utilities, and parties having jurisdiction or control over the on-site and off-site improvements required by this Land Use Permit or by agencies having regulatory jurisdiction over the project. The Landfill developer shall notify the Community Development Department if proposed or adopted Conditions or requirements do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report.		Completed. Updated As Needed	All approvals were obtained from jurisdictional agencies as described above in Condition 14.2.  The Department of Conservation and Development has not received any notice from the Landfill stating that the land use conditions appear to be inconsistent with the LUP or Environmental Impact Report.
15.1	<b>Final Development and Improvements Plan.</b> Subsequent to the approval of the Land Use Permit but prior to the commencement of any construction, the Landfill developer shall submit a Development and Improvements Plan to the Community Development Department and obtain the approval of the Director of Community Development. The Development and Improvements Plan shall be consistent with the project approved by the Land Use Permit, but prepared to a level of detail appropriate for the review of the engineering and construction of the project's on-site and off-site improvements. It shall be internally consistent with the project's Environmental Impact Report findings, these Conditions of Approval, regulatory agencies and others having discretionary approvals over the project, and the Solid Waste Facilities Permit issued by the County Health Services Department. The Community Development Department will coordinate the review of the plan by the Health Services Department, the Public Works Department, and other appropriate units of government. The Landfill developer shall comply with all provisions of the final Developments and Improvements Plan.  The Development and Improvements Plan shall include: a) Site Development Plan, as described in the following sections b) A Surface Water Management and Sediment Control Plan, (Section 18). c) An Agricultural and Habitat Enhancement Plan, (Section 23) d) A Waste Reduction and Resource Recovery Program, (Section 31) e) A Landscape (screening) Plan, (Section 22) f) A Landfill Gas Management/Air Quality Monitoring/Odor Control Plan, Section 20) g) A Leachate Management Plan, (Section 17) h) A Site Services and Utilities Plan (Section 30). Traffic/Circulation Plan, (Section 29).  i) A		Completed. Updated As Needed	A copy of the FDIP is kept at the KCL and County DCD offices and is available for review during normal business hours. Some of the documents listed below have been updated by other permits in effect at KCL. The FDIP was formally submitted on July 23, 1991 to CDD. The FDIP served as the primary basis for facility review. CDD coordinated reviews of the FDIP with other County department. The landfill operator updated elements of the FDIP as directed by CDD.  * Landfill (Site) Development Plan included in FDIP, Section 3 * Surface Water Management and Sediment Control Plan included in FDIP, Section 4 * Agricultural and Habitat Enhancement Plan included in FDIP, Section 5 * Waste Reduction and Resource Recovery Plan included in FDIP, Section 6 * Landscape (Screening) Plan included in FDIP, Section 7 * Landfill Gas Management/Air Quality Monitoring/Odor Control Plan included in FDIP, Section 8 * Leachate Management Plan included in FDIP, Section 9 * Site Services and Utilities Plan included in FDIP, Section 10 * Traffic and Circulation Plan included in FDIP, Section 11

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
15.2	In approving the Development and Improvements Plan, the Community Development Department Director may allow the Landfill developer to phase construction of landfill modules and other features, except where timing is specified in these conditions. The submittal of the Development and Improvements Plan components may reflect this phasing.		In Compliance. On-Going	The Community Development Department authorized initial phased construction of landfill facilities and modules in 1991. See Community Development Department Memo from C. Zahn to the Board of Supervisors dated 10/25/1991.
16.1	<b>Landfill Slopes Objective.</b> Landfill slopes shall be engineered to provide static and dynamic (seismic) stability under design criteria for Class II Landfills.		See Conditions 16.2 - 16.12	All engineering design related to landfill slopes meet design criteria for Class II landfills and are approved by the RWQCB. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists).  Letter of authorization from the RWQCB was substantiated by CDD on 10/23/1991.
16.2	<b>Seismic Design.</b> The Landfill, its drainage features and operating components (lifts, berms, liners, sediment pond, leachate and gas collection systems and major stockpiles) shall be designed to withstand the Maximum Credible Earthquake (MCE) and a 0.65g acceleration rate. The Landfill developer shall utilize a MCE (design earthquake) specified by the County Community Development Department and the San Francisco Regional Water Quality Control Board. The Landfill developer shall provide substantiation in the Final Development and Improvements Plan that the Landfill design will withstand the MCE.	B-7, 8, 15, 23	In Compliance. On-Going	The facility is in compliance with seismic design criteria and other measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.5 (engineered structures to withstand maximum credible earthquake (MCE), Provision C.5 (submit proposal for slope and seismic analysis) and (slope and seismic analysis for new construction). WDRs are monitored by the RWQCB.  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
16.3	<b>Landslide Study.</b> The Landfill developer shall employ a licensed geotechnical consultant to conduct a supplementary study of landslides and slope stability in areas of the site affected by Landfill and improvements grading. The study shall be performed by a licensed geotechnical professional. The study shall be subject to the approval of the County and the San Francisco Regional Water Quality Control Board. The Landfill developer shall incorporate the results of the study into the site grading program and the designs of overlying structures, which shall be included in the Development and Improvements Plan.	B-11, 12	Completed. On-Going	The original preliminary Landslide Study is included in the FDIP, Appendix G. The facility is in compliance with the WDRs Section 19.and Title 27 requirements, including Section 21750(f)(5)(A) requiring the discharger to provide slope stability analyses prior to constructing, ensuring the integrity of the waste management unit under both static and dynamic conditions throughout the unit's life.  A certified study by a licensed geotechnical professional was substantiated by CDD on 10/25/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
16.4	<b>Geotechnical Inspector.</b> The Landfill operator shall contract with the County, or through the County, for an independent geotechnical consultant, who shall be selected by and be responsible to the County. The consultant shall inspect regularly the installation and condition of liners, leachate control facilities and other installations, identified by the County, as they are installed. This provision shall remain in force over the life of the landfill.	B-11, 24	In Compliance. On-Going	Design reports for all phases of site development are submitted to the County for review and approval. The operator was asked to provide funding for the County to contract with a geotechnical consulting firm to assist with the review of design reports for at least the first five years of phased landfill construction. Professional geotechnical consultants are involved in all phases of site development as required by WDRs Specification B.14 (Reports prepared by registered engineers and geologists). Liner installation is routinely inspected during construction of each new landfill disposal phase in accordance with requirements of this LUP and the WDRs monitored and enforced by the RWQCB. The County may elect to retain geotechnical expertise in the future at the operator’s expense pursuant to this Condition.
16.5	<b>Landfill Design Stability.</b> The Landfill developer shall provide a static and dynamic stability analysis of the final engineering design of the Landfill and its appurtenant improvements. The stability analysis method and the resulting analysis shall be approved by the County Community Development Department and the San Francisco Regional Water Quality Control Board and included in the Final Development and Improvements Plan.	B-23	Completed. On-Going	<p>An early study of landfill design stability is included in FDIP, Section 3.3. In 2002, analyses were performed to evaluate the static and seismic stability of the proposed base grades, the final fill grades and the proposed cover system under five cases involving different locations proximate to landslides, and under different final fill grades and cover parameters. The presentation and discussion of these analyses is organized in an internal report by GeoSyntec, 2002.</p> <p>In general, stability was evaluated using industry standard methods of slope stability analysis. In areas of the site where insufficient data is available to utilize limit equilibrium methods, the results of kinematic evaluations previously performed at the site was used to evaluate stability. The analyses were based on historical data for the site and are for planning purposes only. In all cases, the analyses should be reviewed and revised, as applicable, during preparation of final design and construction documents.</p> <p>All KCL design documents must comply with the WDRs Section 19. Title 27 Requirements, which requires that any future developments must comply with Section 21750(f)(5)(A), requiring the discharger to provide slope stability analyses, ensuring the integrity of the waste management unit under both static and dynamic conditions throughout the unit's life.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
16.6	<b>Slope Monitoring.</b> The Landfill operator shall install slope monitoring stakes on landslides and sensitive slopes which could affect an operating Landfill. The monitoring program shall be approved by the County Community Development Department.	B-11, 12	Completed. On-Going	Included in the original Landslide Study in the FDIP, Appendix G. Slope monitoring is conducted consistently to identify potential problems.  The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists), Provision C.5  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991
16.7	<b>Settlement Program.</b> The Landfill developer shall implement a program to prevent fill settlement and an inspection program to detect and correct settlement problems. The developer shall compact the refuse and cover materials to maximum strength and design and maintain the necessary slope gradient to ensure proper surface water drainage. A network of settlement platforms shall be installed to monitor fill settlement at critical points. The station specifications and locations shall be included in the Improvements and Development Plan. The Settlement program shall be subject to the approval of the County Community Development Department and the San Francisco Regional Water Quality Control Board.		Completed. On-Going	Included in FDIP, Section 3.4. Landfill settlement is also addressed in the Draft JTD. Compaction of waste and cover is performed in compliance with State requirements and Condition 17k(c) of the SWFP.  The facility is in compliance with seismic design criteria and other measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.5 (engineered structures to withstand maximum credible earthquake (MCE), Provision C.5 (submit proposal for slope and seismic analysis) and (slope and seismic analysis for new construction). WDRs are monitored by the RWQCB.  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
16.8	<b>Post-Earthquake Program.</b> The Landfill operator shall prepare and implement an emergency program for inspecting the Landfill facility, dealing with failures and providing refuse handling for implementation following a substantial earthquake. The program shall be subject to the approval of the County Community Development Department and the County Health Services Department		Completed. On-Going	A Post-Earthquake Program is included in RDSI, JTD, 1998, Appendix Z, and was submitted to the RWQCB in compliance with Provision C.3 of the WDRs in Order No. 91-052.  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
16.9	<b>Settlement Pond Embankment Design.</b> The Landfill developer shall design the settlement pond to control foundation seepage through the means of a filter or other materials.	B-10	Completed	Settlement pond embankment was designed per requirements of the WDRs and approved by the RWQCB. Also see Community Development Department Letter from H. Bragdon to the Board of Supervisors dated 12/13/1991; and Building Inspection memo from S. Thung to C. Zahn dated 1/21/1992. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.5 (Detailed construction plans of containment structures), C.18 (Notification of containment facility failure). WDRs are monitored by the RWQCB.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
16.10	<b>Settlement Pond(s) Monitoring Program.</b> The Landfill operator shall prepare and implement a failure prevention and warning system, including daily monitoring and visual inspection, for the sedimentation ponds. The program shall be approved by the County Community Development Department and shall be included in the Development and Improvements Plan.	B-6, 9, 16	In Compliance. On-Going	Included in FDIP, Section 3.5. Sedimentation ponds and stormwater discharge points are inspected at a minimum on a weekly basis. Daily inspections have proved unnecessary due to the static nature of the facilities particularly during the non-rainy season.  The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.5 (Detailed construction plans of containment structures), C.18 (Notification of containment facility failure). WDRs are <u>monitored by the RWQCB.</u>
16.11	<b>Stockpile Stability.</b> Commencing with the onset of stockpiling, the Landfill operator shall continually analyze daily cover material stockpiles for stability to determine allowable heights and/or slopes. The results shall be available to the County Community Development Department and the County Health Services Department on demand.		In Compliance. On-Going	Stockpiled cover materials are analyzed daily for stability as standard operating procedure and Condition 17k(a) of the SWFP. Results of stockpile stability analyses are available to the Department of Conservation and Development and the LEA upon request.
16.12	<b>Unstable Areas.</b> Areas with landslide potential to affect land-fill operations shall be stabilized through excavation or other methods such as compacting or the construction of retaining walls. Grading operations shall be performed in a manner which shall not destabilize slopes.	B-12	In Compliance. On-Going	Potential landslide areas have been identified. Stabilization methods are to be determined in the field. Significant landslide events occurred at the landfill site in 1996 and 1998. All corrective actions were reviewed and approved by the RWQCB and are the subject of RWQCB Order 01-040 Title 27 Requirements Items 16, 17, and 18.  Measures are incorporated into the facility's WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists), Provision C.5
17.1	<b>Groundwater Protection Objective.</b> The Landfill shall not impair the beneficial uses of groundwater on the Landfill site or in its vicinity. The design and monitoring of the Landfill shall be based upon the assumption of the existence of high permeability interconnecting cracks and fissures in the underlying strata allowing the potential of <u>groundwater transmission.</u>		See Conditions 17.2 - 17.6	Implementation of conditions of approval in LUP Section 17. Groundwater Protection related to landfill site design and monitoring has maintained beneficial uses of groundwater at the landfill site or surrounding vicinity.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
17.2	<b>Landfill Liner.</b> The Landfill developer shall install a engineered liner system, including a clay liner and a high-density polyethylene liner, which meets State Class II Landfill standards. The liner shall be approved by the San Francisco Bay Regional Water Quality Control Board and its specifications and design shall be included in the Development and Improvements Plan. The liner shall be designed to withstand the Maximum Credible Earthquake as specified by the Regional Water quality Control Board. See Section 16.	B-27, 28, 51, 52	In Compliance. On-Going	<p>Subtitle D requires operators of municipal solid waste landfills to conform to the design criteria under 40 CFR, Section 258.40. These criteria require the construction of a composite liner system (or engineered alternative) in new waste management units, lateral expansions, or areas that contain no refuse within a previously permitted waste management unit.</p> <p>The KCL base liner system is designed in accordance with 27 CCR, Section 20330 and WDR 01-040 Specification B.13 requirements for a Class II liner. The base liner components generally consist of (from bottom to top): Prepared subgrade; A 12-inch underdrain granular layer; A non-woven geotextile filter; A 24-inch thick low-permeability soil layer (maximum permeability of 1 x 10-7 cm/sec); A 80-mil high density polyethylene (HDPE) liner (double textured); A non-woven geotextile cushion layer; A 12-inch dendritic LCRS gravel layer; A non-woven geotextile filter; and A 12-inch thick operations (protective cover soil) layer.</p> <p>Upon approval by the RWQCB, the 12-inch underdrain granular layer may be deleted in those areas where such an underdrain is not necessary as an engineered alternative, pursuant to 27 CCR Section 20080(b), to the prescribed 5-foot separation between wastes and groundwater required by 27 CCR Section 2040(c). Also, upon approval of the RWQCB a synthetic drainage layer may be substituted as an engineered to the 1-foot thick dendritic LCRS layer.</p> <p>A system of swales and pipes collects leachate from the LCRS layer, and conveys it via gravity flow to the leachate storage tanks located northeast of the disposal area. The slope liner system consists of (from bottom to top): Prepared subgrade; A double-sided underdrain geocomposite (as needed, according to groundwater separation requirements); A 24-inch thick low permeability soil (maximum permeability of 1 x 10-7 cm/sec); A 80 mil HDPE liner (double textured);</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
17.3	<b>Leachate Collection System.</b> The Landfill developer shall install a leachate collection system which shall meet State Class II standards. The leachate collection system shall be approved by the San Francisco Bay Regional Water Quality Control Board, and its specifications and design shall be included in the Development and Improvements Plan. Leachate shall be contained by a double liner system consisting of a two-foot thick layer of clay overlain by a synthetic membrane liner. Enclosed storage tank design for leachate treatment shall meet hazardous waste storage requirements, which includes a double liner system with perimeter berms. An emergency connector shall be installed between the pre- and post-treatment tanks in the event of an overflow situation. A tanker truck shall be readily available for emergency purposes. Measures shall be taken to limit leachate formation, such as prompt covering of waste and provision of surface water drainage away from landfill areas.	B-27, 28, 51, 52	In Compliance. On-Going	<p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.9 (leachate discharges), Specification B.4 (LCRS design), B.17 (Leachate sump seismic design), Provisions C.1 (Compliance with Specifications and Provisions of Order), C.3 Groundwater monitoring. WDRs are monitored and enforced by the RWQCB.</p> <p>The Leachate Collection and Removal System (LCRS) was designed, constructed, and is operated in accordance with RWQCB requirements. The leachate collection system was designed to handle twice the maximum daily leachate generation rate from the facility. Leachate collected in the LCRS flows through the drainage layer to pipes and subsequently into two 66,000 gallon leachate storage tanks located adjacent to the landfill gas flare station. The storage tanks are located inside a reinforced concrete secondary containment area set below surrounding grades. The leachate is disposed by re-injection into the waste mass in accordance with RWQCB requirements. The level of leachate in the two tanks are observed and recorded daily. During dry months (April to October), leachate is withdrawn when the tank liquid level is observed at approximately 4-feet or 16,500-gallons. Due to the potential increase in the volume of leachate from winter rains, the tank levels are kept as low as feasible in the wet months.</p> <p>See WDRs Specifications 4,9,13, 17, and 18; and Provision 4. See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 3/12/1992, which authorized installation of leachate tanks.</p>
17.4	<b>Surface Drainage System.</b> Water collected in the underdrain system beneath the landfill shall be monitored on a regular basis specified by the San Francisco Regional Water Quality Control Board. If contaminated, this water shall be treated as leachate. See Section 18.2.		In Compliance. On-Going	<p>The surface drainage system is monitored in accordance with RWQCB WDR detection monitoring requirements (Monitoring Programs 36. Surface Water) and the facility Self-Monitoring Program Parts A and B. Annual monitoring reports are filed with the RWQCB and are available for review at the landfill office during normal business hours. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.3 (Surface Drainage)].</p> <p>The most recent 2014 First Semi-Annual Report and 2013 Annual Water Quality Monitoring Report prepared by the Landfill operator provides results of underdrain monitoring. The presence of volatile organic compounds (VOCs) was originally investigated in a letter to the RWQCB dated May 6, 1999. The investigation revealed that contamination in the underdrain, and also in gas from the underdrain pipe, was characterized by chlorofluorocarbon compounds (CFCs) that were different from VOCs detected in leachate or gas from the landfill. The study concluded that the source of the VOCs probably did not result from a release from the landfill. Since that investigation, KCLC continues to perform monthly sampling of the underdrain and indicate an apparent decrease in total VOC concentrations. Decreases may be related to the expansion and start up of the landfill gas collection system at the landfill.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
17.5	<b>Groundwater Monitoring.</b> The Landfill developer shall install a groundwater monitoring system and implement a monitoring program, as required by the San Francisco Bay Regional Water Quality Control Board. The monitoring stations' specifications, locations, and their frequency of monitoring shall be included in the Development and Improvements Plan. The proposed monitoring program shall be subject to review by the County Health Services Department and the County Community Development Department.	B-18, 26, 31	In Compliance. On-Going	<p>The original groundwater monitoring program is included in FDIP, Section 9.3, and Appendix A. All monitoring of groundwater is performed in accordance with the RWQCB WDR requirements under Monitoring Programs 34. Groundwater and 35. Leachate. The facility is in compliance with measures for groundwater monitoring into the WDRs (RWQCB Order 01-040). Also see Section C, Provisions, and California Environmental Quality Act section of Order, Items 38 through 40).</p> <p>The groundwater monitoring network at the existing KCL has been designed to provide early detection of a release from wastes to groundwater. The monitoring systems currently installed were designed and certified by a registered (geologist or civil) engineer. The boring logs were prepared under the direction of a registered geologist or civil engineer and have been submitted to the RWQCB.</p> <p>At the KCL, the groundwater monitoring network currently includes 21 groundwater wells. The landfill's detection monitoring program includes sampling of 12 of those wells and the surface spring SFC-0 located downgradient from the landfill. KCL also performs semi-annual monitoring of the blanket drain underlying the toe berm, and monthly detection monitoring of the discharge from the underdrain underlying the entire landfill.</p> <p>In addition to the above, annual background monitoring is conducted at nine wells and one spring in areas upgradient or cross-gradient of the landfill; Monthly water level monitoring occurs at 15 wells to record the rate of recovery after sampling activities have been completed (the water levels in four deep wells in the toe berm area are also measured to monitor the upward gradient in this area); Monthly flow monitoring is conducted at three springs and at the drain discharge points; and water level monitoring in nine wells and eight piezometers is performed quarterly.</p>
17.6	<b>Downstream Well Monitoring.</b> The groundwater monitoring program shall include selected wells down gradient from the site. The wells shall be subject to approval by the San Francisco Regional Water Quality Control Board and the County Health Services Department. The Landfill operator shall sample and analyze water from these wells on a quarterly basis. The location of these wells shall be identified on the Development and Improvements Plan.	B-28	In Compliance. On-Going	<p>A downstream well monitoring program is included in FDIP, Section 9.4, and Appendix A. Also see WDRs Self-Monitoring Program.</p> <p>The locations and design of wells were approved by CCEH and the RWQCB. All monitoring of groundwater is performed in accordance with the RWQCB requirements and the WDRs.</p> <p>Facility is in compliance with measures for groundwater monitoring incorporated into the WDRs (RWQCB Order 01-040). See Section C, Provisions, and California Environmental Quality Act section of Order, Items 38 through 40). Also see Condition 17.5 above.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
17.7	<b>Baseline Water Characterization.</b> The Landfill developer shall conduct a groundwater characterization study for at least a one-year period following the approval of the Land Use Permit. The procedures for the study shall be specified by the San Francisco Bay Water Quality Control Board and the County Health Services Department.		Completed	Included in FDIP, Section 9.3, and FDIP Appendix A Waste Discharge Requirements and 401 Certification, Baseline characterization was performed in accordance with the WDRs Self-Monitoring Program Section 4C.  Monitoring reports were filed with the RWQCB. There is no record of HSD approval of a baseline characterization report; however, in other conditions requiring RWQCB approval, HSD deferred to the RWQCB approval and took no further action.
17.8	<b>Liquid Waste Disposal.</b> The Landfill operator shall comply with the requirements of the Regional Water Quality Control Board for disposal of de-watered sewage and other utilities' sludges in the Landfill to prevent excess liquid concentrations. The Landfill operator shall not accept other liquid wastes.		In Compliance. On-Going	The landfill facility is in compliance with RWQCB and SWFP requirements for handling and disposal of sludge material. The discharge of liquid or semi-solid waste to the landfill (i.e. waste containing less than 50% solids by weight), other than dewatered sewage or water treatment sludge as described in Section 20220(c) of Title 27, is prohibited.
17.9	<b>Drainage Grading.</b> The Landfill developer shall grade completed fill areas to convey surface run-off to ditches at the fill perimeter to limit infiltration into the Landfill. The grading specifications shall be included in the Development and Improvements Plan.	B-13, 14	In Compliance. On-Going	All grading and fill operations are consistent with plans and specifications included in FDIP, Section 9.5. Facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.3 (Surface Drainage)].

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
17.10	<b>Leachate Management.</b> The Landfill operator may reapply leachate removed from the leachate collection sumps to the Landfill for absorption by solid waste, or arrange for its transportation (pretreated if necessary) to an appropriate treatment and disposal facility. If leachate is returned to the fill area, it shall be injected under the Landfill's cover rather than applied over its surface. The return of leachate to the Landfill shall be subject to the solids-to-liquids ratio restrictions defined by the San Francisco Bay Regional Water Quality Control Board and the County Health Services Department. If leachate is transported to an off-site disposal/treatment facility, it shall be pretreated on-site to meet all requirements of such facility before transport. If leachate build up becomes a problem, the County Health Services Department may require additional remedial measures, such as the placement of more soil cover, or the installment of a low-permeabiity earthen or synthetic cover. The Leachate Management Program shall be included as part of the Site Design Plan.	B-54, 60	In Compliance. On-Going	<p>The Leachate Management Plan is included in the FDIP, Sections 9.1 through 9.8. A Leachate Collection Tank Log records daily measured levels, gallons in tanks 1 and 2, truck loads and gallons out. Leachate is sampled and analyzed quarterly. Leachate is disposed by re-injection into the waste mass in accordance with RWQCB requirements. The level of leachate in two leachate storage tanks are observed and recorded daily. During dry months (April to October), leachate is withdrawn when the tank liquid level is observed at approximately 4-feet or 16,500-gallons. Due to the potential increase in the volume of leachate from winter rains, the tank levels are kept as low as feasible in the wet months.</p> <p>Leachate monitoring and sampling is completed at the existing KCL in compliance with WDR Order No. 01-040. Future phases at the KCL will be constructed with an integrated LCRS that will be monitored as part of the facility's existing WDRs. Quarterly and annual reports of the monitoring results are submitted to the LEA, DTSC, and RWQCB. Leachate samples obtained are analyzed for the constituents and parameters listed in the site's WDRs. The quantity of leachate removed is measured and reported to the RWQCB in gallons per month. Leachate quality also is monitored based on quarterly sampling and analysis for the parameters listed in Appendix II of 40 CFR Part 258. Leachate monitoring results are included in the semi-annual Self Monitoring Reports for the landfill. The LCRS is tested annually to demonstrate operation in conformance with the WDRs. The results of these tests are reported to the RWQCB and include comparison with earlier tests made under comparable conditions.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.9 (leachate discharges), Specification B.4 (LCRS design), B.17 (Leachate sump seismic design), Provisions C.1 (Compliance with Specifications and Provisions of Order), C.3 Groundwater monitoring. WDRs are monitored and enforced by the RWQCB.</p>
17.11	<b>Water Balance Calculations.</b> The Landfill operator shall provide water balance calculations, when requested by the County Health Services Department, to evaluate intermediate stages of Landfill operation to ensure the maintenance of a proper solids-to-liquid ratio.		Not Yet Required	Water balance data will be provided upon request by DCD and/or CCEH.

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17.12	<b>Leachate Holding Tanks.</b> Holding tanks for leachate shall be tested to ensure chemical compatibility to prevent chemical degradation of said tanks. The Landfill developer shall submit test results to the Regional Water Quality Control Board and the County Health Services Department, prior to the submission of the Development and Improvements Plan.		In Compliance. On-Going	Tests completed July 22, 1991. The original design and manufacture of leachate holding tanks were in accordance with RWQCB requirements. In  See Health Services Department memo from M. Schott to C. Zahn (CDD) dated 10/13/1991. Schott stated approval recommended from RWQCB and that HSD had no further action and deferred to the RWQCB approval.  Landfill operator is in compliance with WDR Monitoring Program Item 35. Leachate is sampled and analyzed quarterly and reports are submitted to the RWQCB. See Conditions 17.5 and 17.10 above.
17.13	<b>On-Site Water Supply Wells.</b> The Landfill developer shall con-struct the proposed on-site water supply wells after a hydro-geologic investigation has determined flow direction and relationship between water bearing strata if any. Water supply wells shall utilize separate water bearing strata, and shall be sealed to prevent communication between shallow and deep ground water. The locations and characteristics of water supply wells shall be described in the Development and Improvements Plan, and shall be subject to County Health Services Department and San Francisco Regional Water Quality Control Board approval. Pump tests shall be provided for on-site wells located within 500 feet of any domestic well to evaluate interference between wells.		Completed. On-Going	An on-site water supply well was constructed in accordance with County CCEH and RWQCB requirements. Well design plan is included in FDIP, Section 10.2. Water for operations at the KCL is supplied by a well approximately 1,000 feet north of the maintenance shop and water storage tank. The well meets the pumping capacity requirements of this condition. Permits to Construct issued by HSD on December 12, 1992 and April 15, 1993.
17.14	<b>Off-Site Water Well Contamination.</b> If the water quality of nearby domestic water supplies is impaired by Landfill leachate, the Landfill operator shall take immediate remedial action that is acceptable to the County Health Services Department and the San Francisco Regional Water Quality Control Board. The source of contamination shall be identified and immediately repaired. Remedial measures shall include but are not limited to extraction wells and slurry walls. The Landfill operator may be required to replace the impaired water supply.		Not Yet Required	Condition Acknowledged. The locations of groundwater wells within a mile of the existing KCL have been mapped and available information for the wells has been collected. Nearby domestic water supplies have not been impaired by landfill leachate. No remedial action has been required of the Landfill owner/operator.
17.15	<b>Liner Installation Inspection.</b> See Condition 16.4.		See 16.4	This condition cross-references to another LUP condition.
17.16	<b>Secondary Containment.</b> The Landfill developer shall construct a secondary containment system capable of containing 1.5 times the volume of each leachate-holding tank.		Completed	The storage tanks are located inside a reinforced concrete secondary containment area set below surrounding grades. The containment area meets the requirements of this condition. See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 2/13/1992, which authorized construction of the leachate storage tank foundations for both leachate tanks (capacity of 64,000 gallons each) and a concrete secondary containment with a capacity of 100,000 gallons (150% of the primary leachate tank) under Building Permit MI 176258.

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17.17	<b>Working Face.</b> The Landfill operator shall maintain a maximum daily working face of 3 acres or less in order to minimize surface water infiltration to the refuse, as well as to control dust and erosion, prevent vector proliferation, and minimize visual impacts.		In Compliance. On-Going	Standard operating procedures limit the maximum daily working face to fewer than 3 acres as specified in this condition, and a maximum of 1 acre as specified in Condition 17h of the SWFP.
18.1	<b>Surface Water Protection Objective.</b> The Landfill shall not impair the beneficial uses of water bodies in the vicinity of the Landfill site.		See Conditions 18.2 - 18.5	The original Surface Water Management and Sediment Control Plan was included in FDIP, Sections 4.1 through 4.3. Requirements for surface water protection are also defined in the facility WDRs Prohibitions 8(a), and Specifications B.3, B.7, and B.9.
18.2	<b>Surface Drainage System.</b> The Landfill operator shall install a Landfill surface drainage system which shall be designed to meet State Class II standards. It shall accommodate a 1,000-year, 24-hour design storm, as specified by the County Public Works Department and the San Francisco Regional Water Quality Control Board (SFRWQCB). The drainage system shall convey surface water around the active fill area without contacting the working face or any solid waste. The surface drainage system shall be approved by the SFRWQCB and the County Community Development Department and included in the Development and Improvements Plan. Surface flow shall be evaluated further with groundwater levels and precipitation factors prior to construction, and findings incorporated into the final landfill design in order to lessen impacts to surface water flow. Flow rates and groundwater levels shall be monitored through the life of the landfill. If loss of surface flow is determined to have unforeseen impacts, a like amount of water shall be provided.	B-13, 14	In Compliance. On-Going	<p>Included in FDIP, Section 4.1. Also see WDRs Finding 18, Spec 2-3, Drawings 29-31. The surface drainage system was designed, constructed, and is maintained in accordance with this condition and requirements of WDR Specification B.3, which requires that surface drainage from tributary areas, and internal site drainage from surface and subsurface sources, shall not contact or percolate through wastes during disposal operations or during the life of the site. Surface drainage from tributary areas, and on-site drainage from surface sources, are collected using surface drainage ditches, and/or other conveyance and collection methods.</p> <p>The design criteria for drainage control devices are based on 27 CCR, Section 20365. The various drainage control system features (e.g., ditches, oversize drains, inlets, earthfill berms, sedimentation basin, and storm drains) located at the KCL have been designed to control surface water run-off from a 1,000-year, 24-hour rain storm event.</p> <p>Facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.2 (Washout and Erosion of Wastes), and B.3 (Management of Surface Drainage), and Provision C.3 (Preparation of facilities prior to rainy season)]. Measures incorporated into NPDES Industrial Discharge permit. WDRs and NPDES are monitored by the RWQCB.</p> <p>Letter of authorization from the RWQCB was substantiated by CDD on 10/23/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. See correspondence from CDD to the District II Supervisor dated 4/22/1992 explaining how landfill design would help control flows into the City's storm drain.</p>
18.3	<b>Creek Protection.</b> The landfill shall be designed so leachate and other contaminated water does not flow into Lawlor Creek. See Section 23.3.		In Compliance. On-Going	<p>Landfill site design in the FDIP, the original RWQCB for construction of a Class II landfill, and on-going design reviews by regulatory agencies ensure that neither leachate nor contaminated water flows into Lawlor Creek. The Extent of Waste Placement where waste is disposed is located hundreds of feet away from Lawlor Creek.</p> <p>See RWQCB letter from L. Kolb to B. Olney dated 10/23/1991.</p>

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18.4	<p><b>Surface Water Management and Sediment Control Plan.</b> The Landfill developer shall prepare and implement a Surface Water Management and Sediment Control Plan, which shall be subject to the approval of the County Community Development Department. The plan shall include a Stability Analysis of proposed cut and fill slopes, and shall prevent substantial erosion on slopes on the project site and reduce the amounts of water-borne materials from reaching surface waters. It shall include the components listed below, and it shall be included in the Final Improvements and Development Plan.</p> <p>(a) Primary Grading. The Landfill developer shall perform primary grading for the project's fill modules, cover, roads, paved areas, building sites, and the construction of site slopes during the April through October low rainfall season.</p> <p>(b) Temporary Flow Restriction. If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the Landfill developer shall take corrective actions, which may include the installation of ground cloth or the placement of hay bales.</p> <p>(c) Ground Cover. The Landfill developer shall plant ground over on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan.</p> <p>(d) Ditch/Swale Liners. The Landfill developer shall line any ditches and swales for conveying surface runoff across sanitary Landfill areas to limit water infiltration. Drainageways across other areas shall be lined or planted to limit erosion.</p>	B-15, 17, 20, 29	Completed. On-Going	<p>The original Surface Water Management and Sediment Control Plan i included in FDIP, Section 4.2 and Appendix I, The RWQCB approved the design for Keller Canyon, (See RWQCB letter from L. Kolb to B. Olney dated 10/23/1991). Plan elements have been updated as needed to meet requirements of landfill construction and prevailing regulations.</p> <p>All requirements in this condition for design and construction of the landfill were met prior to, or if approved by the County, subsequent to landfill opening. Monitoring of surface water management and sediment control is performed in accordance with RWQCB requirements, and Condition 17k(b) of the SWFP.</p> <p>Facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.2 (Washout and Erosion of Wastes), and B.3 (Management of Surface Drainage), B.7 Final grading promoting lateral runoff and Provision C.3 (Preparation of facilities prior to rainy season). Measures are also incorporated into NPDES Industrial Discharge permit. WDRs and NPDES are monitored and enforced by the RWQCB.</p> <p>To minimize onsite erosion, on-going erosion control measures are used during landfill operations to minimize soil loss. Typical measures include, but are not e limited to, the use of drainage ditches, channels and culverts, temporary diversion dikes, straw bale barriers, temporary and permanent seeding, and sediment basins. A storm water pollution prevention plan (SWPPP) is implemented in accordance with NPDES requirements utilizing Best Management Practices (BMPs) outlined in the SWPPP. The SWPPP is available for review at KCL. Future SWPPPs will be updated to reflect changes to the BMPs as the site is developed.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
	<p>(e) Sedimentation Ponds. The Landfill developer shall install a sedimentation pond system prior to other landfill development to hold and process drainage from the Landfill property which shall be designed to withstand the 1,000-year, 24-hour design storm and Maximum Credible Earthquake event. The Landfill developer shall develop a program for monitoring storage volumes in the sedimentation ponds and releasing water depending on expected rainfall. Flow rates for down-stream discharge shall not exceed the 25-year, 24-hour design storm. The program shall include a preventive maintenance program which shall include a program for clearing of sedimentation ponds and maintenance of perimeter ditches and vegetative cover. The program shall be subject to approval from the County Community Development, Health Services, and Public Works Departments, and the San Francisco Regional Water Quality Control Board. The efficacy of the Landfill surface water control system in reducing downstream flooding shall be addressed in the annual and triennial reviews required by Condition 11.1.</p> <p>(f) Runoff Conveyance. Erosion to ditches or gullies used to convey runoff shall be corrected by use of appropriate measures such as energy dissipators or rip rap.</p> <p>(g) Equalization Basin. Water in contact with the working face area of the landfill shall be discharged into an equaliza-tion basin, monitored, and treated if necessary.</p>			<p>KCL conducts regular inspection and maintenance of the erosion control systems to maintain functionality in compliance with requirements of 27 CCR, Section 20365(c)(3)(A) and (B). See Condition 18.2. After each major storm and annually, all on-site drainage facilities are inspected by landfill personnel. Required maintenance is performed so that the drainage channels and detention basins function as required by the WDRs.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991. See also Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, as updated through 10/25/1991.</p>
18.5	<p><b>Monitoring.</b> The Landfill developer shall prepare and implement a surface water monitoring program to check for possible contamination of off-site surface water drainage facilities. Baseline water quality shall be determined prior to project implementation. Sedimentation pond outflow shall be monitored. The monitoring program shall be subject to approval of the County Health Services Department, the County Community Development Department, and the Regional Water Quality Control Board.</p>	B-30	Completed. On-Going	<p>Included in FDIP, Section 4.3. Also see WDRs Self-Monitoring Program. No events of contamination of off-site surface water drainage facilities have occurred. Monitoring of surface water is performed in accordance with the WDRs Item 36. Surface Water. Stormwater discharges from the site are monitored at five locations, during two major storm events, as required by the State Board's General Permit for Stormwater Discharges Associated with Industrial Activities and the Discharge Monitoring Program in Order 01-040.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.2 (Washout and Erosion of Wastes), and B.3 (Management of Surface Drainage), B.7 Final grading promoting lateral runoff] and Provision C.3 (Preparation of facilities prior to rainy season)]. Measures are also incorporated into NPDES Industrial Discharge permit. WDRs and NPDES are monitored and enforced by the RWQCB.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

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19.1	<b>Hazardous Waste Ineligible.</b> See Section 6.4.		See 6.4	This condition cross-references to another LUP condition.
19.2	<b>Load Inspection.</b> See Condition 7.1		See 7.1	This condition cross-references to another LUP condition.
19.3	<b>Household Hazardous Waste Program.</b> The Landfill operator shall develop a household hazardous waste collection and management program for the service area which is consistent with the County Hazardous Waste Management Plan and with the County Integrated Solid Waste Management Plan. The program shall be subject to the approval of the County Health Services and Community Development Department. The household hazardous waste shall be managed in accordance with the "Waste Minimization Hierarchy" identified in the County Hazardous Waste Management Plan. The operator is encouraged to develop the program in cooperation with other waste management facilities and collection services. The proposed program, along with a schedule of proposed costs and funding sources, shall be submitted to the County departments no later than 6 months prior to the opening of the landfill. The program shall include mechanisms for removing household hazardous waste from the waste stream which arrives at the facility. If the household hazardous waste program (or a version of it) is approved by the County Board of Supervisors, the Landfill operator shall implement it. The Landfill household hazardous waste program shall include a public information and education program approved by the County Health Services Department/County Hazardous Materials Commission for notifying facility users and households in its service area of what constitutes hazardous waste and how such wastes are to be disposed of. The household hazardous waste program shall be amended if required by the County Board of Supervisors in their review of the Land Use Permit.		Not Yet Required	<p>This condition preceded the approval of the County’s Household Hazardous Waste (HHW) Element of the Countywide Integrated Waste Management Plan. There was a substantial change in public policy with respect to management of this portion of the waste stream shortly after this LUP was approved. CDD advised the Board of Supervisors that this policy change effectively put this COA 19.3 "on hold." (see memo from H. Bragdon to the Board of Supervisors dated 4/28/1992).</p> <p>By early 1992, County HSD had taken the lead role in implementing a countywide mobile collection program. Several years later wastewater agencies developed and began operating permanent drop-off facilities for HHW to serve those living in Central (Central Contra Costa Sanitary District) and East County (Delta Diablo Sanitation District). Soon thereafter a permanent drop-off facility was built in North Richmond to serve West County.</p> <p>The countywide household hazardous waste program includes three permanent HHW facilities serving households in their respective areas to provide free and convenient option to properly manage HHW effectively removing it from the waste stream before it reaches the landfill.</p> <p>Since the installation of the sedimentation basin, there have been no occurrences of downstream flooding. The basin has been designed to withstand a 1000-year storm event. Additionally, the surface water management and sediment control systems function as designed. There have been no occurrences of system failure</p> <p>The Countywide Integrated Waste Management Plan approved in 1993 does not call for an HHW program at Keller Canyon Landfill, however such a program could be reactivated if conditions change.</p>
19.4	<b>Transfer Station Pre-screening.</b> The Household Hazardous Waste Program shall include pre-screening at transfer stations for identification and separation of hazardous materials. In addition, landfill entrance load screening procedures and a manual check program during unloading operations shall be included. Landfill operators shall be instructed to investigate suspicious containers for hazardous materials during bulldozing and other activities. Any hazardous materials found shall be set aside for proper collection and disposal.		In Compliance. On-Going	<p>A Load Check program and hazardous waste pre-screening are in effect at Contra Costa Transfer and Recovery Station and other transfer stations that dispose of waste at Keller Canyon Landfill. (See Condition 7.1)</p> <p>Condition Acknowledged. Procedures related to storage of toxic or hazardous waste are also addressed in SWFP 07-AA-0032, Section 17j.</p>

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19.5	<b>Regulatory Agency Approvals.</b> The collection and storage of toxic and hazardous wastes pursuant to this section shall be subject to County Health Services Department, State Department of Health Services, and other regulatory agency approvals.		In Compliance. On-Going	Landfill owner/operator compliance with conditions of approval in LUP Section 20. The landfill facility is in compliance with all permits issued by the BAAQMD. Title V Permit Major Facility Review Plant No. A4618 last issued June 12, 2014; and the Authority to Construct/Permit to Operate Plant No. A4618. The Authority to Construct/Permit to Operate is reviewed annually by the BAAQMD.
20.1	<b>Prevention of Air Quality Deterioration.</b> The Landfill operator shall manage the facility in a manner that does not result in the significant deterioration of air quality in the vicinity of the site or in the Bay Area. The condition shall be interpreted as a requirement that the Landfill comply with terms of the Authority to Construct Permit to Operate permits issued by the Bay Area Air Quality Management District.		In Compliance. On-Going	The Landfill Gas Management/Air Quality Monitoring/Odor Control Plan is included in the FDIP, Sections 8.1 through 8.10. The original Authority to Construct is Appendix B of the FDIP.  The landfill facility is in compliance with protocols for complaint logging and communications, and procedures for identifying, evaluating, and mitigating off-site odors when they are confirmed. Site personnel routinely patrol the area including local neighborhoods for any indication of odors. Findings and results from the surveys are <u>documented daily</u> .
20.2	<b>Odor Containment.</b> The Landfill operator shall operate the Land-fill in a manner that prevents odors from being detected off-site, pursuant to Regulations 7-101 and 7-102 of the Bay Area Air Quality Management District. If odors are reported to the County Health Services Department, or reports are relayed from the Bay Area Air Quality Management District, the Health Services Department may require additional physical improvements or management practices as necessary to alleviate the problem. The Health Services Department shall have the authority to cease disposal at a particular area of the Landfill, to control odors. A small daily working face (3 acres or less) shall be maintained. The leachate treatment system shall be enclosed to control odors from leachate. The landfill gas collection system and flare shall utilize BACT to reduce landfill gas as a source of toxics and odor. If odors are detected in surrounding areas, complaints shall be logged by a landfill operator. The source of the odor shall be identified and corrected. A response to the person lodging the complaint shall be made within 48 hours, detailing the problem and remedial action taken.	B-22, 32, 36, 37, 67	In Compliance. On-Going	Keller Canyon goes to great lengths to minimize odor impacts on the surrounding community, including use of Best Available LFG Control Technology, maintaining a small working face (typically less than 1 acre in size) and enclosing the leachate system among other.  Moreover, Keller Canyon landfill staff investigates any odor complaints that come to their attention and keep a log of all such complaints. Site leadership makes their cell phone numbers available and encourage citizens to contact them with any concerns. To date, only one odor complaint was confirmed by the BAAQMD in the last six years (on October 31, 2011), although the odor was described by the BAAQMD inspector as “mild and faint”. No nuisance odor violations have been issued by the BAAQMD to Keller Canyon Landfill during the life of the site.  An odor impact minimization plan (OIMP) is in effect. An Odor Complaint Program is also in effect per Condition 17k(g) of the SWFP. Odor complaints and associated responses/corrective actions are logged in the facility's Complaint Log. Standard forms record the date of the complaint, name of the individual filing the complaint (if available), weather conditions, name of the landfill complaint investigator, the alleged locations of odors, and the results of complaint verification by either landfill personnel or personnel from the LEA or BAAQMD. Incidents are also recorded in a Log of Special Occurrences pursuant to provisions of Title 27 CCR 20510 (c) per Condition 17o of the SWFP. Follow up actions by the landfill are also documented in the annual Activities Report.  A gas collection and control system (GCCS) is in operation along with an extensive leachate management program. The working face is limited to 1 acre in size per Condition 17h of the SWFP. Also see Condition 20.11.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.3	<b>Cover Frequency.</b> The Landfill operator shall cover newly disposed refuse with compacted soil cover meeting the requirements of the State of California (currently, a minimum of 6 inches of daily cover). All working faces of the Landfill shall be covered by the end of the working day. Intermediate cover, meeting the requirements of the State (currently a minimum of 12 inches) shall be applied over each layer of cells ("lift"). The frequency of cover shall increase in order to control odor, litter or birds, if necessary, or if required by the Landfill's Solid Waste Facilities Permit.	B-25, 36	In Compliance. On-Going	<p>All requirements for approved daily cover materials and practices are complied with as standard operating procedure. Soil cover frequency is in accordance with requirements of LUP Condition 20.3, procedures of the SWFP, and Condition #17309 part 3(a) through 3(d) of the Major Facility Review permit issued by the BAAQMD. The Working Face is limited to 1.0 acre under Condition 17h of the SWFP. Also see Condition 20.2, 24.4 Bird Control, and Section 25 Litter Control.</p> <p>CCEH issued approval for KCLC to conduct a one year demonstration project for use of Alternative Daily Cover (ADC) – See Contra Costa Environmental Health letter from A. Enriquez to N. Christensen (KCLC) dated 4/23/1999, Results of the 1999-2000 demonstration project were summarized in a report prepared by CCEH and transmitted to KCLC on 6/28/2000. CCEH issued a CEQA Notice of Exemption on 7/11/2002 and approved use of ADC using geosynthetic blankets and green material. ADC was incorporated into the facility RDSI.</p> <p>The landfill’s use of ADC and beneficial reuse has provided a means to increase diversion on-site for green waste and certain construction and demolition(C &amp; D) wastes. There has only been one violation issued related to the handling of green waste accepted for use as ADC. A violation was issued by CalRecycle in 2007. The violation was based on a misunderstanding about the green waste material CalRecycle staff observed on-site. Material in a stockpile was mistakenly characterized as ADC by CalRecycle staff. The County LEA has since resolved this issue.</p>
20.4	<b>Odoriferous Loads.</b> The Landfill operator shall cover extremely odoriferous incoming loads immediately.		In Compliance. On-Going	Immediate covering of odoriferous loads is standard operating procedure in accordance with requirements of this LUP, the SWFP, and BAAQMD Major Facility Review permit Condition #16462 regulating the handling, use, and storage of yard and green waste stock piles. Air District requires that certain details about the green waste stockpiles be included in each semi-annual report (available on the BAAQMD website).
20.5	<b>Dust Suppressants.</b> The Landfill operator shall apply water or proven environmentally safe dust suppressants at least twice daily to working faces of the landfill, unpaved access roads, storage pile disturbances and construction areas as determined to be necessary by the County Health Services Department. The Health Services Department may require sprinklering more frequently for control of particulates.	B-34	In Compliance. On-Going	The facility is in compliance with dust suppression measures implemented per this LUP condition, Condition 17k(d) of the SWFP, and Condition #16462, parts 8(a) through 8(d), 9, 10, 13, 15, and 16(j) through 16(l) of the Major Facility Review permit issued by BAAQMD.
20.6	<b>Area of Operations.</b> See Conditions 17.17 and 22.10.	B-37	See 17.17 & 22.10	This condition cross-references to another LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.7	<b>Air Flow Monitoring.</b> The Landfill operator shall monitor air flow on the site upon commencement of operations and shall provide background meteorological conditions including wind direction, wind velocity, on-site air flows, and temperature. After the Landfill is in operation, data shall be used to correlate odor, dust, or litter management with meteorological conditions. Air flow monitoring reports shall be submitted to the County Health Services and Community Development Departments.		In Compliance. On-Going	An expanded weather monitoring station was installed May 1997 that monitors and records all meteorological conditions specified in this LUP condition. The weather monitoring station was relocated from the sandstone bluffs north of the leachate tanks to a location at the scale house. The basis for relocation of the station was acknowledged in the letter from D. Dingman, CDD to E. Horton, KCLC dated 4/21/1997. Data are used to manage daily landfill operations. CCEH letter dated 12/8/1995 acknowledges that their office and DCD agreed that KCL would not be required to submit actual monitoring reports unless determined necessary in the future. Data is available for review by regulatory agencies upon request and periodically checked by HSD during their routine inspections. Air flow monitoring was conducted early in landfill operational life to optimize operations with meteorological conditions.
20.8	<b>Contingency Program.</b> Prior to the start of filling operations, Landfill operator shall prepare a "bad days" contingency program for managing the Landfill during periods of unusual wind speeds or directions, rainfall or drought or other atypical situations. It shall apply specific site monitoring information. The Land-fill operator shall consider the comments of the local advisory committee and consult with the Bay Area Air Quality Management District and the Regional Water Quality Control Board. The program shall be approved by the County Health Services Department, and it may be revised from time to time.	B-37	Completed. On-Going	<p>The landfill operator has established procedures for dealing with inclement weather with the potential to hamper normal operations. Rain and/or high winds may require adjustment of on-site waste handling and disposal procedures. During prolonged heavy rains, operations are moved to a tipping area (wet weather area) which has been surfaced with asphalt grindings to provide all weather access to allow for continuous refuse disposal operations during inclement weather. Stockpiles of soil material are maintained near the designated wet weather alternative tipping area to provide an adequate supply of cover material. Normal traffic and vehicle access to the wet weather area is provided by paved and/or a combination of tightly compacted soil and asphalt grindings.</p> <p>For high wind conditions, the unloading area is typically reduced in size and, whenever possible, placed in a portion of the landing that affords protection from the wind. Additional equipment may be utilized to expedite the spreading and compacting of the refuse as soon as it is unloaded. Cover operations may also be implemented prior to the end of the working day to reduce the area of exposed refuse on the working face. In addition, portable litter fencing is in-place and is used downwind around the unloading areas.</p>
20.9	<b>Revegetation.</b> The Landfill operator shall revegetate completed Landfill areas immediately. Revegetation shall in be accordance with the Development and Improvements Plan and shall be consistent with the County policy on landscaping and water conservation. Intermediate and final cover areas shall be revegetated immediately. Excavations shall be revegetated or filled immediately. Operating areas which will not be used for fill or construction for 90 days or longer shall be planted for dust and erosion control and for aesthetic purposes.	B-37	In Compliance. On-Going	Included in FDIP, Sections 7.1 and 8.1 and Appendix E. Revegetation measures of graded areas are in compliance with Condition #17309 Part 14 of the Major Facility Review permit issued by BAAQMD, and is standard operating procedure when such areas are not expected to be used for fill or construction within 90 days or longer.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.10	<b>Tree and Shrub Planting.</b> The Landfill developer shall plant trees and shrubs downwind of the Landfill to aid in trapping dust. The planting plan shall be included in the Landscaping plan component of the Development and Improvements Plan.	B-34	Completed	The tree and shrub planting plan is included in FDIP, Section 8.2, Landscape Plan drawings LP-1, LP-2, and LP-3. Tree and shrub planting species and locations were approved in the Landscaping Plan. See COA 22.2
20.11	<b>Gas Control and Collection.</b> The Landfill operator shall install a Landfill gas control collection system in accordance with the regulations of the Bay Area Air Quality Management District. The system shall have the capacity to operate in an active mode, using a mechanical vacuum, to withdraw gas from the Landfill. The system shall be operated in an active mode as soon as practical. The gas control and collection system shall be installed concurrently with the placement of wastes in the Landfill and shall be ready for operation when gas is produced. The gas collection and related recovery system shall utilize BACT and shall be subject to the approval of the Bay Air Quality Manage-ment District and County Community Development Department and it shall be included in the Development and Improvements Plan.	B-32, 49	Completed. On-Going	Included in FDIP, Section 8.3.  Gas control and collection requirements are contained in BAAQMD Major Facility Review permit Condition #17309 Parts 18 through 30. Facility components for gas control and collection (Flares 1 and 2) are permitted abatement devices A-1 and A-2, and active gas collection is source S-1. The landfill gas control system did not have to become operational until one million cubic yards of refuse had been placed in the landfill.  KCL manages a complex landfill gas (LFG) collection system consisting of vertical extraction wells, headers, and sub-headers. The LFG collection system is under vacuum which draws the landfill gas to a central point currently consisting of a flare station, a blower building, and a landfill gas-to-energy facility (LFGTE). The LFG collection system, including additional vertical collection wells and flares, will be expanded as the landfill is developed to provide ongoing control within the performance criteria established and mandated by the BAAQMD and State and federal regulations.
20.12	<b>Landfill Gas Processing.</b> The Landfill developer shall install a flaring mechanism, in accordance with Bay Area Air Quality Management District guidelines/regulations, to combust collected landfill gas. The flare shall be of the nonilluminous type. Best Available Control Technology (BACT) shall be used, as defined and approved by the Bay Area Air Quality Management District. The flare shall be installed with staged combustion, operated under fuel-rich conditions, and be designed with flue gas recirculation.	B-33	Completed. On-Going	The original design for the flare system was included in FDIP, Section 8.4 and Appendix D. See Community Development Department letter from C. Zahn (CDD) to S. Gordon, dated 10/24/1995. Two flares are in operation that are subject to performance standards and testing requirements in Condition #17309 Parts 20 through 30 of the Major Facility Review permit issued by the BAAQMD.  There are two enclosed flares constructed in the Landfill Gas Management and Landfill Gas to Energy Facilities area. The first flare was installed at KCL in 1995. Flare #2 was installed in 2007 to act as both a backup unit and to provide additional capacity as LFG production increases at the site.  Both flares are 40-ft. high insulated steel tubes equipped to control combustion of the LFG to destroy methane and other. Both flares are founded on a reinforced concrete slabs and are designed to withstand conservative seismic and wind loads. In 2007, a new control system was installed that integrates control of both flares to a single system, allowing either one or both flares to operate, depending on LFG destruction needs. This new control system also interfaces with the LFGTE plant to ensure that consistent LFG extraction and destruction is maintained. See Condition 20.13.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.13	<b>Methane Recovery.</b> The Landfill operator shall install a methane recovery system simultaneously with the construction of the gas collection system, preferably utilizing the Landfill gas to produce energy when the Landfill has developed enough gas to justify recovery. When required by the County Community Development Department, the Landfill operator shall conduct a study to determine how methane could be recovered from the gas and used for fuel or as a commodity.	B-32, 49	Completed. On-Going	<p>An early plan for methane recovery was included in the FDIP, Section 8.5.</p> <p>A development application to permit a 3.8 mega-watt (MW) LFGTE power plant at KCL was filed by Energy Developments/Bio Energy in 2001. An Initial Study/Mitigated Negative Declaration was approved and LUP LP012115 ultimately was issued in June 2002. The plant was not constructed by Energy Developments/Bio Energy.</p> <p>In 2006, Ameresco, Inc. submitted a development proposal for a power plant (also with a capacity of up to 3.8 MW) to the County. The project was approved. The LFGTE power plant was dedicated in October 2009 under LUP 012115. The plant is owned and operated by Ameresco Keller Canyon L.L.C. See Section 36 of this LUP.</p> <p>The LFGTE plant was constructed adjacent to the existing flare station described in Condition 20.12 above. Ameresco has secured a power purchasing agreement to sell the power generated at KCL. See Section 36 Landfill Gas Power Plant of this LUP.</p>
20.14	<b>Gas Monitoring.</b> The Landfill developer shall install gas migration detection probes and wells along the boundary of the Land-fill footprint, near on-site buildings, and in other locations specified by the Bay Area Air Quality Management District or the County Health Services Department to monitor for subsurface and surface gas migration. The gas monitoring stations shall be described in the Development and Improvements Plan approved by the County Community Development Department. If gas migration is found, the Landfill operator shall notify the County and take remedial actions. Training of employees for detection of gas migration shall be included in the employee training program.	B-32, 49	In Compliance. On-Going	<p>Plans for the initial gas monitoring system are included in FDIP, Section 8.6. The monitoring and control of gas emissions via integrated and instantaneous surface emissions monitoring is conducted in accordance with the BAAQMD Rule 34 compliance plan requirements for the KCL. Perimeter probe results from collected monitoring data are compiled into a report. Gas monitoring data is submitted by KCL to the LEA and BAAQMD.</p> <p>As of September 20, 2007 regulations for Gas Monitoring and Control at Active and Closed Disposal Sites became effective. KCL submitted a Landfill Gas Monitoring Migration Monitoring Plan as required by the new regulations in September 2008. The Landfill Gas Migration Monitoring Plan was revised in response to LEA comments and subsequently approved by The LEA on August 3, 2009.</p> <p>Perimeter and surface landfill gas at KCL are monitored in accordance with CFR 258.23 (Subtitle D) and the BAAQMD Regulation 8, Rule 34. Perimeter and surface landfill gas monitoring are conducted on a quarterly basis. Perimeter landfill gas monitoring at the KCL have shown that there is no landfill gas migration off-site. The perimeter landfill gas monitoring probes were designed and spaced according to 27 CCR and BAAQMD requirements, and are in conformance with the criteria set forth in Subtitle D.</p> <p>On-site structures at are monitored monthly, in accordance with 27 CCR, Section 20931, for detection of potential landfill gas migrating into building structures. The upper detection limit is 1.25 percent methane by volume.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.15	<b>Lateral Gas Barriers.</b> The Landfill developer shall install a gas barrier or gas collection area on side slopes of the Landfill to prevent lateral gas migration through the sides of the Landfill. The barrier or gas collection area shall be approved by the Bay Area Air Quality Management District and shall be included in the Development and Improvements Plan.	B-32, 49	Completed. On-Going	KCL operates a gas collection on or near the slopes in general, and has installed horizontal collectors at the perimeter of the lining system when the perimeter probes are activated. This portion of the collection system is located only in the northeast corner of the lined area, approximately where the toe berm meets original ground just down hill from the east side liner area. “Barriers” as described in this condition are not in place at Keller. Barriers have not proven effective without significant collection infrastructure to ensure gas does not get diverted and causes a release in a different location. KCL has installed collection systems as needed to maintain compliance with CCR Title 27 (Subsurface) and BAAQMD/USEPA (Near-Surface) emissions requirements. Given the large buffer areas surrounding the landfill operations area, the best approach is to install and maintain a long-term collection system near a trouble area located within the waste mass, to “pull back” the gas.
20.16	<b>Settlement Protection.</b> The Landfill developer shall use flexible piping and lightweight backfill for the Landfill gas collection system to ensure that settlement of the fill will not affect operation of the system.		Completed. On-Going	All materials and construction techniques approved by the BAAQMD are utilized to minimize potential settlement of fill. KCL has installed collection systems as needed to maintain compliance with CCR Title 27 (Subsurface) and BAAQMD/USEPA (Near-Surface) emissions requirements.  Annual source tests are performed per Condition #17309 parts 30 and 31 of the Major Facility Review permit. Reports are filed with the BAAQMD and are available to interested agencies. The LFGTE power plant source testing is contained in its separate permit with the BAAQMD.
20.17	<b>Landfill Gas Testing.</b> The Landfill operator shall test Landfill gas for its toxic composition and for toxic constituents. The testing program shall be subject to the approvals of the Bay Area Air Quality Management District and the County Health Services and Community Development Departments. The Landfill operator shall provide the results to the County Community Development Department and Health Services Departments on a quarterly basis unless a more frequent interval is specified in the Solid Waste Facilities Permit.	B-32, 49	In Compliance. On-Going	KCL conducts a source test at each flare once every year. Source test reports are submitted to the BAAQMD Compliance and Enforcement Division and the Source Test Section within 60 days of the test date. Each annual source test is required to determine specific parameters and constituents of landfill gas as specified in the Major Facility Review permit.  KCL also conducts characterization of the landfill gas concurrent with the annual source test required by the above. Landfill gas sample(s) are analyzed for concentrations of carbon dioxide (CO2), nitrogen (N2), oxygen (O2), methane (CH4), and total non-methane organic compounds (NMOC) in addition to organic and sulfur compounds specified in Part 31 of the permit with BAAQMD. Test reports are submitted to the BAAQMD Compliance and Enforcement Division and the Source Test Section within 60 days of the test date.
20.18	<b>Leachate Disposal.</b> See Condition 17.10.		See 17.10	This condition cross-references to another LUP condition.
20.19	<b>Cell Re-Opening.</b> Previously covered cells shall not be reopened without permission from the County Health Services Department.		In Compliance. On-Going	The facility is in compliance with this condition. Re-opening of cells is reviewed on case-by-case basis and only on approval by CCEH.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
20.20	<b>Fissure Repair.</b> The Landfill operator shall inspect the Landfill daily. Surface cracks, fissures, eroded areas, or inadequately covered areas on the Landfill may require repairs within 24 hours. This activity shall be included in the employee training program.		In Compliance. On-Going	Employees are trained in inspections for fissures and approved repair measures. Staff routinely inspects the Landfill’s surface for fissures. Fissures are repaired as they are discovered. When found, fissures are filled with soil and thoroughly compacted.
20.21	<b>Permanent Road Paving.</b> The Landfill developer shall pave and maintain permanent access roads to control dust. A road used for one year or longer shall be considered to be a permanent road. Road construction shall be described in the Development and Improvements Plan.	B-34	In Compliance. On-Going	Plans for permanent road paving are included in FDIP, Sections 8.8 and 8.9, Drawings 10 and 11. All roads designated for permanent paving have been completed and are maintained per this LUP and Condition #17309 Part 4 of the Major Facility Review permit issued by the BAAQMD.
20.22	<b>Temporary Road Paving.</b> The Landfill developer shall pave and maintain temporary road with gravel or crushed aggregate. Temporary roads shall be wetted or chemically treated when necessary to control dust. Road construction shall be described in the Development and Improvements Plan.	B-34	In Compliance. On-Going	Plans for temporary paving are included in the FDIP, Section 8.9. Major Facility Review permit Condition #17309 Part 5(a) through 5(d) identifies five temporary roadway segments comprising haul roads to the Working Face and a secondary fire access road. Temporary paving material consists of a minimum of 12 inches of compacted gravel or crushed asphalt.  The facility is in compliance with dust control measures of Major Facility Review permit Condition #17309 Parts 8(a) through 8(d), Part 9, Part 10, and Part 13 pertaining to control measures to be implemented depending on type of road, landfill vehicle traffic, and weather.
20.23	<b>Speed Limits.</b> The Landfill operator shall enforce speed limits set by the County Health Services Department on internal site roads. The Landfill operator shall install appropriate signs and speed control devices. The maximum internal on-site speed limit shall be 20 mph.		In Compliance. On-Going	Posted speed limit for paved roads is 15 mph; speeds on unpaved roads and fire roads are limited to 10 mph and 25 mph, respectively, per Condition #17309 Part 6 of the Major Facility Review permit. Signs are installed and speed limits are enforced.
20.24	<b>Equipment Maintenance.</b> The Landfill operator shall maintain Landfill equipment in optimum working order to ensure that vehicle emissions are controlled and equipment shall be fitted with spark arrestors so potential for causing fires is minimized. Equipment shall not be left idling when not in use. Maintenance records shall be kept on all pieces of Landfill equipment. The records are subject to review by the County Health Services Department. Equipment shall be stored, serviced, and repaired in a maintenance area designated in the Development and Improvements Plan and approved by the County Community Development Department.	B-35, 64 (65)	In Compliance. On-Going	Equipment maintenance is performed according to manufacturer specifications and at required intervals. Maintenance records are maintained by the operator and available for review by County agencies.  All equipment maintenance operations are completed at the landfill. The equipment maintenance facility includes a 6,000 sq. ft. building that contains all equipment spare parts and material storage units for the site equipment maintenance operations (e.g., storage bins and cabinets, waste oil tanks, fuel tanks, water tanks). A maintenance yard is used for scheduled maintenance of heavy equipment including daily routine, minor, and major repairs. All equipment (including stationary equipment) are maintained, tested, monitored, and inspected on a regular basis to ensure that they are functioning and readily available.
21.1	<b>Noise Control Objective.</b> The Landfill operator shall manage the facility in a manner that minimizes noise impacts to area residents.		See Conditions 21.2 - 21.8	Compliance with conditions of approval in LUP Section 21. Noise Control has minimized noise impacts to surrounding residential areas. DCD is not aware of any violations involving noise generated by the landfill.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
21.2	<b>Noise Monitoring Program.</b> The Landfill operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the County Community Development Department and Health Services Departments. The program shall monitor noise levels at sensitive receptor locations, one West of Bailey Road and South of West Leland Road, one near Bailey north of West Leland, and another in the Jacqueline Drive area south of West Leland Road. The Director of Community Development may specify other monitoring locations. If the monitoring noise levels at the Landfill boundary line or other monitored location exceed 60 dBA during daylight hours, or 50 bDA during the evening or at night, the County may require the operator to institute additional noise reduction measures to bring noise emanating from the Landfill to the forementioned levels or less.	B-67	In Compliance. On-Going	Noise monitoring is performed monthly and reports are prepared quarterly per the requirements of this condition. No off-site noise impacts have been consistently received since the landfill opened in 1992. Noise monitoring have demonstrated that ambient noise levels during periods the landfill is in operation are below the thresholds established in this condition at the landfill boundary line and other monitored locations. There is no history of consistent off-site noise complaints.  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Also see Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.
21.3	<b>Toe Berm.</b> See Condition 22.3.		See 22.3	This condition cross-references to another LUP condition.
21.4	<b>Mitigation/Lift-Level Berms.</b> See Condition 22.4		See 22.4	This condition cross-references to another LUP condition.
21.5	<b>Construction Hours.</b> See Condition 32.1.		See 32.1	This condition cross-references to another LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
21.6	<b>Truck Noise Suppression.</b> The Landfill operator shall require transfer trucks and other waste hauling vehicles using the facility to be equipped with factory approved noise suppression equipment, including engine compartment insulation. The Landfill operator shall request the California Highway Patrol actively enforce muffler and vehicle noise standards as required in the California Vehicle Code if, for any reason, noise from heavy trucks becomes a source of complaints in the project area, whether project-related or not. Transfer trucks and other waste hauling vehicles with faulty mufflers shall be denied access to the landfill after one warning by a landfill operator at the landfill entrance.		In Compliance. On-Going	<p>Waste-hauling trucks to KCL are equipped with noise suppression features that are standard to the industry. The landfill operator's transfer trucks are subject to inspection and maintenance as part of the operator's equipment maintenance program. Maintenance is performed according to manufacturer specifications and at required intervals. Faulty mufflers would be replaced as they are identified.</p> <p>No truck noise complaints have been consistently received at the landfill office since the late 1990s. In response to concerns about noise resulting from trucks traveling over speed bumps near the landfill entrance, the landfill operator voluntarily removed the speed bumps. Since that time no complaints of truck noise have been received at the landfill office.</p> <p>The CHP periodically sets up a mobile inspection station outside of the landfill entrance to ensure compliance with vehicle safety and equipment requirements. The landfill operator has not had cause to request enforcement by the CHP.</p> <p>New procedures have been put in place at the Landfill if a truck is determined to have a faulty muffler (or mufflers) by landfill staff at the scale house or working face, the landfill staff shall record the truck tractor license number and date of determination. The operator of the subject truck may be issued a warning to repair the muffler (or mufflers) at the discretion of landfill staff, depending to the degree that muffler performance is believed to be degraded. The truck operator shall be allowed up to 21 days from the date of determination to effect repairs The truck operator shall be required to provide documentation of repair to the landfill scale house operator to avoid being denied future access to the landfill.</p>
21.7	<b>Landfill Vehicles.</b> The Landfill operator shall provide Landfill equipment with the best available noise suppressing equipment to minimize sound generation.	B-56	In Compliance. On-Going	Landfill equipment are equipped with best available noise suppressing equipment as supplied by the manufacturer.
21.8	<b>Gas Flare Muffling.</b> If flaring is used to dispose of Landfill gas, the flares shall be contained in noise and glare-reducing housing. The housing shall be subject to the approval of the County Health Services and Community Development Departments and the Bay Area Air Quality Management District.	B-56	Completed. On-Going	Design of the gas flares was approved by the BAAQMD prior to operation, and are operated in accordance with BAAQMD Title V requirements.
22.1	<b>Visual Quality Objective.</b> The Landfill developer shall construct and operate the facility in such a manner that the high visual value of the surrounding area is maintained.		See Conditions 22.2 - 22.14	Compliance with conditions of approval in LUP Section 22. Visual Quality has maintained the high visual value of the surrounding area. Landfill site development occurs only in approved areas as defined in the Report of Disposal Site Information, the FDIP, and landfill phase design and construction documents approved by the RWQCB.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
22.2	<b>Landscape Plan.</b> The Landfill developer shall prepare and imple-ment a site Landscaping Plan. The plan shall enhance the site's visual values as open space and its functional values as wildlife habitat. It shall minimize the visual impacts of the landfill operations and appurtenant facilities through revegetation and landscape screening. The plan shall show the plant species, size, and locations to be used to blend in with the existing natural vegetation. Natural, drought tolerant species shall be used, in accordance with County Policy on Water Conservation Landscaping. A landscape maintenance program shall be part of the plan. A Weed Monitoring and Control Program shall be included, containing a listing of noxious weeds, a monitoring program, and abatement measure options. A Landscape Plan shall be included in the Development and Improvements Plan. The Landscape Plan shall assure no visual impact on the Cities of Concord and Clayton consistent with the Environmental Impact Report.	A-1	Completed. On-Going	<p>The Landscape (Screening) Plan that included all required elements of this condition is included in the FDIP, Sections 7.1 through 7.3 and Drawings LP-1, LP-2, and LP-3. The Landscape Plan was endorsed by the LAC. Installation of landscaping was phased. The Weed Monitoring and Control Program was included in the Range Management Plan in Condition 23.2 of this LUP. Also see Weed Control Program in Condition 23.5.</p> <p>See County Letter of acceptance dated 11/2/1992. Also see Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
22.3	<b>Toe Berm.</b> The Landfill developer shall install the first phase of the toe berm prior to other landfill construction and development of the Landfill. Other sections of the toe berm shall be installed in stages (see condition 32.4). The toe berm shall be contoured to blend with existing topography. It shall be designed to screen the landfill access road. It shall be revegetated immediately with native grasses and other vegetation to blend in with the surrounding area.	A-1, A-5	Completed	<p>Toe berm design is included in FDIP, Sections 3.1 and Drawings 14 &amp; 23. See Community Development Department letter from C. Zahn to T. Cox (KCLC) which authorized construction of the toe berm. Also see Community Development Department letter from C. Zahn to T. Cox (KCLC) dated 12/30/1992 which authorized contouring of the toe berm. Also see Community Development Department memo from H. Bragdon to the Board of Supervisors dated 3/5/1992 which confirmed that the toe berm was constructed properly and keyed to the sub-surface.</p> <p>The toe berm slope stability analyses approval from the RWQCB and revegetation plan were substantiated by CDD on 10/23/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
22.4	<b>Mitigation Berms.</b> The Landfill developer shall install landscaped mitigation berms (lift-level peripheral berms) at the face of each lift in areas visible off the Landfill site, before beginning refuse disposal on the lift. The berms shall be landscaped to blend with existing terrain. Specific heights for the initial toe berm and each of its phases shall be established in the Final Development and Improvements Plan (Condition 15.1).	A-3	Completed. On-Going	<p>The initial toe berm was constructed prior to other landfill construction. Design reports for all phases of site development take into consideration the potential for visual impacts, and are submitted to the County and the RWQCB for review and approval. Lift-level peripheral berms that may be visible from off-site are revegetated accordingly.</p>
22.5	<b>Lawlor Creek Corridor Plan.</b> See Condition 23.3		See 23.3	This condition cross-references to another LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
22.6	<b>Entrance Screening.</b> The Landfill developer shall install landscaping at the entrance of the landfill to screen the entrance facilities from Bailey Road users. Olive trees shall not be included as part of the entrance landscape plan.		Completed	Design approved by the County subsequent to initial FDIP approval in 1991. All landscaping at the landfill entrance was installed.  See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Also see Community Development Department letter from C. Zahn to T. Cox (KCLC) dated 11/2/1992 which authorized installation of entry streetscape landscaping.
22.7	<b>Jacqueline Drive Terminus.</b> The north terminus of Jacqueline Drive shall be landscaped, with native species, to shield near-views of the toe berm. Planting of the terminus area shall begin as soon as practicable. The outside access road berm shall be a minimum of 15 feet high to shield transfer truck traffic and noise from nearby residences.	A-4, B-47	Completed	Completed at the "south" terminus of Jacqueline Drive. Included in landscape design plans approved by the County in 1993 and 1994 after initial FDIP approval in 1991. The landfill operator submitted a revised landscape plan for the Jacqueline Drive terminus on 8/30/1993 to account for a lack of water service previously requested from the City of Pittsburg and subsequently revised the plan in coordination with the County. See Plan B Landscaping Plan dated 12/28/1993.  See Community Development Department letter from C. Zahn to T. Cox (KCLC) dated May 6, 1994 which authorized installation of Plan B landscaping.
22.8	<b>Auxiliary Facilities Screening.</b> The landscaping plan shall provide for the screening of auxiliary areas, such as the administrative buildings, parking lots, maintenance facilities, and screening of facilities shall occur during the first year of development. Enhancement of Lawlor Creek shall occur during the first year, to aid in screening facilities from Bailey Road users.		Completed	Design approved by the County subsequent to initial FDIP approval in 1991. All required landscape screening of facilities has been installed and is regularly maintained. See Community Development Department letters from C. Zahn to T. Cox (KCLC) dated 7/30/1992 and 9/23/1992 which authorized installation of landscaping at the administration building, and scale house and maintenance building, respectively. Lawlor Creek corridor was improved in 1998 as part of the Lawlor Creek Restoration Plan.
22.9	<b>Architectural Treatment.</b> Plans for buildings and other structures shall include architectural sections showing design and materials to be used. Buildings shall be designed to blend into the rural agricultural setting.		Completed	Architectural plans for buildings and other structures were included in the FDIP, Section 7.2. See Community Development Department letter dated 2/21/1992 from C. Zahn to B. Olney (KCLC) which authorized construction of auxiliary facilities as follows: -- Administration building: Building Permit CO 175997 -- Maintenance building: Building Permit IN 175909 -- Scale House: Building Permit MI 175450 & MI 175970
22.10	<b>Area of Operations.</b> Except during construction of modules and other major installations, the Landfill operator shall limit unvegetated working areas of the landfill, including the daily working face, to 25 acres for appearance and to control dust and erosion. The restriction shall not apply to grading for foundations, cover, site roads, berms and other construction, providing these are carried out expeditiously.		In Compliance. On-Going	Limiting unvegetated working areas to the greatest extent possible is standard operating procedure.
22.11	<b>Interim Revegetation.</b> Interim revegetation shall be required on all areas that will be inactive for more than 90 days. Revegetation shall include native grasses, shrubs and trees to lend more variety and natural appearance to the finished landfill.		In Compliance. On-Going	Interim revegetation of areas that will be inactive for more than 90 days is standard operating procedure. Also see Condition 20.9.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
22.12	<b>Water Tank Screening.</b> The Landfill developer shall provide landscaping to screen the facility's water tanks. Where possible, the landscaping shall be installed prior to the installation of the tank. Consideration shall be given to subsurface or partially buried tanks, and to painting the structures with earthtone colors.		Completed	The water tank location was selected because it is not visible from off-site locations. Landscape screening of the water tank was not required due to natural topography and camouflage paint.
22.13	<b>Final Cover.</b> Final cover shall be contoured and landscaped to blend with existing topography.		Not Yet Required	Final cover has not yet been implemented and will be performed in accordance with this LUP condition, and the approved Preliminary Closure and Post-Closure Maintenance Plan.
22.14	<b>Lighting.</b> The Landfill developer shall design and locate the lighting system to reduce glare and reduce impact to area residents. Focused directional security and operational lighting shall be installed. Operation lighting on the working face shall be turned off by 7:30 p.m. Security and entrance lighting shall be dimmed at 7:30 p.m.		Completed	All on-site and security lighting has been installed and is directed to avoid glare. Operation of lighting systems is performed per this condition. Also see LUP Condition 9.1.
23.1	<b>Biotics Protection Objectives.</b>  a) The Landfill developer shall construct and operate the facility in such a manner that ensures, through protection and enhancement measures, that there is no net loss of significant habitat, wetland, woodland, or agricultural production.  b) The Landfill developer shall provide at least twice the amount of mitigation wetland for significant wetland lost to the project (2-to-1 mitigation). A minimum of six acres of mitigation wetland shall be provided. Wetland loss shall be mitigated through the enhancement of stock ponds and sedimentation basins, or the creation of new wetlands.	B-57	In Compliance. On-Going	Four mitigation wetlands were created in 1992 in accordance with federal and state resource agencies. Total wetlands area of 8.57 acres, exceeded the 6.0-acre minimum for this Condition (USACOE permit minimum = 7.21 acres). A Biological Condition Compliance Review was conducted in 2003 which concluded that the 8.29 of mitigation wetlands in place at Keller did not warrant any wetland remediation (0.28 acres no longer met USACOE jurisdictional wetlands criteria). An additional 6.0 acres of Lawlor Corridor were enhanced through plantings of California native species and other riparian enhancements. These wetlands and enhanced areas continue to function as designed.  See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 2/5/1992, which authorized construction of mitigation wetlands in the east Special Buffer Area in compliance with COA 23.1 and USACE Section 404 Nation-wide Permit No. 26. Streambed Alteration Agreement No. 1463-90 for wetlands construction was issued by the California Department of Fish and Game on 10/18/1991. The Final Wetland Mitigation and Monitoring Plan was substantiated by CDD on 10/23/1991.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
23.2	<b>Range Management Plan.</b> The Landfill operator shall design and develop a Range Management Plan in order to provide for continued grazing on portions of the site. The Special Buffer Area shall remain as Agricultural Preserve, and development rights shall be conveyed to the County. The buffer area and other site range-lands of the Primary Project Area not exempted for habitat protection and not in active landfill use shall be enhanced as grassland/oak woodland, and shall provide grazing for at least 270 head of cattle, approximately the same number of cattle which presently graze on the site. Stock watering ponds shall be enhanced through planting of trees and shrubs. Grazing shall be restricted for a 1 to 2 year period in order for grasses to get reestablished. It shall provide for adequate grazing range, and for native tree species such as oaks to be planted for animal protection and to replace trees removed during landfill construction, while controlling soil erosion. The plan shall be prepared in consultation with the Contra Costa County Resource Conservation District and the Agricultural Extension Service. It shall be coordinated with the Landscape Plan, the Habitat Preservation Plan, and the Erosion and Sediment Control Plan developed for the landfill facility. It shall be subject to the approval of the County Community Development Department and it shall be included in the Improvements and Development Plan.	B-3, 57	In Compliance. On-Going	Included in FDIP, Section 5.1 Range Management Plan and Drawing RM-1, approved by the Community Development Department. The buffer area is maintained within the guidelines of this condition for grazing, habitat preservation and fire protection.  The Special Buffer Area continues to be under Williamson Act contract (Contra Costa County, 2008) and is zoned A-4, Agricultural Preserve.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
23.3	<b>Lawlor Creek Corridor Restoration Plan.</b> Enhancement of this riparian area shall replace habitat lost by the rerouting and covering of a portion of the unnamed drainageway within the waste placement area. This plan shall provide replacement for habitat lost to landfill construction. The Corridor Plan shall also provide screening of the landfill entrance and service facilities from Bailey Road. Livestock fencing shall be constructed around the perimeter of approximately 35 acres to exclude cattle from the riparian and oak woodland areas. Litter shall be removed from the creek and corridor, and fencing shall be established along Bailey Road to prevent unlawful disposal of trash. Riparian species of trees such as Willows, Fremont cottonwood, sycamore and other oak species, California Bay Laurel and shrubs shall be planted. The access road crossing of Lawlor Creek shall be designed and constructed in a manner that would be compatible with the aesthetics of the corridor and habitat enhancement. Installation of horizontal drainage pipes into hillsides may be provided to tap groundwater sources to improve creek flow conditions. A monitoring and maintenance program shall be established to insure wildlife habitat values are protected. Rock dams, overhangs, splash pools and erosion control structures shall be included in the corridor plan design. The detailed restoration plan shall be developed for Lawlor Creek in coordination with the County, the California Department of Fish and Game, U.S. Fish and Wildlife Service, local Audubon and California Native Plant Society representatives and other environmental organizations. A streambed alteration agreement shall be obtained if determined to be necessary by the CDF&G. A wetland modification permit shall be obtained from the Army Corps of Engineers if necessary. Implementation of the Restoration Plan shall take place during the initial development phase of the Landfill.	B-58	Completed	<p>Streambed Alteration Agreement No. 1461-90 for Lawlor Creek was issued by the California Department of Fish and Game on 10/18/1991. A Restoration and Enhancement Plan was prepared in accordance with requirements of the County, U.S. Army Corps of Engineers, and California Department of Fish and Game, and implemented in 1997 and 1998.</p> <p>General plans are included in FDIP, Section 5.2, Drawing LC-1 and Appendix C, approved by the Community Development Department.</p> <p>Final Section 404 Monitoring Report Submitted August 26, 1998. Also See LUP conditions 22.8 and 23.1.</p>
23.4	<b>Sandstone Outcrop Area.</b> Livestock fencing shall be constructed around the perimeter of the 72-acre sandstone area at the front of the Landfill to exclude cattle and preserve upland habitat area. Landfill personnel and construction operators shall be alerted regarding the protected area. Native trees such as Oak and California Buckeye shall be planted along the perimeter of this area. The adjoining equalization basin and toe berm shall be constructed to avoid damage to the protected area.		Completed	<p>Sandstone outcroppings in this area have been protected by exclusionary livestock fencing. Siting and construction of landfill facilities in adjoining areas were implemented without damage to the sandstone outcrop area.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
23.5	<b>Weed Control Program.</b> The landfill operator shall submit a weed control program to control introduced weedy species on the Land-fill property as part of the Range Management Plan. The program is subject to approval by the County Community Development Department. The weed control program shall include a list of noxious weeds, periodic monitoring of these species, and a weed control and removal program.	B-57	In Compliance. On-Going	Weed control is performed in accordance with this condition, the Range Management Plan, and County Weed Abatement.
23.6	<b>Phased Construction.</b> The Landfill operator shall construct and operate the Landfill in phases in order to reduce the acute impact to vegetation and wildlife habitat. Mature trees should be removed only as needed, not more than one year in advance of module development. Black walnut and other heritage tree cuttings shall be taken with the direction of a research organization such as the University of California's botanical garden.		In Compliance. On-Going	Phased construction has been implemented since the landfill opening in 1992. No Black Walnut or heritage trees or high quality wildlife habitat exist within the approved area of disturbance for landfill facilities or operations.
23.7	<b>Vegetation Protection.</b> The Landfill developer shall employ dust suppression measures to prevent damage from dust loading on vegetation. Periodic watering of vegetation adjacent to the fill working area shall be developed as part of the Range Management Plan.		In Compliance. On-Going	Dust suppression measures are implemented in accordance with this LUP condition, Condition 17k(d) of the SWFP, and requirements of Condition #17309 in the Major Facility Review permit issued by BAAQMD. Also see Condition 20.5.
23.8	<b>Wildlife Exclusion and Vector Control.</b> The Landfill operator shall construct fences around the working area of the site, limit the size of the working face, and cover refuse at least daily in order to exclude wildlife and control vectors at the working area of the site.		In Compliance. On-Going	Wildlife exclusion and vector control are implemented per the requirements of this condition and the SWFP regulating landfill operation. Fences in the working area for wildlife exclusion have not proven necessary as determined by the LEA. The working face size is limited to less than 3 acres by Condition 17.17 of this LUP, and 1 acre by Condition 17h in the SWFP.

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23.9	<p><b>Supplemental Wildlife Surveys.</b> The Landfill developer shall conduct additional surveys to establish the presence or indicate the absence of the following species at the landfill site.</p> <p>a) San Joaquin Pocket Mouse. The survey shall be conducted according to USFWS recommendations. If found, the developer shall follow USFWS guidelines regarding appropriate mitigation procedures.</p> <p>b) The California Tiger Salamander and the Alameda Whipsnake. The salamander study shall take place during the rainy season. If salamanders are found to exist in the unnamed creek, they shall be trapped and released to the Lawlor Creek area. If the Alameda Whipsnake is encountered, then facilities such as the equalization basin, and the access road shall be relocated further from the outcrop area. The outcrop reserve shall be expanded to include the easternmost outcrops. Consideration shall be taken in siting facilities and any activities north of access road. Lighting shall be shielded and shall illuminate only paved areas in this vicinity.</p>	B-62, 63	Completed. Updated As Needed	<p>Supplemental wildlife surveys were conducted in 2003. No special status wildlife species were observed in the primary project area of the landfill during site visits. Based on existing habitat conditions, there is a moderate to high potential of occurrence for three special status wildlife species to occur on or adjacent to the primary project area: 1) San Joaquin pocket mouse, 2) California horned lark, and 3) loggerhead shrike. Two additional species, the California tiger salamander and the California red-legged frog, occur in adjacent areas and could disperse through the project area. Habitat assessments for these species were conducted in accordance with state and federal guidelines. The habitat assessments concluded that surveys were not warranted based on the probability the species may occur in the primary project area of the landfill, as follows: California red-legged frog = low probability, California tiger salamander = low probability,</p> <p>Earlier supplemental survey data submitted to the U.S. Fish and Wildlife Service were substantiated by CDD on 10/15/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
24.1	<p><b>Bird and Vector Control Objective.</b> The Landfill operator shall manage the facility in such a manner that prevents and controls the attraction and/or generation of birds and vectors at the site.</p>		See Conditions 24.2 - 24.7	Compliance with these conditions of approval in LUP Section 24. Bird and Vector Control prevents and controls attraction and/or generation of birds and vectors at the landfill operations area.
24.2	<p><b>Soil Cover Frequency.</b> See Condition 20.3.</p>		See 20.3	This condition cross-references to another LUP condition.
24.3	<p><b>Working Face.</b> See Condition 17.17</p>		See 17.17	This condition cross-references to another LUP condition.
24.4	<p><b>Bird Control.</b> If birds become a problem at the Landfill in the judgement of the County Health Services Department, the Landfill operator shall institute a contingency bird control program. Such a program may consist of monofilament or wire lines suspended in the air at appropriate intervals over and around the active disposal area. The Landfill operator shall retain a biologist during the initial period of operation to (1) assess the effectiveness of the monofilament line for bird control and (2) assess the effect of the line on avian predator species. If necessary, additional corrective measures shall be taken at that time. Such measures may include a reduction in the size of the working face of the landfill, the use of nets over the working face, or the use of a habitat manipulation and modification program.</p>	B-50, 59	In Compliance. On-Going	Implementation of LUP COA 24.4 and 24.5 is routinely coordinated with the SWFP Section 17k(f). The Bird Control Plan for Keller Canyon Landfill was updated on January 14, 2014. The plan includes elements on bird species identification, bird control methods, and specific bird control measures. The control program involves dispersal in conjunction with whistlers, crackershells, and distress calls played over a loudspeaker attached to a vehicle. Monthly on-site inspections by the LEA have not indicated problems with control of birds and vectors.

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24.5	<b>Rodent Control.</b> If waste compaction does not eliminate live rodents from the Landfill footprint, or if rodents (other than small numbers of field mice, etc.) occupy facility landscaping or agricultural areas, the operator shall work with the local enforcement agency to identify the reasons for the presence of rodents and make appropriate changes in operational procedures. If an eradication program is necessary, the use of alternative rodent control programs such as sustained live trapping using nonpoisonous baits, and natural biological control shall be considered. Anti-coagulants shall be administered by a pest management professional in a manner which minimizes exposure to avian predators. Class 1 pesticides shall not be used.	B-50	In Compliance. On-Going	See 24.4 above.
24.6	<b>Mosquito Control.</b> The Landfill operator shall grade areas within the Landfill property to prevent ponding of water which could harbor mosquitos (except for sedimentation ponds and riparian habitat areas). Sedimentation ponds shall be stocked with mosquito fish. If a mosquito problem persists, the County Health Services Department may require the preparation and implementation of additional mosquito control measures, such as spraying of nontoxic larval suppressant.	B-50	In Compliance. On-Going	See 24.4 above. The landfill operator works closely with the County Mosquito Abatement District to ensure approved controls and methods are used to control mosquitos. If required, stocking of sedimentation ponds with mosquito fish would be implemented as directed by the County Mosquito Abatement District. Typically there is insufficient standing water in the sedimentation basin to support mosquito fish.
24.7	<b>Fly Control.</b> The Landfill operator shall limit the size of the working face and shall cover refuse daily in order to prevent fly proliferation. If an eradication program is necessary, the use of a pest-control specialist shall be considered and a plan implemented pursuant to approval by the County Health Services Department.	B-50	In Compliance. On-Going	Fly control is achieved by limiting the size of the working face per LUP Condition 17.17 and Condition 17h of the SWFP. Cover practices and materials are in accordance with requirements of both permits. Also see Condition 24.4.
25.1	<b>Litter Control Objective.</b> The Landfill operator shall manage the facility in a manner which confines litter to the working face of the Landfill, which prevents litter from accumulating another parts of the site, and which prevents litter from being blown off the site.		See Conditions 25.2 - 25,11	The site is in compliance. Litter control is conducted during all hours of operation as specified in Section 25 of this LUP and condition 17k(e) of the SWFP.
25.2	<b>Load Covering.</b> The Landfill operator shall implement a program to exclude uncovered loads from arriving at the Landfill. The program shall be subject to the approval of the County Health Services Department.	B-39	In Compliance. On-Going	See Conditions 7.1 and 7.2 for load covering requirements.
25.3	<b>Load Cover Enforcement.</b> If routine enforcement of load cover requirements is not effective, the Landfill operator shall offer to contract with the Sheriff's Department to enforce regulations requiring the covering of trucks and trailers.		Not Yet Required	Every incoming load is inspected to ensure all waste-hauling vehicles are covered. Waste loads are screened for excessive littering and inadequate covering. All transfer trucks are required to have tarps covering their loads. In addition, all transfer trucks owned by the landfill operator have stickers on the trailer containing an (800) number that allows citizens to contact the operator if litter is observed falling from transfer trucks. The Landfill owner/operator has had no cause to request load cover enforcement from the County Sheriff's Department.

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25.4	<b>Contingency Litter Control.</b> Under windy conditions, the Landfill operator shall cover the refuse with soil as often as necessary to control blowing litter. Other options shall be considered as necessary, including the alignment of unloading areas away from the prevailing wind direction, increasing the number of compactors, decreasing the active face size, and reducing the number of vehicles tipping at one time. The County Health Services Department shall have the authority to enforce this requirement. See Section 20.8..		In Compliance. On-Going	<p>Portable litter fences are provided as necessary around the unloading and receiving areas to prevent litter from migrating off-site. A permanent litter fence has been constructed at the east edge of the landfill operations area. In the event that litter is generated by extremely high winds, the Landfill owner/operator deploys emergency crews to collect on and off-site litter blown beyond the normal containment areas.</p> <p>Contingency litter control was implemented on two significant litter problems that occurred in June 1997 and April 2009:</p> <p><u>1. June 1997:</u> A Notice of Violation from the LEA was issued for a significant off-site litter in June 1997. The problem occurred due to high winds in combination with the location of the working face. Litter (plastic supermarket bags) became airborne and were carried to areas beyond the landfill property boundary. The landfill operator updated the facility Litter Control and Prevention Plan (LCCP) as a result of the incident. The LCCP was approved by the LEA in April 1998 with concurrence from CDD.</p> <p><u>2. April 27 and 28, 2009:</u> A significant litter problem occurred due to a change in wind patterns and gusts in excess of 45 mph during unloading operations. Through the course of April 27th, litter accumulation exceeded the available workforce's rate of removal. Attempts to secure additional clean up crew were unsuccessful and litter was carried to areas beyond the landfill property boundary. On and off-site clean up operations were implemented on April 28th and completed by April 30th.</p> <p>In both cases, the landfill operator worked with DCD and the LEA in implementation of corrective actions. As a result of the litter problem, the landfill operator submitted a refined Litter Incident and Response Plan to the LEA (see KCLC letter from R. King to E. Fung (CCEH) dated 5/14/2009.</p> <p>Litter incidents are recorded by DCD and also in the Log of Special Occurrences maintained by KCL. Also see Condition 20.2. The Department of Conservation and Development is not aware of any complaints related to litter that have not been addressed in a timely manner by the landfill operator.</p>
25.5	<b>Portable Litter Fences.</b> The Landfill operator shall install portable fencing near the working face of the Landfill to intercept windblown debris.	B-39	In Compliance. On-Going	<p>Portable litter fences were initially approved as submitted in the Solid Waste Facility Permit, subject to continued inspection by the County HSD (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).</p> <p>Portable litter fences are provided as necessary around the unloading and receiving areas to prevent litter from migrating off-site per this LUP condition and condition 17k(e) of the SWFP.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
25.6	<b>Permanent Litter Fence.</b> The Landfill operator shall install a permanent fence of wire around the current fill area of the Landfill. The location shall be subject to the approval of the County Health Services Department.	B-39	Completed. On-Going	The permanent litter fence was initially approved as submitted in the SWFP, subject to continued inspection by the County HSD (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).  The permanent litter fence was installed prior to commencement of landfill operations in 1992.
25.7	<b>On-Site Litter Policing.</b> The Landfill operator shall remove litter from the litter fences and planting screens at least once each day. On-site roads shall be policed at least daily. The County Health Services Department may require more frequent policing to control the accumulation of litter.	B-39	In Compliance. On-Going	Keller Canyon Landfill has an extensive litter control program in place. The landfill operator enforces the covered load program at the scale house by reminding any untarped customers (which are rare) of the requirement. Daily on-site litter removal is performed in accordance with this LUP condition, the Litter Management Plan, and the SWFP Condition 17k(e). Monthly inspections by the LEA have indicated an acceptable level of litter control. Extensive onsite controls are in place to ensure litter is controlled within the site boundaries.
25.8	<b>Off-Site Litter Policing.</b> The Landfill operator shall provide weekly (or more frequent) litter clean-up from West Leland Road to at least 500 feet south of the site entrance during the Landfill's first year of operations. Based on experience, the County Health Services Department may modify frequency of clean-up and/or area of coverage. If windblown litter from the landfill reaches other properties, the Director of Health Services may require the Landfill operator to remove the litter and the Director may require the operator to institute additional measures to prevent recurrence of the problem.	B-39	In Compliance. On-Going	Off-site litter removal is performed from West Leland Road to at least 500 feet south of the landfill entrance in accordance with this LUP condition and the facility Litter Control and Prevention Plan. In addition, Keller Canyon Landfill's litter control program includes voluntary pick up of litter in areas between Highway 4 and W. Leland Road. Landfill personnel regularly pick up litter in the vacant lot by the bus stop across from the shopping center on Bailey Road. In addition, the landfill operator participates in the Adopt-a-Highway program for the area from the San Marco exit to Bailey Road, including the off-ramp at Bailey Road. This program was previously suspended at the direction of CalTrans during Hwy 4 construction, but was recently re-instated at the request of Keller Canyon Landfill. The landfill operator also enforces the covered load program at the scale house by reminding customers with untarped loads (which are rare) of the requirement.
25.9	<b>Littering Signs.</b> The Landfill operator shall post signs, as determined necessary by the County Public Works Department, along access roads to the Landfill noting littering and illegal dumping laws. The Landfill operator shall post signs at the Landfill entrance noting the hours when the Landfill is open. The operator should periodically publish these laws and operating hours in mailings to Landfill clientele.	B-39	Not Yet Required	A sign specifying landfill operating hours is posted at the site entrance. Off-site signage was deemed unnecessary by the County Public Works Department (PWD) . (See memo from J. Causey, PWD to C. Zahn, CDD dated 2/26/1992.) The County staffs and maintains a countywide illegal dumping hotline and the phone number is: 1-800-NO-DUMPING or (1-800-663-8674)  With over 22 years of continuous operation in which public self-haul is prohibited, landfill clientele are familiar with facility operating hours as opposed to potential conflicts that may occur from self-haul customers who arrive at the facility after hours. There have been no instances of illegal dumping for example, resulting from a customer who arrived at the facility after hours.
25.10	<b>Clean-Up Bond.</b> The Landfill developer shall deposit a surety bond for \$10,000 payable to the County to use for clean-up in the event of emergency or disputed littering or spills.		In Compliance. On-Going	The initial Performance Bond (# 571-10-31) in the amount of \$10,000 went into effect on 5/7/1992. It was issued by Safeco Insurance as a surety for Contra Costa County in the event it was needed to clean-up litter or spills not remedied by the Operator. The initial Bond listed BFI which was the parent company that owned the landfill at the time. Since that time the parent company has changed more than once and the Bond had also been renewed. The landfill operator secured a new bond in the name of Republic Services, the current parent company which is on file with County DCD.

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25.11	<b>Public access.</b> Public access to the landfill shall be prohibited.		In Compliance. On-Going	Signage prohibiting public access to the landfill is posted at the landfill entrance and enforced on-site.
26.1	<b>Safety Objective.</b> The Landfill operator shall manage the facility in a manner which does not impair the safety of persons living in its vicinity, Landfill users, or Landfill employees.		See Conditions 26.2 - 26.11	Implementation of conditions of approval in this LUP Section 26. Public Safety has maintained a high degree of safety for landfill users, employees, and the surrounding area.
26.2	<b>Emergency Plan.</b> The Landfill operator shall prepare an emergency plan specified by the Solid Waste Facilities Permit and approved by the County Health Services Department. The emergency plan shall include the following: (a) A fire and explosion component. (b) A seismic component. (c) A hazardous waste spills and contamination containment component. (d) An evacuation component.		Completed. On-Going	The Emergency Plan was originally approved by County HSD as submitted in the RDSI in 1992 (See memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).The current Emergency Plan is contained in the updated RDSI which was approved in conjunction with the Solid Waste Facility Permit by HSD and CalRecycle.
26.3	<b>Employee Safety Equipment.</b> The Landfill operator shall provide or require employees to provide safety equipment, such as safety glasses, hard hats, safety shoes, gloves, coveralls, and noise reducers as required by state and federal safety agencies and the County Health Services Department.		In Compliance. On-Going	Safety equipment is provided to landfill personnel as necessary in compliance with 27 CCR, 21600(b)(5)(F). Equipment includes: boots, hard hats, reflective vests, ear and eye protection, filtration masks and self-contained breathing apparatuses. All personal protective equipment (PPE) used by KCL employees in the course of their work must be used and maintained in a sanitary and reliable condition, whenever it is required, based on hazard assessments of district job/tasks. A hazard assessment using the PPE matrix included in the Personal Protective Equipment Program included in Appendix E must be performed for each distinct job/task to determine if hazards are present which require use of PPE. In Fire extinguishers are located in onsite buildings, operating equipment and maintenance and support vehicles.
26.4	<b>Employee Training.</b> The Landfill operator shall develop and implement training and subsequent refresher training programs covering accident prevention, safety, emergencies and contingencies ("bad-day" scenarios), gas detection, identification of hazardous materials and ground fissures, first aid, and instruction in the use of equipment. The programs shall be subject to the approval of the County Health Services Department.		In Compliance. On-Going	The training program was originally approved by County HSD as submitted in the RDSI in 1992 (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992). All employee safety training is performed in accordance with this LUP condition and State requirements. Training for operations personnel is provided in health and safety, hazardous waste identification, handling and storage procedures, environmental control systems management and proper waste handling and disposal procedures. Training provides site personnel with a thorough understanding of operator responsibilities to ensure that landfill operations are conducted under safe working conditions to minimize potential public health and safety problems, and to maintain a high degree of compliance with all applicable solid waste handling and disposal regulations.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
26.5	<b>First Aid Equipment.</b> The Landfill operator shall provide and maintain supplies located in easily accessible areas. The first aid supplies shall be consistent with the Occupational Safety and Health Administration requirements and subject to the approval of the County Health Services Department.		In Compliance. On-Going	All employee first aid equipment is provided in accordance with this LUP condition, and State and federal requirements, and subject to monthly inspections by the LEA.
26.6	<b>Emergency Communications.</b> The Landfill operator shall provide radio phones or telephones for employee use to call for medical and other emergency assistance. Phone numbers to use for outside emergency assistance shall be clearly posted on the Landfill and in other work areas. The communications system shall be subject to the approval of the County Health Services Department.		In Compliance. On-Going	The emergency communications system was originally approved by County HSD as submitted in the 1992 RDSI (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992). All emergency communications equipment and phone numbers are in accordance with this LUP condition and State requirements, and subject to monthly inspections by the LEA.. In accordance with 27 CCR, Section 20615, the LEA, local health agency have been notified in writing of the names, address, and telephone number of the operator. A list of names of the site personnel for KCL to contact in the event of an emergency, along with the emergency procedures, are posted in the site office and operations trailer.
26.7	<b>Emergency Eye Baths and Showers.</b> The Landfill operator shall provide facilities for emergency eye baths and emergency showers. The facilities shall be subject to the approval of the County Health Services Department.		In Compliance. On-Going	All emergency eye baths and showers are in accordance with this LUP condition and State requirements, and subject to monthly inspections by the LEA.
26.8	<b>Equipment Maintenance.</b> The Landfill operator shall prepare and implement an equipment maintenance program which shall be approved by the County Health Services Department prior to the commencement of operations. The program shall address transfer vehicles and other refuse-conveying vehicles stored on the site as well as the station's refuse-moving vehicles and mechanical equipment. Vehicles and equipment shall be regularly cleaned to reduce the risk of fires.		In Compliance. On-Going	The equipment maintenance program was originally approved by County HSD as submitted in the 1992 RDSI (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992). Equipment maintenance is performed according to manufacturer specifications and at required intervals. Maintenance records are maintained by the operator and available for review by County agencies.  See Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.
26.9	<b>Gas Migration Monitoring.</b> The Landfill operator shall prepare and implement a gas migration monitoring program to detect underground gas migration. Landfill buildings and paved areas within 1,000 feet of the Landfill shall be monitored. The monitoring program shall be approved by the County Health Services Department.		Completed. On-Going	The gas migration monitoring program was originally approved by County HSD as submitted in the 1992 RDSI, subject to continued inspection (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992). Landfill Gas Migration Monitoring is performed per this condition and requirements of permits with the BAAQMD
26.10	<b>Refuse Cover.</b> See Condition 20.3.		See 20.3	This condition cross-references to another LUP condition.
26.11	<b>Load Inspection.</b> See Condition 7.1.		See 7.1	This condition cross-references to another LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
27.1	<b>Security Objective.</b> The Landfill operator shall manage the facility in a manner which prevents unauthorized persons from having access to the working areas of the Landfill both during and after operating hours.		See Conditions 27.2 - 27.4	Site security at the site includes: a locked entrance gate, fencing along the entire property boundary and the manned fee booth/scale area. Access to the site is monitored by the Fee Station Attendants at the scale house when the facility is open for business. A fence around the entire facility controls unauthorized access to the site. The LFGTE facility and flare station are fenced off and locked during non-business hours while the sedimentation basin is also fenced off along the edge of the perimeter or access road. At all other times, the entrance gate is securely locked. Security lighting is provided at the entrance gate, the administrative building, the scale house area, the maintenance facilities, and the utilities areas. KCL can provide additional site security measures, as deemed necessary.
27.2	<b>Security Fencing.</b> The Landfill developer shall install a security fence around the perimeter of the site with lockable gated entrances and exits. The fence shall be located to minimize its visual impacts. It shall be included in the Development and Improvements Plan.		Completed	<p>The Security Fencing plan is included in FDIP Section 10.10. Approved by the Riverview Fire Protection District on 10/22/1991. County HSD deferred to the Fire District’s approval (see memo from C. Nicholson, HSD to C. Zahn, CDD, dated 10/24/1991. See memo from V. Conklin, CDD to C. Zahn, CDD dated 10/15/1991, and as updated through 10/25/1991.</p> <p>Security fencing was installed prior to the landfill opening. The initial portion of fencing was authorized in a Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 2/6/1992; installation of the remainder of perimeter fencing was authorized by CDD in a letter from C. Zahn to B. Olney, KCLC dated 7/24/1992. Fencing is maintained or repaired as the need arises.</p>
27.3	<b>Security Staffing.</b> The Landfill operator shall staff the Land-fill 24 hours per day. Private security services may be retained when the site is not open.		In Compliance. On-Going	Private security services patrol the site when the landfill is not open, from landfill closure until 6:00 A.M. and all day on Sunday. The level of security is managed to ensure landfill assets are protected. On-site patrols include all landfill buildings, facilities such as the scalehouse, flare system, water tank, and leachate tanks, and major equipment. Security breaches have been very rare at the site. No buildings or facilities have experienced forced entry or burglaries. The last incident involved vandalized windows on a piece of earthmoving equipment in 2008.
27.4	<b>Security Lighting.</b> The Landfill developer shall install and operate adequate lights at the entrance area to the Landfill. The lighting shall be provided in a manner which minimizes glare to nearby residents and road users. The security lighting shall be covered in the Development and Improvements Plan.		In Compliance. On-Going	The Security lighting plan is included in the FDIP, Section 10.11. Lighting was installed and is maintained per the requirements of this condition and the FDIP. Security lighting is operated in compliance with LUP Condition 9.1.
28.1	<b>Cultural Resource Preservation Objective.</b> The Landfill developer shall construct the facility in such a manner that preserves important archaeological or historic sites.		See Conditions 28.2 - 28.3	Implementation of conditions in LUP Section 28. Cultural Resources has preserved known cultural resources.
28.2	<b>Employee Access.</b> Employee access to the buffer area, the Lawlor Creek area, or the sandstone outcrop area shall be limited to duties associated with landfill maintenance. Artifact collection or vandalism in these areas shall be strictly prohibited.		In Compliance. On-Going	There are no regular landfill disposal operations in the Special Buffer Area or Lawlor Creek corridor. Public access is prohibited. Employee access to these areas is limited.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
28.3	<b>Archaeology.</b> The Landfill operator shall cease work in the immediate area if buried human remains or archaeological features (e.g., petroglyphs) are uncovered during construction or operation. Work in the immediate area shall cease until a qualified archaeologist is consulted and approves resumption of work. Should human remains which may be of Native American origin be encountered during the project, the County Coroner's Office shall be contracted pursuant to the procedures set forth in the Health and Safety Code. The County Community Development Department shall also be notified.		In Compliance. On-Going	To-date, no buried human remains or archaeological resources have been discovered during site development or landfill operations.
29.1	<b>Traffic Objective.</b> The Landfill operator shall manage the facility in such a manner that provides safe, efficient transport of solid waste, while minimizing impacts to County residents.		See Conditions 29.2 - 29.10	Implementation of conditions of approval in LUP Section 29. Transportation and Circulation is meeting the objectives of safety, efficient transport, and minimizing traffic impacts to area residents. The Traffic and Circulation Plan is included in the FDIP, Sections 11.1 through 11.7.
29.2	<b>Access Route.</b> Access to the landfill facility shall be via State Highway 4, and Bailey Road. No waste-hauling traffic shall be allowed entrance to the landfill from Bailey Road south of the site. The Landfill operator shall specify use of the prescribed route in all user contracts and shall notify non-contract users of the requirement. At the request of the Board of Supervisors, the Landfill Operator shall reimburse the County for the cost of enforcement of this Condition on the access route. The Board of Supervisors may also request the Landfill operator to reimburse the City of Concord for an access control police inspection stop on Bailey Road should it become necessary to enforce this access route condition.	B-47	In Compliance. On-Going	The vehicle access route to/from the landfill is strictly enforced by the Landfill operator. The prescribed route is specified in all user contracts. Non-contract users are informed of the prescribed access route. No additional enforcement from City of Pittsburg or City of Concord law enforcement has been required.
29.3	<b>Landfill Access Road.</b> The Landfill developer shall install a paved, two-lane access road between Bailey Road and the edge of the current working lift of the landfill. A facility parking lot, a bridge across Lawlor Creek, a 12-foot turn-around lane, and parking/turn-off lanes shall be provided. the traffic lanes shall be built to a suitable Traffic Index (between 10.0 and 10.5). The roadway shall be constructed of all-weather driving surfaces of not less than 20 feet of unobstructed width, and not less than 13'-6" of vertical clearance, to all landfill areas within the site. The road shall not exceed 20% grade, shall have a minimum centerline turning radius of 30 feet, and must be capable of supporting the imposed loads of fire apparatus (20 tons). The access road shall be operational when the landfill opens. All costs shall be borne by the Landfill developer. The design and specifications of the roadway shall be approved by the County Public Works and Community Development Department in consultation with the Riverview Fire Protection District.	B-43, 44	Completed	Landfill Access Road design information is included in the FDIP, Section 11.1, Drawings 8-13. Approval for completion of on-site roads was issued by CDD in a letter from H. Bragdon to B. Olney, KCLC dated 12/13/1991. A memo from C. Nicholson, HSD to C. Zahn, CDD dated 12/12/1991 concurred that all paved roads met design specifications and requirements Title 14 CCR. Authorization to construct Bailey Road improvements; and landfill entrance and intersection design was issued by CDD in a letter from C. Zahn to B. Olney, KCLC dated 12/20/1991. Final Construction Quality Assurance (CQA) for Phase 1A completed July 29, 1992. The landfill access road was designed and constructed in accordance with standards of the County Department of Public Works.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
29.4	<b>Landfill Entrance.</b> The Landfill developer shall construct the Bailey Road entrance to the site in a manner that provides safe access into the landfill. This improvement shall include the following for proper sight distance and intersection design: a separate left turn lane at least 150 feet in length and an acceleration lane, at least 1200 feet in length, leading north on Bailey Road, away from the site. The landfill developer shall also become responsible for a traffic signal at a later date, if warranted. The County Public Works Department shall approve the design of the entrance and estimate its cost. All costs shall be borne by the Landfill developer.	B-43	Completed	Landfill Entrance design is included in FDIP, Section 11.2. The landfill entrance was designed and constructed in accordance with standards of the County Department of Public Works.
29.5	<b>Bailey Road, Pittsburg city limits to the Landfill Entrance.</b> The Landfill developer shall reconstruct the sections of Bailey Road between the city limits and the landfill entrance. The reconstructed roadway shall provide the sight distance, and roadway geometrics (including shoulder widening) specified by the County Public Works Department for truck use. This shall include two twelve-foot lanes with eight-foot shoulders. These improvements shall be in place prior to commencement of landfill operations. The Landfill developer shall upgrade the pavement capacity to reflect a 20-year life (an estimated Traffic Index of 10.0 - 10.5) along Bailey Road between the Pittsburg city limits and the landfill entrance. The County Public Works Department shall approve the design of the roadway and pavement reconstruction and estimate its cost. All costs shall be borne by the Landfill developer.	B-43	Completed	<p>Design plans for reconstruction of Bailey Road is included in FDIP, Section 11.3, Drawings 4 through 7. The section of Bailey Road as defined in this condition was designed and constructed in accordance with standards of the County Public Works Department.</p> <p>On 10/20/1992 the Board of Supervisors authorized a Joint Exercise of Powers Agreement (JEPA) between the County and the City of Pittsburg for the purpose of constructing certain road improvements to Bailey Road within the City's jurisdictional boundaries from just south of West Leland Road to just north of Maylard Street. The JEPA became effective on 3/18/1993. The County Public Works Department had oversight over the project designs, construction, and conducted final inspections in consultation with the City.</p> <p>A Memorandum of Understanding (MOU) was also established on 10/1/1992 between the County and the Keller Canyon Landfill Company. By order of the Board of Supervisors dated 10/20/1992, the County approved the Keller Canyon Landfill Company and the disbursement of monies from the Transportation System Impact Fee account in an amount not to exceed \$300,000.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
29.6	<b>Bailey Road Pavement Study.</b> The Landfill developer shall conduct a study of the Bailey Road roadway from the Pittsburg city limits to the Highway 4 interchange to determine the improvements necessary to reconstruct the right hand (outside) traffic lanes of the road to a 20-year pavement standard to be an estimated Traffic Index of 10.0 to 10.5. The County Public Works Department, in consultation with the City of Pittsburg, shall estimate the costs of the improvements, estimate the longevity of the existing roadway under increased traffic conditions, and determine a per-ton refuse disposal surcharge adequate to fund the improvements when reconstruction is necessary. The Landfill operator shall impose the surcharge and pay it quarterly into a segregated account established by the County. The design of the improvements, their costs, the surcharge and its disbursement shall be approved by the Board of Supervisors.	B-42	Completed	The initial pavement study is included in the FDIP, Section 11.4 and Appendix F. A subsequent comprehensive pavement study was completed by the County Department of Public Works in 2009 prior to the rehabilitation of Bailey Road between the Highway 4 interchange and West Leland Road.
29.7	<b>Road Maintenance.</b> Subsequent to the funding of the above traffic lane upgrading improvements, the landfill operator shall impose a surcharge for the maintenance of Bailey Road between the Highway 4 interchange and the Landfill intersection. The surcharge shall be estimated by the County Public Works Department in consultation with the City of Pittsburg and shall be based on the landfill's proportionate share of traffic on the road corridor adjusted for vehicle weight and number of axles. The fees shall be paid quarterly into a segregated account established by the County. The design of the improvement, its cost, the surcharge and disbursements from the segregated account shall be approved by the Board of Supervisors.	B-42	In Compliance. On-Going	On July 7, 2010, the County Board of Supervisors approved the establishment of a \$0.32 per ton fee ("Bailey Road Improvement Disposal Surcharge"), pursuant to Condition of Approval 29.6, of the Keller Canyon Landfill Land Use Permit 2020-89. On the same day the Board approved a \$0.68 per ton fee for Bailey Road Maintenance Disposal Surcharge, pursuant to Condition 29.7. This fee will be in effect between January 1, 2011 and December 31, 2015 and will be reduced to \$0.27 on January 1, 2016.
29.8	<b>Highway 4/Bailey Road interchange.</b> The Landfill developer shall participate in an improvements district, benefit area, or other cooperative arrangement with the County, the City of Pittsburg, and Caltrans which may be created to improve the Highway 4/Bailey Road Interchange. The developer shall be required to pay an amount for the improvements and maintenance proportionate to the traffic generated by the landfill, adjusted for truck use. If necessary, the developer shall advance the money for the inter-change design and improvements. The County Public Works Department shall approve the design of the interchange and estimate its cost. The fees shall be paid quarterly into a segregated account established by the County. The design of the improvements, their costs, the surcharge, and disbursements from the segregated account shall be approved by the Board of Supervisors.	B-45	Completed	Originally included in FDIP, Section 11.5. An improvement district, benefit area, or other cooperative arrangement requiring the landfill developer participation was not established for the improvement of the Highway 4/Bailey Road Interchange.  CalTrans constructed the Highway 4/Bailey Road interchange improvements in September 1992, which included the section of Bailey Road from the Highway 4 interchange south to Maylard Street.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
29.9	<b>Peak Period Traffic Management.</b> The Landfill operator shall prepare a study, in conjunction with the transfer station serving the landfill, for managing transfer vehicle traffic to reduce peak period conflicts with traffic on Highway 4. The study shall address the restricted departure periods from the Landfill identified in the Environmental Impact Report (6:30 - 8:30 a.m. and 3:30 - 6:30 p.m.) and shall identify any changes to the conditions of approval needed to implement a peak-period traffic reduction program. The study shall be approved by the County Public Works and Community Development Department and shall be provided to the County Community Development Department with the Development and Improvements Plan. The Director of Community Development shall specify peak period traffic restrictions. The Landfill operator shall comply with such restrictions, and shall require compliance in contracts with Landfill users.	B-21, 40, 48	Completed	Included in FDIP, Section 11.6 and Appendix H. The peak period traffic management plan has been modified over time to reflect local traffic conditions. Conditional approval was issued in August 1996 to modify A.M. and P.M. peak period departure times (see Community Development Department letter from C. Zahn to S. Gordon (KCLC) dated 8/14/1996). A five (5) minute interval for departing trucks was approved for the periods of 7:30 A.M. to 8:30 P.M. and 3:30 P.M. to 6:30 P.M. Departure restrictions between 6:30 A.M. and 7:30 A.M. remained in effect. The revised intervals were subject to modification if dictated by traffic flow or a 25% increase in daily tonnage.  Conditional Approval was issued by CDD in March 2000 to adjust departure time from 7:30 A.M. to 7:10 A.M.; and in April 2000 to reduce the interval of departing trucks in the A.M. peak period from 5 minutes to 3 minutes. See Community Development Department letter from D. Dingman to N. Christensen (KCLC) dated 4/27/2000. Modification of departure patterns improved efficiency of peak period truck traffic.
29.10	<b>Bicycle and Pedestrian Improvements.</b> The Landfill developer shall incorporate into the Transportation and Circulation Plan a bicycle and pedestrian path system along Bailey Road in the vicinity of the landfill.	B-5, 46	Not Yet Required	Plans for bicycle and pedestrian improvements are included in FDIP, Section 11.7, Figure 11-1. Staff reported to the Board of Supervisors on April 28, 1992 indicating that installation bike and pedestrian path between the City limits and the landfill entrance was determined to have limited functionality.
30	<b>Objective.</b> The Landfill developer shall design, develop and manage the facility in such a manner that services and utilities adequately meet the landfills requirements, while ensuring the protection of site employees, area residents, and the surrounding environment.		See Conditions 30.1 - 30.21	Implementation of conditions of approval in LUP Section 30. Site Services & Utilities is expected to address the objectives of safety, efficient transport, and minimizing traffic impacts to area residents. The Site Services & Utilities Plan is included in the FDIP, Sections 10.1 - 10.11.
30.1	<b>Final Site Services and Utilities Plan.</b> The landfill developer shall prepare and submit a final Site Services and Utilities Plan, and obtain the approval of the County Community Development Department prior to beginning construction. The Site Services and Utilities Plan shall be included in the Development and Improvements Plan. The final Site Services and Utilities Plan shall include:  a) A water service component. (see Condition 30.2) b) A fire protection component. (see Condition 30.5)		See Conditions 30.2 - 30.21	Implementation of conditions of approval in LUP Section 30. Site Utilities Plan meets landfill requirements and protects the surrounding environment. The Site Services and Utilities Plan is included in the FDIP, Sections 10.1 through 10.11, approved by the Community Development Department on 10/23/1991. Also RFPD letter from K. McCarthy to V. Conklin (CDD) dated 10/22/1991 in which RFPD approved compliance with Section 30 of the LUP.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
30.2	<b>Water Service Component.</b> The Landfill developer shall prepare and implement a Water Service Component, covering available water resources, estimated total water needs and supplies, landfill construction and operation, landscaping, fire protection, employee hygiene, and human consumption water needs, and water supply sources. Potable water shall be provided for hygiene and consumption. Potable water may be trucked onto the Landfill.		Completed	Included in FDIP, Section 10.1. Additonal research and negotiations occurred following initial submittal in the FDIP in July 2014, documentation including numerous letters between the operator and City of Pittsburg are on file.
30.3	<b>On-site Water Wells.</b> The Landfill operator shall install wells for water supply with a minimum pumping capacity of 1,000 gallons per minute, or must have on-site storage which produces this capacity. The County Community Development Department and the County Department of Health Services shall be furnished pumping test information which shall be submitted with the Development and Improvement Plan.		Completed	Also see Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.4	<b>Public Water Supply Option.</b> The Landfill operator may substitute water service from a public water supply system for the use of wells, if arrangements can be made with the Contra Costa Water District and, where applicable with the cities of Concord or Pittsburg. The water supply may be potable or non-potable. Annexation to the Contra Costa Water District probably would be required, as well as an approval for annexation from the Local Agency Formation Commission, and would have to be obtained prior to the submission of the Water Service Plan as part of the Final Development and Improvements Plan. The size and placement at the water supply line shall be included in the Water Service Plan and shall be subject to the approval of the County Health Services and Community Development Departments.		Not Yet Required	The option of a public water supply was not employed. The landfill Operator investigated the feasibility of this option in coordination with County agencies. A public water supply option was not feasible at the time of landfill construction due to design and infrastructure constraints. All on-site water needs are currently met with groundwater supplies. The Condition should be retained to allow for evaluation of future public water supply alternatives if necessary.
30.5	<b>Fire Protection Component.</b> The Landfill operator shall develop and implement a Fire Protection Component meeting the requirements of the Riverview Fire Protection District to contain and extinguish fires originating on the landfill property and off-site fires caused by Landfill operations. It shall include training for all employees. The program shall be subject to the approval of the County Health Services Department.		Completed. Updated As Needed	<p>The Fire Protection Component is included in FDIP, Section 10.3. The Riverview Fire Protection District (RFPD) indicated that the fire protection component had been adequately addressed and therefore authorized preliminary construction in a letter dated 10/21/1991. The Site Plan and Fire Protection Component were approved by RFPD. See RFPD letter from K. McCarthy to C. Nicholson (HSD) and C. Zahn (CDD) dated 3/4/1992. Final inspection of the entire fire protection system determined all requirements were met. Last inspection was on January 31, 2014.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991 and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
30.6	<b>Fire District Programs.</b> The Landfill developer shall participate in the Riverview Fire Protection Districts Benefit Assessment Program and the New Development Fees program.		In Compliance. On-going	The landfill operator participated in the New Development Fees program when applicable fees are assessed and paid at the time Building Permits were issued. A review of recent Property Tax Bills confirmed that the Fire District’s Benefit Assessment program has yet to be established,
30.7	<b>Construction Timing.</b> Access roads and water supply systems shall be installed and in service prior to any combustible construction and/or related landfill activity. No construction, excavation, or grading work shall be started on this landfill facility until a plan for water supply system has been submitted to and approved by the County Health Services Department and the County Community Development Department. Water may be transported onto the site during construction activities, but trucked water shall not be used for ongoing landfill activities.		Completed	Plans for access roads and water supply systems were approved prior to landfill operations. On-site water was to be supplied by wells. See Condition 30.3. Trucked water is used on paved and unpaved roads in accordance with dust suppression requirements of this LUP and in accordance with requirements of the BAAQMD Permit to Operate. See Condition 20.5.  See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991 and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.8	<b>On-Site Water Storage.</b> The Landfill developer shall provide an adequate and reliable water supply for fire protection which shall include on-site storage. The storage tank(s) shall have a useable capacity of not less than 240,000 gallons of water and shall be capable of delivering a continuous flow of 1,000 gallons per minute.		Completed	Plans used for conservation were dated 1/16/1992. Storage capacity is approximately 366,000 gallons and is capable of delivering a continuous flow of 1,000 gallons per minute in accordance with this LUP condition.  See Department of Community Development letter from C. Zahn to B. Olney dated 3/12/1992 which authorized installation of the water tank (Building Permit BP MI 176099); and letter dated 3/24/1992 which authorized installation of the pump house (Building Permit MI 176416).  See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.9	<b>Fire Fighting Water Main.</b> If the Landfill developer exercises the alternative of utilizing public water supply, an above-ground main of sufficient size and quantity shall be provided, which when connected to the respective storage tank, shall be capable of supplying the required portable monitor (see Condition 30.11) with a minimum fire flow of 1,000 GPM delivered to the working face of any open cell in the landfill operation.		Completed	The alternative of utilizing a public water supply was not implemented. The existing fire fighting system meets the minimum fire flow requirements of 1,000 GPM and was approved by County Riverview Fire Protection District.
30.1	<b>Fire Cover.</b> The Landfill operator shall store a supply of soil nearby the working face to be used for fire suppressant. The adequacy of the cover stockpile shall be determined by the County Health Services Department in cooperation with the Riverview Fire Protection District.		Completed	Storage of soil near the working face for potential use as a fire suppressant is standard operating procedure.
30.11	<b>Fire Fighting Appliance.</b> The Landfill operator shall provide a minimum of one (1) approved portable master-stream firefighting appliance (monitor) located within fifty (50) feet of each work-ing face of any open cell in the landfill.		In Compliance. On-Going	A portable master-stream firefighting appliance is located near the working face as standard operating procedure in accordance with this LUP condition.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
30.12	<b>Fire Breaks.</b> The Landfill developer shall provide and maintain firebreaks as follows: a) A minimum 100-foot firebreak around the perimeter of each landfill disposal area, b) A minimum 60--foot firebreak around the perimeter of the entire site and around any buildings or similar structures. The firebreaks shall be placed to minimize any adverse visual effects. Their locations shall be subject to the approval of the Riverview Fire Protection District. The firebreaks shall be included in the Development and Improvements Plan.		In Compliance. On-Going	Fire breaks are maintained on a seasonal basis as standard operating procedure in accordance with requirements of the Riverview Fire Protection District.  See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.13	<b>Fire Extinguishers.</b> The Landfill operator shall provide landfill equipment with fire extinguishers large enough to fight small fires on the equipment or on the landfill. The extinguishers and their distribution shall be subject to the approval of the County Health Services Department and the Riverview Fire Protection District.		In Compliance. On-Going	Fire extinguishers are located in onsite buildings, operating equipment and maintenance and support vehicles. See Condition 30.5.  See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.14	<b>Use of Reclaimed Water for Landscaping.</b> The Landfill Developer shall make every effort to use treated waste water from a district sewage treatment plant for landscape maintenance. The Landfill Developer shall report on this matter to the Community Development Department.		In Compliance. On-Going	Use of treated wastewater for landscaping was determined in December 1992 to be infeasible. In a letter from the landfill operator dated 9/24/1992, information was requested on availability and feasibility of treated waste water to meet an annual demand of approximately 1,050,000 gallons per year. Letters were sent to the Delta Diablo Sanitation District (DDSD) and Central Contra Costa Sanitary District (CCCSD).  In December 1992, the landfill operator submitted a status report to the Community Development Department stating the annual water demand would have to be trucked from either DDSD or CCCSD for use at the landfill site. Neither the transportation/distribution system nor transport capacity existed to deliver the annual demand for water. The landfill operator stated that construction of a pipeline from DDSD to KCL would cost in the millions of dollars for development of a system, exclusive of right-of-way acquisition costs. The system would require necessary governmental and private approvals that were beyond the scope of the condition of approval. The landfill operator expressed a willingness to explore the option for use of reclaimed waste water should a pipeline delivery system become operational sometime in the future.  See KCLC letter T. Cox (KCLC) to V. Conklin (CDD) dated 12/1/1992.
30.15	<b>Equipment and Cleaning.</b> See Condition 20.24.		See 20.24	This condition cross-references another LUP condition.
30.16	<b>Smoldering Loads.</b> The Landfill operator shall check incoming loads and direct vehicles hauling smoking or burning trash to a designated place apart from the current fill area. The loads shall be dumped immediately and the fire extinguished before the waste is incorporated into the fill.		In Compliance. On-Going	The Load Check Program requires checking of all incoming vehicles hauling smoldering loads. Gate operator would notify site foreman at the working face of the need for special handling per this condition. Also see LUP Condition 7.1.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
30.17	<b>Emergency Equipment Access.</b> The Landfill operator shall designate access points for local fire protection agency access to all parts of the landfill and routes. The access points shall be included in the Development and Improvements Plan and shall be subject to the approval of the Riverview Fire Protection Dis-trict.		In Compliance. On-Going	Designated emergency access points have been approved by RFPD.  Approval by RFPD substantiated by CDD on 10/23/1991. See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.18	<b>Smoking Prohibitions.</b> The Landfill operator shall prohibit smoking on the landfill except in designated areas. In no event shall smoking be allowed near the working face of the landfill and the fuel storage area. Signs shall be clearly posted and enforced.		In Compliance. On-Going	On-site signage is installed that prohibits smoking in all landfill operations areas.
30.19	<b>Toilets.</b> The Landfill operator shall provide portable chemical toilets near the active disposal area for use of workers and drivers. Their placement and maintenance shall be subject to the approval of the County Health Services Department.		In Compliance. On-Going	Included in FDIP, Section 10.9. Placement of chemical toilets in safe and convenient locations is standard operating procedure within the disposal operations area and ancillary facilities.  Sanitary facilities are provided for employees and visitors at the landfill administrative building. Locker, rest room, and shower facilities are provided for employees in the maintenance building. Bottled drinking water is provided at the administrative building and maintenance building.
30.20	<b>On-site Septic System.</b> Septic systems shall be designed to County Department of Health Service Standards, and State Health and Safety Code requirements. The Landfill developer shall pay for any treatment plant fees.		In compliance. On-Going	Septic systems were designed, approved, and constructed per County and State standards.
30.21	<b>Sewer Line.</b> In the event that the Landfill developer elects to connect to a sewer line, the developer shall pay for any capacity studies required, and any resultant equipment and/or facilities.		Completed	Landfill developer elected to construct an on-site septic system. Connection to a sewer line has not been determined to be necessary.
31.1	<b>Waste Reduction and Resource Recovery Objective.</b> The Landfill operator shall manage the facility in such a manner that complies with the State's waste management hierarchy of source reduction, recycling and composting, and environmentally safe transformation and land disposal; and that is consistent with the Countywide Integrated Waste Management Plan.		See Conditions 31.2 - 31.10	The Landfill operator manages the facility consistent with prevailing requirements of CalRecycle, the Countywide Integrated Waste Management Plan, and other permits. The Waste Reduction and Resource Recovery Program is included in the FDIP, Sections 6.1 through 6.5. Condition 17i (Waste Reduction and Resource Recovery) of the SWFP further requires that wastes transported by transfer vehicles should originate from transfer stations where waste reduction and recovery activities take place.
31.2	<b>1990-1995 Resource Recovery Program.</b> The Landfill Operator shall participate with the transfer station(s) operators(s), route collection companies and direct haulers in designing and implementing a resource recovery and recycling program for the service area which is consistent with the goal of diverting 25 percent of all solid waste generated in the County from landfill facilities by January 1, 1995.		Completed	The Resource Recovery Program for 1990-1995 is included in FDIP, Section 6.1. No substantive resource recovery activiteis were conducted at Keller.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
31.3	<b>1996-2000 Resource Recovery Program.</b> Prior to 1995, the Landfill operator shall prepare and submit for review and approval by the County Community Development Department a resource recovery and recycling program for the service area covering the period from 1996-2000. This shall be consistent with the County-wide Integrated Waste Management Plan's goal of diverting a total of 50 percent of all solid waste generated in the County from landfill facilities by January 1, 2000.		Completed	The Resource Recovery Program for 1996-2000 is included in FDIP, Section 6.2. Initiated on-site resource recovery activities authorized by regulatory changes allowing waste derived cover materials and beneficial reuse materials to be treated as diversion.
31.4	<b>Materials Recovery.</b> The Landfill operator shall prepare and implement a program for recovering recyclable materials from refuse loads brought directly to the landfill. The operator shall coordinate the material recovery program with the operator(s) of a transfer station(s) serving the Landfill. The program shall be consistent with the Countywide Integrated Waste Management Plan and shall be subject to the approval of the County Community Development Department.		Not In Compliance	The initial Materials Recovery program was included in FDIP, Section 6.3. However, the Countywide Integrated Waste Management Plan was not approved by the State until 1993. Updated program submitted to County DCD in October 2014 which is currently under review to determine consistency with current Countywide goals and requirements.
31.5	<b>Composting Project.</b> The Landfill operator shall develop and implement a pilot program for composting organic material at the landfill site. The program may occur off-site, and shall be approved by the County Health Services and Community Development Department. The compost shall be used for landfill landscaping, cover material or other approved uses. The purpose of the pilot project shall be to determine the feasibility of large-scale on--site composting. The composting operations shall meet the State Department of Health Services' regulations on land application, if applicable. The pilot project shall be in operation within six months of the opening of the Landfill. Its results shall be considered at the second Land Use Permit review.		Not In Compliance	<p>A concept for a composting operation is included in FDIP, Section 6.4. The Pilot project was not implemented within 6 months of the landfill opening due to lack of market feasibility at the time of landfill construction and additional permitting requirements. Some compostable green waste has been diverted as Alternative Daily Cover since authorized to do so by CCEH starting with their 12-month Demonstration Project in April 1999.</p> <p>The majority of wood waste and material for composting is processed at the Contra Costa Transfer and Recovery station, where regular wood chipping occurs and greenwaste is transloaded for approved off-site uses. An off-site program has been formally proposed to County DCD in October 2014 involving use of the composting facility in operation at Republic Services' site in west Contra Costa County and the City of Richmond (Bulk Material Processing Center approved under County LUP 2054-92, and in accordance with the Standardized Composting Permit under that facility's SWFP 07-AA-0044).</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
31.6	<b>Wood Chipping.</b> The Landfill operator shall establish a program to encourage landscape services and construction/demolition material haulers to segregate wood material for chipping. The program shall be approved by the County Community Development Department and shall be placed in operation within six months of the landfill's opening.		Not in compliance	A wood chipping concept is included in the FDIP, Section 6.5. A wood chipping program was not placed in operation within six months of the landfill's opening.  DCD issued Conditional Approval for implementation of a wood chipping operationon August 21, 2003 based on consistency with the LUP 2020-89 Condition of Approval 31.6 Waste Reduction and Resource Recovery – Wood Chipping. The wood chipping operation was never implemented on-site. The majority of wood waste is processed at the Contra Costa Transfer and Recovery station, where regular wood chipping occurs. The operator submitted a revised program proposal to the County DCD in October 2014 which is currently under review.
31.7	<b>Methane Recovery.</b> The Landfill operator shall explore the use of methane in landfill gas collected for air pollution reduction as a fuel commodity. The operator shall report findings to the Community Development Department at the time of the landfill's periodic reviews. If there is an economic use found for recovered methane, and if the County subsequently includes the use in its Integrated Waste Management Plan, the Landfill operator shall implement a methane recovery program.		Completed	A landfill gas power plant was determined by the landfill operator to be feasible in August 1998. The LFGTE power plant became operational in 2009 and is addressed in Section 36. Landfill Gas Plant of this LUP. See Condition 20.13.
31.8	<b>Equipment Maintenance.</b> The Landfill operator shall maintain motorized landfill equipment to assure maximum fuel efficiency.		In Compliance. On-Going	Equipment maintenance is performed according to manufacturer specifications and at required intervals. Maintenance records are maintained by the operator and available for review by County agencies. See LUP Condition 20.24
31.9	<b>County Resource Recovery Management Program.</b> When directed by the County, the Landfill operator shall impose a tonnage sur-charge adequate to support a County Resource Recovery Management Program consisting of the Office of Resource Recovery Management and its program. The cost of the program to be supported by the surcharge shall not exceed \$100,000 at 1987 levels. If other solid waste disposal facilities are subject to this or a similar condition, the County may pro-rate the cost of the program among them according to a formula approved by the Board of Supervisors.		In Compliance. On-Going	In 1994, the Board of Supervisors approved the First Amended Landfill Franchise Agreement which included a provision specifying that the Franchise Surcharge to be paid by the operator would cover the cost of all current County programs (required or authorized by the Use Permit or the Agreement) except the LEA and AB939 Fees.
31.10	<b>Fund Recovery.</b> The Landfill owner may recover funds provided to the County in advance of the opening of the Landfill through subsequent rate adjustments or surcharges approved by the County. The County may pro-rate the cost of the program among other waste disposal facilities it approves which are subject to similar conditions.		No Longer Applicable	Condition Acknowledged.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
32.1	<b>Hours of Construction.</b> The Landfill developer shall restrict outdoor construction activities to the period from 8:00 a.m. to 6:00 p.m. Monday through Saturday.		In Compliance. On-Going	Outdoor construction activities are restricted to the hours and days specified in this LUP condition and Section 5b of the SWFP.
32.2	<b>Exemption.</b> The Landfill developer may request, in writing, and the Director of Community Development may grant, exemptions to Condition 32.1 for specific times for cause. An example is the placing of concrete.		In Compliance. On-Going	During certain phases of the landfill's development, the developer has been granted exemptions pursuant to this Condition when circumstances warranted in response to written requests that were received by County DCD.
32.3	<b>Access Roads.</b> Before commencing landfilling operations, the Landfill developer shall install and pave the site access road from Bailey Road to the Phase I excavation area (see Initial Facilities Site Plan drawing of the Initial Development and Improvements Plan, Condition 16.1). This installation shall include the new bridge over Lawlor Creek and the turnaround lane. An area which can be used by the California Highway Patrol for vehicle inspection/weighing shall also be constructed.		Completed	Included in FDIP, Section 11.1, Drawings 8-13, approved by the Community Development Department on 10/25/1991.
32.4	<b>Phasing Plan.</b> The Landfill developer shall design a Phasing Plan setting forth a schedule of construction activities and projects, with detailed information provided on sensitive installations such as the landfill liner and the leachate collection and gas management systems. Sensitive installation projects shall be subject to inspection by the Geotechnical Inspector (Condition 23.6). The necessary installations of the Surface Drainage System (Condition 18.2) and Soil Erosion and Control Plan (Condition 18.4) shall be in place before major excavations commence in order to ensure controlled surface water runoff. Sediment in the sedimentation pond shall be monitored to control quality of runoff. Construction activities shall be timed to coincide with the dry season and low surface water flows.		Completed	Included in FDIP, Section 3.1 (Drawings 25-38)  The Phasing Plan was approved by CDD on 10/25/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
32.5	<b>Unstable areas.</b> Areas determined to be unstable by the Stability Analysis performed for the landfill (condition 18.4) shall be excavated or retaining walls installed under the supervision of a Certified Engineering Geologist or a Registered Geotechnical Engineer.		Completed. Updated As Needed	Evaluation of unstable areas is an on-going activity at KCL. Each design phase considers use of buttresses and other practices required for cell stability. All design and construction quality assurance documents are submitted to and approved by the RWQCB. Also see LUP Condition 16.12.
32.6	<b>Dust Suppression.</b> The developer shall sprinkle or chemically treat graded areas, borrow sites, stock piles, and temporary pavements to control dust, as determined necessary by the County Health Services Department.	B-34	In Compliance. On-Going	Dust suppression is performed in accordance with this LUP condition and LUP Condition 20.5, Condition 17k(d) of the SWFP, and requirements of Condition #17309 of the Major Facility Review permit issued by BAAQMD.  See Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
33.1	<b>Submittal of Plan.</b> The Landfill operator shall submit to the San Francisco Regional Water Quality Control Board, the Integrated Waste Management Board, and the County Health Services Department a plan for the closure and the postclosure maintenance of the landfill as required by State law, but no later than upon appli-cation for a Solid Waste Facilities Permit. A copy of the closure and postclosure maintenance plan shall be submitted to the County Community Development Department.		In Compliance. On-Going	Initial plans submitted September 30, 1994; Approved by RWQCB on November 28, 1994 (See RWQCB Letter from R. McMurtry to S. Mann (CIWMB) dated 11/28/1994). A Preliminary Closure and Post-Closure Maintenance Plan have been submitted pursuant to Title 27 CCR 21780.  See Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.
33.2	<b>Funding of Closure and Postclosure Maintenance Plan.</b> The Land-fill operator shall submit to the Board of Supervisors and California Integrated Waste Management Board evidence of financial ability to provide for the cost of closure and postclosure maintenance in an amount not less than the estimated cost of closure and 15 years of postclosure maintenance as contained in the submitted closure and postclosure maintenance plan. Evidence of financial ability shall be in the form of a trust fund approved by the Board of Supervisors in which funds will be deposited on an annual basis in amounts sufficient to meet closure and postclosure costs when needed or an equivalent financial arrangement acceptable to the Board of Supervisors and the California Integrated Waste Management Board. The Landfill operator shall maintain a trust fund balance that equals or exceeds the requirements of state law or regulation notwithstanding, however, the trust fund balance shall be at least equal to the then current closure and postclosure cost estimate at such time the landfill has reached one-half of its permitted capacity. The Trust Fund balance requirement shall be appropriately adjusted if the land-fill is closed in stages under Condition 33.4.		Completed. Updated As Needed	KCLC provided evidence of financial ability to SFRWQCB & HSD in a letter and supporting documentation dated October 24, 1991.  Landfill facility bonds for closure, post-closure, and corrective action are updated annually according to inflation rates set by CalRecycle. CalRecycle issues letters after reviewing bonds submitted to confirm if they adequately satisfy regulatory requirements. These details are noted in the annual Activities Reports now regularly being submitted by the operator, along with copies of the surety bonds submitted to CalRecycle..  See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
33.3	<b>Revision to Plan and Cost Estimates.</b> Should State law or regulation regarding the closure and postclosures maintenance plan or funding of the plan change at any time, the owner of the landfill shall submit any required changes to the closure and postclosure maintenance plan and/or evidence of financial ability to the Board at the same time as submittal to the applicable state or regional agency.		Completed. Updated As Needed	CCR Title 27 now requires that landfill operators update financial assurances (bonds) for closure and post-closure annually, according to inflation rates set by CalRecycle. Copies are included as attachments to the annual Activities Report submitted to the County.
33.4	<b>Staged Closure of the Landfill.</b> The landfill owner or operator shall close the landfill in stages if compatible with the filling sequence and the overall closure plan.		Not Yet Required	Condition acknowledged.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
33.5	<b>Use of Landfill Following Closure.</b> After active landfill operations have ceased, the site shall be utilized for grazing purposes. The Board may require the owner of the landfill to deed all develop-ment rights for the landfill site to the County to ensure fulfillment of this condition.		Not Yet Required	Landfill lifespan is projected to continue for an additional 30 to 35 years or more depending on operating assumptions.
33.6	<b>Postclosure Maintenance.</b> The Landfill operator shall institute a postclosure maintenance program to ensure that containment and monitoring facilities retain their integrity. If damaged areas are found, the operator shall notify the County and take remedial actions to prevent odor and landfill gas problems.	B-1	Not Yet Required	The Preliminary Closure and Post-Closure Maintenance Plans are presented in Draft JTD, Volume 1, and were prepared in accordance with 27 CCR, Sections 21769(b) and 21790.
34.1	<b>Storage Requirement.</b> The Landfill operator shall provide a minimum 10-acre area on the landfill site for the storage of abandoned vehicles awaiting salvaging, if required by the Board of Supervisors. The storage site operator shall accept only vehicles directed to the site by a law enforcement agency operating in Contra Costa County, which shall be responsible for the vehicle until its title is conveyed to a salvager. The site would provide storage only; operations of disposing, salvaging, and security of abandoned vehicles shall not be the responsibili-ty of the operator. The site may be subject to further planning and development approvals, and would be subject to the California Environmental Quality Act. The storage of abandoned vehicles shall be subject to conditions set by the County Health Services Department, and may be subject to the approvals of regulatory agencies having jurisdiction.		Not Yet Required	Implementation of this condition is not yet required due to a lack of demand. The County Sheriff’s Department coordinates storage of abandoned vehicles at other facilities prior to final demolition and transport. Operator does not propose to store abandoned vehicles at the landfill without authorization from the County.
34.2	<b>Off-site Storage Option.</b> The Landfill operator may establish the abandoned vehicle storage area at another location, which shall be subject to the approval of the County Community Development Department.		Not Yet Required	Implementation of this condition is not yet required. No requests have been received from the County Sheriff's Department for the Operator to establish an off-site abandoned vehicle storage area.
35.1	<b>Transportation System Impact Fee:</b> The Landfill operator shall pay to the County of Contra Costa a Transportation Impact Fee of \$2.00 per ton of waste received at the Landfill to mitigate the general impacts of the Landfill-generated traffic on the County's road system. The operator shall deposit the fee monies quarterly in a segregated account established by the County. The fee shall be considered to be a pass-through business cost for the purposes of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.		See 35.8	<p>The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of this Condition as long as the <u>new</u> Condition 35.8 remains in full force and operation.</p> <p>Mitigation fees have been paid to the County since the landfill opened on May 7, 1992.</p>

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
35.2	<b>Open Space and Agricultural Preservation Fee.</b> The Landfill operator shall pay to the County of Contra Costa an Open Space and Agricultural Preservation Fee of \$2.00 per ton on solid wastes received at the Landfill to mitigate the general impacts of the Landfill on open space, existing and proposed recreational facilities, and agriculture. The operator shall deposit the fee monies quarterly in a segregated account established by the County. The fee shall be considered to be a pass-through business cost for the purposes of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.		See 35.8	The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of this Condition as long as the <u>new</u> Condition 35.8 remains in full force and operation.  Mitigation fees have been paid to the County since the landfill opened on May 7, 1992.
35.3	<b>Property Value Compensation Program.</b> The Landfill operator shall provide funding for the preparation of a property value compensation program study when requested by the County of Contra Costa. The study will address the means of determining the extent of property value losses or reductions attributable to Landfill impacts, such as aesthetics, noise, traffic, or pollution, and the means of compensating property owners for said losses or reductions. When a compensation program is adopted by the Board of Supervisors, the Landfill developer shall fund it in the manner specified by the Board. If the Board of Supervisors determines that progress on the implementation of a compensation program is not proceeding in a timely manner, the Board may require the use of a facilitator and/or an arbitrator. The fee shall be considered to be a pass-through business cost for the purposes of rate setting.	B-67	Completed	The County issued payments totaling approximately \$476,400 to property owners near the Keller Canyon Landfill as part of the Keller Canyon Landfill Property Valuation Mitigation Claim Process adopted by the Board of Supervisors. The Board approved the program in 1997 after several studies and multiple hearings related to LUP condition of approval 35.3.
35.4	<b>Resource Recovery Program Fee.</b> The Landfill developer or operator shall pay to the County of Contra Costa a resource recovery program fee of \$200,000 annually, beginning July 1, 1990. The developer or operator shall deposit the monies in a segregated account established by the County. The extent of the fee shall be subject to reconsideration when a franchise or agreement is established for the Landfill. The resource recovery program fee from its inception shall be a pass-through business cost for the purpose of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.		No Longer Applicable	In 1994, the Board of Supervisors approved the First Amended Landfill Franchise Agreement which included a provision specifying that the Franchise Surcharge to be paid by the operator would cover the cost of all current County programs (required or authorized by the Use Permit or the Agreement) except the LEA and AB939 Fees.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
35.5	<b>Violation of Prescribed Haul Route.</b> Upon a determination of the County that a user of the Landfill has violated Condition of Approval Section 29 by using a prohibited access route, and upon a written direction by the County, the Landfill operator shall impose on that user the sanction that is directed by the County. Such sanction may include a surcharge on the tipping fee, prohibition against accepting waste from that user for a designated period of time, revocation of County refuse-hauling license, or other sanction directed by the County. A system for reporting alleged violation and for monitoring enforcement data shall be established by the County and Landfill operator.		In Compliance. On-Going	The facility is in compliance with this condition. No sanctions have been imposed for violation of the prescribed haul route.
35.6	<b>Direct Property Acquisition Study.</b> The Landfill operator shall study the appropriateness of direct acquisition of properties immediately adjacent to the project, and shall fund any acquisition program ordered by the Board of Supervisors. The study shall be consistent with the Environmental Impact Report and shall be completed prior to the issuance of a franchise agreement.		Not Yet Required	Condition Acknowledged. No acquisition program has been ordered by the Board of Supervisors.
35.7	<b>Adjoining Sites.</b> This permit authorizes the use of the Keller Canyon Landfill site only for its specified waste disposal uses as set forth in these Conditions of Approval, and for no other uses. In particular, during the effective and operative periods of this Permit, the Keller Canyon site covered by this Permit shall not be used to provide access to, or to accommodate in any way the use of, any adjoining property for landfill purposes, unless the County has approved the use of such adjoining property for landfill purposes.		Informational	Condition Acknowledged. KCL site has not been proposed or used to provide access to or accommodate use of adjoining property for landfill purposes.
35.8	<b>Mitigation Fee.</b> The Landfill operator shall pay to the County of Contra Costa a fee, the amount of which may be set by the Board of Supervisors by a Board Order from time to time, which amount shall not be less than \$3.00 per ton and shall not be more than \$4.00 per ton, on solid waste received at the Landfill. The fee shall be used as directed by the Board in its sole discretion: 1) to mitigate general impacts of the Landfill-generated traffic on the County's road system, 2) to mitigate the general impacts of the Landfill on open space, existing and proposed recreational facilities, and agriculture, or 3) to mitigate any general impacts of the Landfill upon the surrounding community.Conditions 35.1 and 35.2 of Land Use Permit 2020-89 are hereby stayed in their operation as long as Condition 35.8 remains in full force and operation. Should Condition 35.8 (or any portion of it) for any reason be set aside or stayed in its operation, then Conditions 35.1 and 35.2 shall be in full force and operation.		In Compliance. On-Going	This Condition was added by Amendment 1 to Land Use Permit 2020-89 which the Board of Supervisors approved on November 1, 1994. A fee of \$3.00 per ton has been collected since landfill opening, of which \$1.75 per ton is allocated to the County, and \$1.25 per ton is allocated to the City of Pittsburg. The County Board of Supervisors awards grants from the Keller Canyon Landfill Mitigation Fund to County agencies and community-based organizations in the Bay Point and Pittsburg communities. Grants totaling \$1,292, 081 were awarded in the 2013-2014 fiscal year.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
36.1	<b>Power Plant Design.</b> The design of the Landfill Gas Power Plant project as approved is generally shown on the plans submitted to the Community Development Department on October 16, 2001.		Informational	Condition Acknowledged.
36.2	<b>Ultimate Responsibility.</b> These conditions of approval identify the Landfill Gas Power Plant operator as the party primarily responsible for implementing conditions involving the design, construction, improvements, maintenance and management of the power plant. However, ultimate responsibility for compliance with these conditions lies with the owner of the landfill.		Informational	Condition Acknowledged. Landfill Gas Power Plant (building and equipment) is owned and operated by Ameresco Keller Canyon L.L.C.
36.3	<b>Keller Canyon Landfill Land Use Permit.</b> The construction and operation of the Landfill Gas Power Plant is also subject to all other conditions in Land Use Permit 2020-89 for the Keller Canyon Landfill, as appropriate.		Informational	Condition Acknowledged.
36.4	<b>Violation/Revocation.</b> The Landfill Gas Power Plant owner and operator shall at all times comply with the provisions and requirements of these Conditions of Approval. A repeated violation of any of these Conditions as a result of the construction or operation of the Power Plant is cause for revocation of the Land Use Permit for the power plant.		In Compliance. On-Going	There have been no violations of conditions of approval in Section 36. Landfill Gas Power Plant
36.5	<b>System Safety.</b> Risk of fire (from gas, oil, or electrical sources) shall be controlled through the use of flame sensors, ultraviolet (UV) radiation and methane detectors, and fire extinguishers. These components shall be installed at a minimum, in the power modules, exhaust and cooling packages, and other locations as required by Code.		In Compliance. On-Going	Facility Safety System was designed and installed in accordance with this LUP condition and other requirements of the County Building Inspection Department and Riverview Fire Protection District.
36.6	<b>Equipment and System Monitoring.</b> Instrumentation shall be provided for all power plant equipment and systems which provide for a fully automated monitoring and warning system. This will include an automated switch to combustion flare if necessary. Additionally, routine monitoring of the gas extraction system and power plant facility shall be performed during normal business hours by at least one on-site operator.		Completed. On-Going	Equipment and System Monitoring was designed and installed in accordance with this LUP condition and other requirements of the County Building Inspection Department and County Fire Protection District.
36.7	<b>Engines.</b> Power plant facilities shall use lean burn internal combustion engines to meet BAAQMD regulations for oxides of nitrogen (NOx), carbon monoxide (CO) and volatile organic compounds (VOC).		Completed. On-Going	Engines meeting the requirements of this condition were installed in accordance with requirements of the BAAQMD.
36.8	<b>Hazardous Materials.</b> Landfill Gas Power Plant operator shall prepare and submit a Hazardous Materials Business Plan for the Power Plant in compliance with requirements of the Hazardous Materials Division of Contra Costa County’s Health Services Department.		Completed. On-Going	Ameresco Keller Canyon LLC submitted the Hazardous Materials Business Plan to the County DCD and HSD- Hazardous Materials Division in October 2009.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
36.9	<b>Emergency Response.</b> Landfill Gas Power Plant operator shall submit a facility specific Emergency Response Plan and then implement and update as needed, said Plan.		Completed. On-Going	Ameresco Keller Canyon LLC submitted the Emergency Response Plan to the County DCD and Contra Costa Environmental Health in October 2009.
36.10	<b>Notification of Plant Upset or Accidental Release.</b> Landfill Gas Power Plant operator shall notify the Community Development Department immediately of any plant upset or accidental leakage or release of landfill gas. A written report of the cause of any plant upset and the corrective measures taken by the facility operator, shall be provided to the Community Development Department within 72 hours after resolving an emergency.		Not Yet Required	Condition Acknowledged. To date there have been no incidents of plant upset or accidental leakage or release of landfill gas.
36.11	<b>Stormwater Pollution Prevention Plan (SWPPP).</b> Landfill Gas Power Plant operator shall implement the Keller Canyon SWPPP (prepared in 1996 and as may be amended from time to time), for water resources protection measures in case of spill of coolant, oil, or other lubricant.		In Compliance. On-Going	The landfill operator complies with the current SWPPP for the site. Any stormwater from the landfill gas power plant is included in the site drainage system in accordance with the WDRs and SWPPP. The landfill gas power plant processes do not use or discharge water, and a SWPPP specifically for the landfill gas power plant does not exist. For addressing potential spills of operating fluids, the landfill gas power plant operator submits annual plans and reports to Contra Costa Health Services in compliance with the California Environmental Reporting System (CERS). The plant's CERS ID for CCEH's California Accidental Release Prevention Program (CUPA) is 10479961. See AMERESCO (Keller Canyon, LLC) Industrial Storm Water Pollution Prevention Plan dated October 2009.
36.12	<b>Facility Design.</b> Power Plant facilities shall be painted Bronze Olive or other suitable color as approved by the Community Development Department. Power Plant operator shall install a perimeter security fence to enclose the power plant.		Completed	Building color was approved by the County and a perimeter fence was constructed.
36.13	<b>Power Plant Landscape Plan.</b> A Landscape Plan for the Power Plant site shall be submitted subject to the approval of the Community Development Department. The location and types of landscaping proposed along the security fence shall be specified.		Further Review Required	Landscaping Plan initially submitted in 2006 and again along with other plans/drawings submitted in order to have the Building Permit(s) issued in 2007. The view of the proposed power plant and the other landfill environmental management facilities from neighboring residences is obstructed by topography.
36.14	<b>Construction.</b> Upon completion of construction, all construction materials, including packaging materials, worker facilities, and debris will be removed from the site. Additionally during construction all excess materials shall be removed periodically, as needed.		Completed	Construction materials were removed from the site upon completion of construction per this condition.
36.15	<b>Material Recycling.</b> Whenever feasible, all oils, lubricants, and coolant shall be recycled rather than disposed. Prior to issuance of a building permit, the applicant shall submit a Debris Recovery Plan. Upon completion of construction, the applicant shall submit a Debris Recovery Report.		Completed	A Debris Recovery Plan was submitted to the Community Development Department on January 11, 2007 and approved by the department on January 12, 2007 (CDD Letter from L. Thompson to Ameresco). All oils, lubricants, and coolants are recycled. Final inspection hold was released at the time the Debris Recovery Report was submitted, however staff has been unable to locate hardcopy documentation.

Condition	Condition Description	Implements 1990 FEIR Mitigation Measure	Compliance Status	Comments
36.16	<b>Implementation &amp; Compliance Monitoring.</b> The operator shall provide payment for costs associated with the Community Development Department’s monitoring of implementation and compliance with these Conditions of Approval.		In Compliance. On-Going	Landfill gas power plant operator has issued any payments required for DCD monitoring costs.
36.17	<b>Surcharge.</b> A surcharge, if established by the County Board of Supervisors, shall be paid to the County, by the operator, related to the sale of landfill gas or the sale of electricity produced by burning said gas.		In Compliance. On-Going	The County Board of Supervisors established a 1.5% surcharge at the time the Landfill Gas Power Plant was approved which began operation in 2009. This 1.5% surcharge of gross revenue is for the period of year one through ten of the project operations and raised to two percent 2% of gross revenue during year eleven through the life of the project. Landfill gas power plant operator has routinely issued payment as required by this condition.

# Exhibit I - Direct Haul C & D Statistics and Assumptions

## Construction & Demolition Materials Currently Direct Hauled to KCL

Origin of actual incoming loads since 2010	Tons		Incoming Loads (Truck Trips)	
	#	%	#	%
<b>In-County</b>	<b>61,072</b>	<b>77%</b>	<b>14,395</b>	<b>79%</b>
West County	9,967	13%	1,372	8%
Central County	31,843	40%	7,909	44%
East County	19,262	24%	5,114	28%
<b>Out-of County</b>	<b>18,573</b>	<b>23%</b>	<b>3,732</b>	<b>21%</b>
Alameda County	8,937	11%	1,434	8%
Solano County	6,157	8%	1,745	10%
San Joaquin County	70	0.09%	16	0.09%
Non-adjointing Counties	3,409	4%	537	3%
<b>Totals</b>	<b>79,645</b>	<b>100%</b>	<b>18,127</b>	<b>100%</b>

## Incoming Trucks/Loads Per Day (2013)

Type of Trucks/Loads	Average Daily Truck Trips	
Disposal - Transfer	94	55%
Disposal - Direct Haul Other	19	11%
Disposal - Direct Haul C & D	10	6%
Cover - ADC	25	14%
Beneficial Reuse	3	2%
Cover - Soil	21	12%

**Average Trips per Day 172**

## In-County Transfer Station Scenarios for C & D Currently Direct Hauled to KCL

Public In-County Transfer Stations	Incoming Tons		Incoming Loads		Diversion (Outgoing)		Disposal to KCL	
	#	%	#	%	Tons	% of Incoming	Tons	Transfer Trips
<b>In-County</b>	<b>61,072</b>	<b>77%</b>	<b>13,833</b>	<b>76%</b>	<b>38,542</b>	<b>63%</b>	<b>22,530</b>	<b>1,073</b>
Richmond TS	9,967	13%	1,370	8%	4,984	50%	4,984	237
Martinez TS	31,584	40%	7,838	43%	15,795	50%	15,789	752
Pittsburg TS	19,520	25%	4,625	26%	17,764	91%	1,757	84
<b>Out-of County</b>	<b>18,573</b>	<b>23%</b>	<b>4,293</b>	<b>24%</b>	<b>9,381</b>	<b>51%</b>	<b>9,192</b>	<b>438</b>
Richmond TS	11,674	15%	1,824	10%	5,839	50%	5,835	278
Martinez TS	6,675	8%	1,855	10%	3,338	50%	3,336	159
Pittsburg TS	225	0.28%	614	3%	205	91%	20	1
<b>Totals</b>	<b>79,645</b>	<b>100%</b>	<b>18,126</b>	<b>100%</b>	<b>47,924</b>	<b>60%</b>	<b>31,722</b>	<b>1,511</b>