

## OPTION B

### PROPOSED NEW OR MODIFIED CONDITIONS FOR 2014/15 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~~ 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

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- 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 of waste loads from communities which do not have in operation an eligible curbside recycling, or equivalent, programs as determined by the

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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 inby ~~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 goalsthat apply to such wastes generated byfor the businesses and industries generating such wastes, therefore the operator shall assist the County to help ensure generators shall complianceny 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.

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- 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 October 1, 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 October 31, 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



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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 October 1, 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 October 1, 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

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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

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- 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 ~~Nes. 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, to 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

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

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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

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

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- 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.
- 20.4 Odoriferous Loads. The Landfill operator shall identify potentially~~ever~~ 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

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

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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 Development Department~~ of Conservation and Development. 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~~. 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 ~~dBbDA~~ 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. 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 ~~an~~ other parts of the site, and which prevents litter from being blown off the site.

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

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- 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.
- 25.7 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 landfill operator shall record and report the weight of all material(s) recovered through the Material Recovery Program. Each type of recovered material must be weighed to demonstrate how much of the processed direct haul materials are being diverted on-site and off-site. Materials accepted for beneficial reuse or ADC, which are subsequently deemed unsuitable and must therefore be disposed of, shall be weighted and reclassified for the purposes of reporting and fee calculation. Incoming quantities required to be tracked and reported by waste type and jurisdiction of origin, pursuant to Conditions 8.7 and 10.3, must accurately differentiate between the tons disposed, beneficially used on-site or sent off-site. Quarterly disposal reports must also accurately reflect the destination and tonnage of each type of recovered material sent off-site. The Program and shall be subject to the approval of the County Community Development Department of Conservation and Development.
- 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~~ 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 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.

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

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### **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)

12/16/2014 – Approval of Modified Conditions (COAs 20.3, 25.4 & 31.5)

9/22/2015 – Proposed New and Modified Conditions for 2014/15 Permit Review

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