

# Department of Conservation and Development

## County Planning Commission

Tuesday, October 11, 2016 – 7:00 .P.M.

### STAFF REPORT

Agenda Item # 2a

<b>Project Title:</b>	Keller Canyon Landfill Land Use Permit Review
<b>County File(s):</b>	#LP89-2020
<b>Applicant/Owner:</b>	Keller Canyon Landfill Company (KCLC) / Republic Services
<b>General Plan/Zoning:</b>	Landfill (LF) / Heavy Agricultural (A-3)
<b>Site Address/Location:</b>	901 Bailey Road, Pittsburg – Bay Point area (APN: 094-060-008, 018, 019, 020 & 021)
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt (See Section III.C for details)
<b>Project Planner:</b>	David Brockbank, Senior Planner (925) 674-7794
<b>Staff Recommendation:</b>	RECOMMEND that the Board of Supervisors accept this permit review report for the KCL land use permit. (See Section II for Full Recommendation)

### I. PROJECT SUMMARY

This is a public hearing for the County Planning Commission (CPC) to review the existing conditions of approval for Keller Canyon Landfill's (KCL) approved land use permit (LUP) and make recommendations to the Board of Supervisors (Board). This is the second permit review report prepared by staff in accordance with condition of approval 11.1. Permit Review Criteria approved by the Board in 1995 and condition 11.1 affords the Board of Supervisors the opportunity to approve new and/or modified conditions of approval to improve public health, safety, and welfare or to address inconsistencies resulting from court decisions or regulatory changes made since the permit was approved in July 1990. The CPC can recommend that modifications be made to the LUP's conditions, however only the Board has the authority to approve any proposed changes.

The first permit review, initially conducted in 2014, yielded several new conditions and modified many of the original conditions in order to update the LUP after 22 years to reflect the operation of a more mature landfill in the context of present day environmental and regulatory settings. County staff has not identified any need to propose any new or modified conditions of approval as a part of this permit review. This staff report is meant to serve as an update regarding landfill activities regulated by this LUP since the last permit review when the Board approved new and modified conditions, first in December 2014 and finalized in September 2015.

## **II. RECOMMENDATION**

- A. CONSIDER the information presented in this report and Exhibit D, which provides the background and context necessary to satisfy Part I of the 1995 Permit Review Criteria (Exhibit C) approved by the Board of Supervisors for KCL's Land Use Permit (File #LP98-2020).
- B. RECOMMEND that the Board of Supervisors ACCEPT this permit review report prepared by staff for the KCL land Use Permit, pursuant the 1995 Board approved Permit Review Criteria.
- C. RECOMMEND that the Board of Supervisors DIRECT DCD staff to schedule the next permit review in one year.

## **III. GENERAL INFORMATION**

- A. General Plan: Landfill, LF
- B. Zoning: Heavy Agricultural (A-3) and Agricultural Preserve (A-4)
- C. CEQA Status: This permit review does not involve any action that would cause a direct physical change in the environment. This permit review and the preparation and proposed acceptance of the staff report are purely administrative in nature and not subject to CEQA per Section 15061.(b)(3). This action does not constitute a project since staff is not recommending any new or modified conditions of approval for the existing LUP.
- D. Facility Location and Vicinity: KCL is located at 901 Bailey Road, approximately one-half mile south of State Highway 4 in the Pittsburg/Bay Point area. The landfill site covers an area of  $\pm$  2,628 acres (including landfill operations and buffer areas), of which, 244 acres are permitted for disposal (waste placement area). The facility and operations are entirely within

unincorporated Contra Costa County. In addition to the waste placement area, there are also numerous buildings, including administrative offices, maintenance garage, scale house and other installations which make up the complex network of environmental containment systems and facilities required in modern landfills. Those structures and installations include leachate and water storage tanks, enclosed landfill gas control flares, a landfill gas-to-energy power plant, and stormwater/sedimentation management facility. The remainder of the site is predominantly the Special Buffer Area which is undeveloped and helps isolate the landfill from surrounding land uses. The County accepted deeded development rights for the Special Buffer Area which can only be used for grazing or environmental mitigation. Exhibit B contains maps of the facility and vicinity.

#### **IV. BACKGROUND**

County File #LP89-2020 was approved by the Board of Supervisors on July 24, 1990, which allowed the development and operation of the landfill. The initial phase of landfill construction began in 1991 and the landfill opened in May of 1992. County Code Chapter 418-4 requires disposal facilities to obtain a permit approved by the Board of Supervisors. KCL's LUP serves as the permit required under County Code Chapter 418-4. The LUP was subsequently amended by the Board on November 1, 1994, resulting in the addition of a new (replacement) Mitigation Fee condition. Additional conditions governing the construction and operation of a landfill gas power plant were added to the Land Use Permit when the second amendment was approved by the Board on June 25, 2002.

KCL Permit Review: October 2014 - September 2015: The LUP was modified again through the first permit review process, which started with a full report that was presented to the CPC in October 2014. It was a substantive report as it reviewed the past 20 years of the landfill's operations, by addressing each condition of approval in the context of the Board approved Permit Review Criteria. Using said criteria (Exhibit C) staff recommended adding five new conditions and modifying 82 others.

The Board of Supervisors heard the first LUP review report from the CPC on December 16, 2014. Following a lengthy discussion at this meeting, the Board unanimously approved modifications to conditions of approval number 20.3, 25.4, and 31.5. These three conditions were modified from the original land use permit (County File #LP89-2020), and pertained to material used for alternative daily cover (ADC) at the landfill. The Board was not prepared to make a decision on the

remaining recommendations without considering additional information presented to the Board. The permit review was continued to March 3, 2015 as an open public hearing, because the Board directed staff to provide additional information they wanted to consider before acting on the remaining permit review modifications. Staff was directed to research and report back on several additional, separate but related items pertaining to on-site material recovery, legality of the City of Pittsburg taking over as the Local Enforcement Agency (LEA), potential franchise fee impacts expected from a reduction in direct haul loads, and any CEQA implications resulting from the proposed new and modified conditions of approval.

In response to Board direction, staff prepared a detailed report on the Keller Canyon Landfill Permit Review for the March 3, 2015 meeting. On March 3, 2015 the open public hearing was continued to March 31, 2015, and then again to July 21, 2015, at the request of the District V Supervisor. At that meeting, Department of Conservation and Development (DCD) staff recommended that the Board of Supervisors (Board) continue the item once more to September 22, 2015 so that the District V Supervisor could participate in the decision making process. Staff's report to the Board in September 2015 presented detailed explanations on the additional topics mentioned above. It also presented the Board with two separate sets of new and modified conditions as options for the Board to review and then make a decision. The primary difference between the two options were the proposed new conditions, one version allowed loads of mixed construction and demolition (C&D) material to be direct hauled to the landfill contingent upon the implementation of certain on-site waste recovery and the other option required those loads go through a transfer station first. The Board approved the option that limited the direct haul of materials that would be potentially recovered if first delivered to a transfer station in accordance with previously approved Board policy that had not been formerly integrated into the LUP. However, the Board did allow a grace period of 18 months for those four direct haul conditions to take effect following the September 22, 2015 hearing. The grace period allows time for the landfill operator to develop and implement a plan that would address the changes necessary to comply with the new conditions, including any notification process for the customers still hauling those restricted loads directly to the landfill.

**V. PERMIT REVIEW CRITERIA ADOPTED BY THE BOARD IN 1995**

This report serves as the second LUP permit review. The Permit Review Criteria, approved by the Board in 1995, is divided into two parts (see Exhibit C). Part I includes background research to be conducted by staff prior to conducting the public hearing. Part I also provides context related to the permit review authority

and intent, status of existing LUP conditions of approval and other matters. Additional details are provided below to illustrate staff's research as it relates to Part I. Part II outlines the criteria for the actual permit review hearing before the County Planning Commission. In addition, Part II specifies five circumstances that would allow the County to impose new or modified conditions, which are as follows: 1) changes required by new regulations, 2) changes required by court decisions, 3) correction of demonstrated significant health impacts, 4) correction of demonstrated significant safety impacts or 5) correction of demonstrated significant welfare impacts.

### **PART I OF PERMIT REVIEW CRITERIA**

As stated in the Permit Review Criteria, the context for the review is related to applicable laws and regulations that pertain to landfills and other regulatory permits (e.g. Solid Waste Facility Permit, Waste Discharge Requirements. This section includes ensuring that the permit is being implemented, consistent with CEQA and the certified EIR. This section also acknowledges the vested rights of the permittee, and calls for demonstration of compelling public necessity. The following subsections have headings that match the approved Permit Review Criteria (See Exhibit C).

A. Context for the Review: It is the intent of this section to provide a basic setting for this review process. This includes discussing applicable statutory and regulatory framework, relationships between the subject LUP and other regulatory agency permits (e.g. Solid Waste Facilities Permit, Waste Discharge Requirements), and compliance with CEQA.

1. **Applicable Laws and Regulations**: Condition 11.11 states that it "is **not** the 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." Furthermore, the condition states that the agency with primary jurisdiction has final word about determining if an action or inaction complies with or violates any such law/regulation.

The County acknowledged the rapidly changing regulatory environment related to solid waste management. Condition 11.11 provides some flexibility to help the County respond by allowing the implementation and enforcement of conditions to be adapted in response to regulatory changes which occur between permit reviews. The County has been obligated to adapt the implementation and enforcement of the LUP

conditions accordingly. The County is obligated to adhere to the current regulatory framework, so staff proposed and the Board approved modifications to numerous LUP conditions to address these regulatory inconsistencies in 2015.

Most of the ongoing activities the operator is responsible for in order to remain in compliance with their LUP involve operational requirements that overlap with permits or regulations enforced by Contra Costa Environmental Health (CCEH) and/or the Regional Water Quality Control Board (RWQCB). CCEH is designated as the LEA for the California Department of Resources Recycling and Recovery (CalRecycle). The LEA has direct oversight of the Solid Waste Facility Permit compliance. The LEA conducts unannounced inspections of the landfill each month. Any violations are noted in writing in their official inspection reports.

DCD does not take the lead in enforcing compliance with requirements in regulations or permits governed by other agencies. DCD acts as the enforcement lead when an alleged violation involves a requirement in the LUP conditions that does not overlap with any other regulations or permits. When a potential violation pertains to requirements in the LUP and other permits or regulations, DCD's approach to LUP enforcement is assessed and addressed on a case by case basis. A determination by the applicable authorities regarding the operator's compliance with applicable laws or permits is the best means to substantiate any decision the County may make with respect to a potential violation. If the violation involves a recurring situation that may lead to future undesirable outcomes, the County will clearly indicate what the permittee should do or not do to prevent or avoid similar violations from that point forward.

Generally, DCD defers to other permitting or regulatory agency oversight and determinations on matters for which they have primary jurisdictional authority and responsibility, consistent with the intent of LUP condition 11.11 (see Section IV above).

- 2. Terms of Applicable Permits:** Permits and approvals of numerous local, state, and federal agencies were required to construct and operate the Keller Canyon Landfill. KCL is a Class II sanitary landfill and is subject to extensive requirements contained in various permits, laws, regulations and design/operational standards. Some permits were required prior to landfill construction or opening, while others are required for ongoing operations. Each agency permit listed below either discuss the original permit needed

to establish the landfill that has not required subsequent permits or provides the most recent update to that agency's permit.

- a. Solid Waste Facilities Permit (SWFP): The SWFP was last reviewed by County Health Services Department - Environmental Health (LEA) in 2014. According to the LEA, their monthly inspections have demonstrated a consistent track record of compliance since the last permit review. The LEA periodically receives complaints about the landfill, which are mostly about odor or litter. Details about complaints received are usually included in the notes for that monthly inspection report (available on CalRecycle's website). Staff has also included some discussion about complaints over all in Section VI.C of this report.
- b. Waste Discharge Requirements (WDR): RWQCB staff confirmed that the landfill is in compliance with the relevant regulatory/permit requirements. Furthermore, RWQCB staff indicated in September 2016 there are no problems or concerns related to design/construction issues, operational issues, nor had their agency received any complaints about the landfill since the last permit review. RWQCB staff relies on semi-annual self-monitoring reports to gauge KCL's operational compliance (accessible on-line using Geotracker), and they indicated the landfill's next monitoring report would be due in about six months.
- c. Permit to Operate (Air Quality): Authority to Construct/Permit to Operate Plant No. 4618 is reviewed annually by the Bay Area Air Quality Management District (BAAQMD). Additionally, Title V Permit Major Facility Review Plant No. A4618 was last issued on June 12, 2014 by the BAAQMD.
- d. U.S. Environmental Protection Agency: National Pollution Discharge Elimination System Permit #2-07S006887 was issued on September 17, 1992. There have been no changes since the last permit review.
- e. U.S. Army Corps of Engineers: Nationwide Permit No. 26t, Section 404 of the Clean Water Act, was issued on June 14, 1991. There have been no changes since the last permit review.
- f. California Department of Fish and Wildlife: A Streambed Alteration Agreement, No. 1461-90 was signed by the Warden on August 4, 1991 and executed by the Operator on October 18, 1991 for Lawlor Creek; for the sedimentation basin, drainages, and culverts (No. 1462-90); and

for the wetlands construction (No. 1463-90). There have been no changes since the last permit review.

3. **CEQA Compliance & Consistency with Final EIR:** Under the original LUP application approval, the Board of Supervisors adopted a Final EIR, along with a mitigation monitoring and reporting program (MMRP). KCL's development and operation are generally consistent with the original project EIR certified in 1990. Some of the more notable differences are identified below:
  - a. Only a fraction of the disposal tonnage accounted for in the 1990 project EIR was actually going to KCL during its initial years of operation. Although the entire County waste stream was expected to be disposed of at KCL, initially predominantly only Central County waste was going to KCL. The reduced rate of disposal has helped extend the landfill's operating life. The reduced rate of disposal of in-County waste tonnage was partially offset due to subsequent Supreme Court decisions prohibiting restrictions based on waste origin, thus resulting in more out-of-County waste being disposed of at KCL.
  - b. KCL does not entirely rely upon on-site soils as their sole source of daily cover material as assumed in the EIR, due primarily to regulatory changes allowing for the use of alternative daily cover (ADC) materials.
4. **Vested Rights of Permittee:** KCL may operate the Landfill within the parameters of the existing LUP's conditions of approval that were most recently modified on September 22, 2015. This is an entitlement granted by the County for the life of the landfill operation (until permitted capacity is reached). Modifications to the conditions of the permit must be made consistent with applicable legal requirements and in accordance with condition of approval 11.1 and the Board approved Permit Review Criteria. The landfill operator also has the right to request and apply for an amendment to this LUP. An application to amend this LUP was filed in 2008 and is being processed.
5. **Demonstration of Compelling Public Necessity:** As a result of AB 939 and associated revisions to the Public Resources Code (PRC), counties are burdened with the responsibility of maintaining at least a 15-year supply of disposal capacity for all of the waste generated throughout each county. Due to the difficulties and challenges (legal and otherwise) involved with siting a new landfill, the County included permit conditions



and contractual requirements intended to maintain authority to control the amount of out-of-county waste disposed of in the newly sited KCL. That authority has since been diminished as a result of a number of court decisions since 1992, including most recently in 2012/13. Since local jurisdictions can no longer control importation of waste to privately-operated landfills, a host County that receives a significant amount of waste from outside the County will have to undertake the difficult task of identifying new disposal capacity pursuant to the applicable State requirement sooner.

B. Existing Land Use Permit Conditions of Approval: Many of the LUP conditions of approval are intended to mitigate potential on-site and off-site environmental impacts of landfill design and operations. Some of these conditions of approval were the result of impacts/mitigations contained in the EIR prepared for KCL in 1989 and 1990. Additionally, other conditions of approval were developed as part of the Board of Supervisors special conditions, while others attempt to mirror regulatory requirements that are enforced by other agencies as discussed in earlier sections of this report. The LUP contains 288 conditions of approval which are organized into 36 sections (see Exhibit A).

1. **Status of Compliance**: Exhibit D to this staff report is a table listing the compliance status for all 288 conditions of approval. The first two columns are the number and condition. The other two columns reflect the status of each condition and any noteworthy details related to compliance including references to certain source documentation.

Over one-third of the conditions in KCL's LUP do not require any further action because the requirements have been fully satisfied, no longer applicable, informational, simply cross-reference another condition and not meant to be enforced, or serve as objectives for the remaining conditions in a specific section. The remaining conditions are still in effect and contain requirements which may currently apply or may become applicable sometime in the future. Staff has confirmed that the operator is in compliance with the vast majority of the currently applicable conditions.

There are five conditions for which the compliance status determinations are still pending, because they are either in process or require further review. In the context of compliance status, "in process" means that applicable compliance efforts are underway but not yet completed. The conditions which are currently "in process" are 11.1 – Permit Review (which

is the subject of this report), 31.5 – Composting Project, and 36.13 – Power Plant Landscaping Plan. “Further review required” means that the compliance status has yet to be confirmed pending further research and/or coordination with other agencies or parties. The conditions which currently require further review are 31.4 – Material Recovery and 31.6 – Wood Chipping. Details regarding the status of each of these conditions can be found in Exhibit D.

**2. LUP Enforcement:**

Penalties for LUP Violation: If the operator fails to remedy a violation after receiving reasonable notice, the County has two options with respect to penalties. In the case of most LUPs, the sole penalty available for on-going violations is revocation. However, the landfill Franchise Agreement includes a provision allowing the County to impose monetary penalties to aid with LUP enforcement. This provision was included in the Franchise because of the nature of the facility and the public need it serves, including satisfying the County’s obligation under state law to maintain 15-years of in-County disposal capacity.

**3. Monitoring:** Numerous conditions are based on and intended to mirror state or regional regulatory requirements. There are many areas of overlap between the LUP conditions and permits/requirements enforced by CCEH, and other regulatory agencies. Requirements related to landfill design and construction primarily fall under the jurisdiction of the RWQCB. Requirements that govern landfill operations primarily fall under the primary jurisdiction of Contra Costa Environmental Health as the LEA or BAAQMD.

County Code Section 418-4.018 calls for Environmental Health to take the lead for monitoring compliance with disposal site permits issued by the Board of Supervisors, which includes KCL’s LUP. DCD does not routinely inspect the landfill and instead reviews the LEA’s inspection reports. DCD’s monitoring of KCL’s LUP compliance predominantly addresses requirements that are either:

- a. triggered by a one-time or periodic action or event, including requests/proposals submitted by the operator (e.g. proposed construction of the next waste cell within the permitted footprint), or

- b. non-operational matters that primarily involve submittals/documentation, some of which relate to or supplement provisions in KCL's Franchise Agreement (e.g. fees, reporting, etc.)

C. Complaint Review

1. **Complaints to DCD and LEA:** Both agencies have received complaints related to the landfill's operation. The extent of DCD's complaint log about landfill operations is limited to 15 incidents of odor concerns and two incidents of litter control. All of these complaints generally involved coordinated communications between both agencies and follow up investigations by staff.
  - a. Odor Complaints: In early 2015 DCD set up a complaint form on the County's website ([www.cccounty.us/odor](http://www.cccounty.us/odor)) that allows for the electronic submittal of an odor complaint. Once a complaint form is submitted electronically, an email alert is sent to staff from DCD, CCEH, and KCL. DCD Staff worked with the LEA and KCL personnel to investigate and respond to each of the complaints. If a physical address of where the complaint originated or a method of contact was not included, staff could not follow up with a response. This occurred for approximately six out of the 15 on-line complaints, which were received predominantly in early autumn (September and October) and early spring (March and April). Since the complaints sometimes occur in the evening or early morning when the landfill is not operating, these complaints are generally received and responded to on the following day when the potential odor is not discernable and therefore the complaint cannot be verified.
  - b. Litter Complaints: DCD staff received two complaints about litter, one in April 2015 and the other in August 2015. Both complaints were from the same local resident who lives in the neighborhood directly north of the landfill. On both occasions, staff contacted the LEA and KCL personnel to investigate the complaints as well as request data from the on-site weather station in order to check wind speeds and direction. KCL staff and the LEA met with the resident to verify the complaints and address his concerns. After each of the incidents, KCL sent litter cleanup crews to the buffer area near the complainant's residence for several days following the complaints as a precautionary measure in addition to KCL's standard litter management practices,

including on and off-site litter policing and removing litter from the portable and permanent litter fences.

2. **Complaints to Regulatory Agencies:** The BAAQMD operates a toll-free odor complaint hotline which receives calls from throughout the Bay Area which are investigated by agency inspectors. Between January 1, 2015 and August 31, 2016 the District received a total of 37 odor complaints regarding KCL, none of which were confirmed. Limited information regarding these complaints are available to DCD staff, including date, time and one to two word descriptions of the odor (e.g. "bad", "garbage").

BAAQMD received 110 odor complaints between January 2011 and October 2014, which averages out to about 29 complaints per year, and three of those complaints were confirmed. BAAQMD receiving only 37 complaints in the last 20 month period reduces the average annual complaints to about 22, showing a definite reduction of about seven complaints per year.

3. **Complaints to other Local Agencies:** The City of Pittsburg has periodically received complaints about KCL in the past, usually from the residents during annual community meetings conducted near the landfill about night time or early morning odor. DCD staff has not been advised that the City received any complaints since the prior permit review.
4. **Complaints to the Landfill Operator:** Between January 2015 and August 2016, the operator received a total of 11 odor complaints. KCL has procedures for identifying, evaluating, and if confirmed, mitigating odors detected off-site. Site personnel routinely patrol the area including local neighborhoods seeking any indication of odors. Findings and results from the surveys are documented daily. All complaints submitted to KCL, whether by a call from a citizen, or referral by the DCD or BAAQMD, are followed up and investigated by KCL staff. All complaints are tracked and reviewed. If feasible, complainants or nearby neighbors are interviewed.

D. Issues Raised

1. **Construction Issues:**

Phased Construction: Phased Construction of the landfill is authorized by conditions 15.2 & 23.6. Landfill development is being phased over its operating life. Landfill development consists of eight major phases, each containing multiple individual phases. Each individual phase of the waste

placement area is designed/engineered consistent with detailed Design Reports reviewed and approved by the RWQCB. DCD authorizes construction of each individual phase only after it has been approved by the RWQCB. DCD has commissioned reviews by third-party engineering consultant in the initial development stages; recently there has been no need to supplement the RWQCB's review and approval process.

To date, 19 phases have been completed that includes a total of 129.8 acres. Currently, the landfill is working within the 20<sup>th</sup> individual phase, referred to as Phase 3B1 (11.8 acres), which is expected to be in use until 2019.

## 2. **Operating Issues:**

- a. Incoming Waste (Disposal Demand): The amount of waste disposed at KCL has increased substantially since it first opened. The trend of increasing demand for disposal is expected to continue because waste streams are directly impacted by increases in population and economic activity. However, this demand is compounded each time another landfill reaches its capacity because landfills around the state are closing at a rate that far exceeds the siting of new landfills. Another way of looking at this data is to compare the earliest to most recent reporting years, which shows that the amount disposed in 1995 was only 37% of the annual disposal in 2015.
- b. Cover Material: State law was changed after KCL's LUP was issued to allow alternatives to soil for covering disposed waste at the end of each operating day. KCL started a demonstration project using green waste as alternative daily cover (ADC) in 1999 pursuant to oversight by the LEA and CalRecycle. This was subsequently built into the KCL Solid Waste Facility Permit. DCD authorized use of green waste as ADC on an interim basis until such time as the cover requirement in the LUP condition was updated.

At the end of 2014 KCL submitted an application to the LEA to amend their Report for Disposal Information (RDSI) to formally allow unprocessed green waste and processed C&D waste to be used as ADC. In January 2015, the LEA approved the application, which was subsequently appealed by an interested party. The appeal was scheduled for a public hearing before CCEH's Independent Hearing Panel (IHP). The IHP upheld the application approval and denied the

appeal. That decision was also appealed to CalRecycle by the same party. In August 2015, CalRecycle denied the appeal and upheld the decision of the IHP and the LEA's application approval. The interested party has since filed a law suit against CalRecycle (State) and that case is still pending.

- c. Beneficial Reuse: Since the 1990 LUP approval, there have been multiple regulatory changes which opened the door for landfills to implement on-site diversion activities. Specifically, regulations allow operators to beneficially reuse waste derived materials for cover and other on-site uses. According to State regulations, beneficial reuse of solid wastes at a solid waste landfill includes the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping. KCL continues to take direct haul loads of eligible source-separated materials that can be used for beneficial reuse on-site.
- d. Application for LUP Amendment #3: Increases in disposal tonnage prompted the operator to file an application to amend the LUP in 2008 primarily seeking to increase the daily tons per day (TPD) limit. The subsequent economic downturn decreased the flow of incoming waste which has helped afford more time to work through a variety of time-consuming issues related to better defining and reviewing the request. The project description has also been changed a couple of times and may be changed again pending the outcome of the operator's assessment of the viability of implementing some type of on-site material recovery operation. The application is still in process, and will require additional CEQA review, including the preparation of a subsequent EIR.

### 3. **Special Waste Issues:**

- a. Limitation on Special Waste Disposal: In December 1993, the Board authorized the import of special wastes for disposal in Keller Canyon Landfill pursuant to specific guidelines. Such authorization included a limitation such that special wastes generated from within and outside of Contra Costa County together comprised no more than 40% of the total waste disposed at KCL in any 12-month period. In 2015, special

wastes (also referred to as Class II or designated wastes) only comprised 7% of the total disposal at KCL.

- b. PG&E Property Clean-up, Bay Point: Since the last permit review, PG&E contracted with a special waste hauler to assist cleaning up the Shell Pond site, east of the old Harris Yacht Harbor, located north of the railroad tracks, and east of the McAvoy Harbor in Bay Point. Part of the clean-up involved hauling non-hazardous, contaminated soil from this previous settling pond. In the process of hauling the soil material involved extracting the wet soil from the site, which had a very strong odor, stock piling the soil to dry then trucking the material to KCL for disposal. This special waste project consisted of hauling approximately 20-30 truckloads per day of this contaminated soil for about two weeks. DCD staff did not receive any complaints about odors or spilled material resulting from this project.
4. **Haul Route Issues:** There have been no issues with respect to the Haul Route since the last permit review.
5. **Transfer Station Issues:** A number of different Transfer Stations have sent waste to KCL over its operational life to date, including those in and outside of our County. Waste that is transferred for disposal from other transfer stations located outside the County changes periodically. Since the last permit review, all of the waste transferred for disposal from the four in-County transfer stations (Brentwood, unincorporated Martinez, North Richmond, and Pittsburg) was sent to KCL.
6. **Direct Haul:** The project description which served as the basis for issuance of KCL's LUP as well as the environmental analysis in its 1989/1990 EIR anticipated only small amounts of waste being direct hauled to KCL. All waste that could be processed at Transfer Stations was expected to be sent to such facilities and then subsequently accepted at KCL by way of a transfer trailer/van. This method of managing solid waste was integral to achieving waste diversion goals because processing at Transfer Stations enables the waste stream to be sorted. The transfer station method also effectively controlled traffic (and associated impacts). Although traffic has been controlled by the daily vehicle limit specified in the Solid Waste Facility Permit, no similar alternative solution is in place to address waste diversion.

The Board took actions in 1992-1993 to specifically address issues related to direct haul and import of special wastes. These parameters were used to develop new conditions (conditions 8.5-8.8), which were approved in 2015 as part of the prior permit review. These four conditions account for allowable materials that can still be direct hauled to the landfill, procedures necessary for processing direct hauled material(s), specific quarterly reporting requirements, and in the event of an emergency or natural disaster, how and what can be direct hauled to the landfill. These conditions do not take effect for 18 months (from 9/22/2016).

**VI. PART II OF PERMIT REVIEW CRITERIA FOR COUNTY PLANNING COMMISSION**

The permit review condition 11.1 was included to address the County's anticipated need for future flexibility to improve upon the conditions in KCL's LUP. LUP condition 11.1 states that conditions can be added or modified to improve public health, safety and welfare, which are three of the five criteria specified in Part II of the Permit Review Criteria that were approved by the Board of Supervisors in 1995 (Exhibit C). As it was expected when the permit was initially approved, the knowledge gained from actual experience working with and regulating an operating landfill has proven to be quite valuable when taking a critical look at the LUP to identify modifications needed to improve public health, safety and welfare. Such changes were approved in the prior permit review, but no such changes are recommended as a result of the current permit review.

Regulatory changes and court decisions are the last two of the five criteria specified in Part II of the Board approved 1995 Permit Review Criteria. Both criteria serve as key elements of the legal framework governing the manner in which the County and the landfill must operate. Unlike the other three criteria, these two may have a direct impact on numerous LUP conditions as originally written. In some cases these changes result in eliminating the County's ability to enforce certain requirements or created inconsistencies with regulations the specified conditions were intended to mirror or reinforce. These two criteria were added to condition 11.1 in 2015 during the prior permit review. Staff is not proposing to add or modify any new or existing conditions related to regulatory changes as part of this permit review.



**VIII. CONCLUSION**

Staff recommends that the CPC recommend that the Board of Supervisors accept this permit review report and Exhibit D as adequate to satisfy Parts I and II of the Board approved 1995 Permit Review Criteria.

**LIST OF EXHIBITS:**

- Exhibit A: Existing conditions from 2014/2015 Permit Review – September 2015
- Exhibit B: Maps
- Exhibit C: Permit Review Criteria - June 1995
- Exhibit D: Compliance Status Table -- September 2016

**LAND USE PERMIT 2020-89**  
**CONDITIONS OF APPROVAL**  
**KELLER CANYON LANDFILL**

Approved by the:  
*CONTRA COSTA COUNTY BOARD OF SUPERVISORS*  
JULY 24, 1990

As Amended or Modified by the:  
*CONTRA COSTA COUNTY BOARD OF SUPERVISORS*  
November 1, 1994 (Amendment 1)  
June 25, 2002 (Amendment 2)  
December 16, 2014 (Permit Review Modification)  
September 22, 2015 (Permit Review Modification)

**TABLE OF CONTENTS**

**1. SHORT TITLE ..... 1**  
1.1 Short Title ..... 1

**2. RESPONSIBILITY ..... 1**  
2.1 Ultimate Responsibility..... 1  
2.2 Transfer of Ownership ..... 1  
2.3 Assignment of Responsibility ..... 1

**3. COMPLIANCE..... 2**  
3.1 Compliance Objective ..... 2  
3.2 Design Standard ..... 2  
3.3 State Minimum Standards ..... 2  
3.4 Land Use Permits ..... 2  
3.5 Solid Waste Facilities Permit..... 2  
3.6 Class II Landfill Requirements ..... 2  
3.7 Other Regulatory Agencies' Requirements ..... 2  
3.8 Utilities, Service Districts, and Government Agencies' Requirements..... 2  
3.9 Notice Coordination ..... 3  
3.10 Monitoring and Inspection..... 3  
3.11 Master Chart..... 3

**4. VALIDITY PERIOD..... 3**  
4.1 Validity Period..... 3  
4.2 Operative Date..... 3

**5. SERVICE AREA ..... 3**  
5.1 Area of Origin..... 3  
5.2 Out-of-County Wastes ..... 4  
5.3 Sub-County Service Area ..... 4  
5.4 Reciprocal Capacity Agreement ..... 4  
5.5 Pre-Requisite Curbside Recycling Program..... 4

**6. ELIGIBLE AND INELIGIBLE WASTES..... 4**  
6.1 Eligible Wastes ..... 4  
6.2 Designated Wastes..... 5  
6.3 Infectious Wastes ..... 5  
6.4 Ineligible Wastes..... 5  
6.5 Emergency Use ..... 5  
6.6 Hazardous Waste Screening and Management ..... 5  
6.7 Area of Origin Restrictions ..... 5

**7. LOAD INSPECTION..... 6**  
7.1 Eligible Vehicles and Loads ..... 6  
7.2 Load Covering ..... 6

**8. ELIGIBLE REFUSE TRANSPORT VEHICLES ..... 6**  
8.1 Eligible Vehicles..... 6

8.2	Service Area Restriction .....	7
8.3	Emergency Exemption.....	7
8.4	Reciprocal Use Exemption.....	7
8.5	Direct Haul.....	7
8.6	Direct Haul Procedures.....	7
8.7	Direct Haul Reports .....	9
8.8	Emergency Direct Haul.....	9
<b>9.</b>	<b>OPERATING PARAMETERS .....</b>	<b>9</b>
9.1	Hours of Operation .....	9
9.2	Operating Days.....	10
9.3	Maximum Daily Tonnage.....	10
9.4	Minimum Buffer Zone .....	10
9.5	Special Buffer Area.....	10
9.6	Dedication of Special Buffer Area .....	10
<b>10.</b>	<b>WASTE MEASUREMENT AND CHARACTERIZATION .....</b>	<b>11</b>
10.1	Volume Estimation.....	11
10.2	Scales.....	11
10.3	Waste Characterization.....	11
<b>11.</b>	<b>ADMINISTRATION.....</b>	<b>12</b>
11.1	Permit Review.....	12
11.2	Local Advisory Com.....	12
11.3	Insurance and/or Bonding.....	12
11.4	Notification Program .....	13
11.5	Development Coordinator.....	13
11.6	Compliance and Mitigation Monitoring Program .....	13
11.7	Pre-Annexation Notification .....	13
11.8	Fee and Surcharge Identification .....	14
11.9	Interpretation of Conditions.....	14
11.10	Conditions Requiring Franchise.....	14
11.11	Regulations Enforced by Other Agencies .....	14
11.12	Required Expenditures .....	14
11.13	Designation of Authority.....	15
<b>12.</b>	<b>RATE REVIEW .....</b>	<b>15</b>
12.1	Rate Approval.....	15
12.2	Rate Review .....	15
12.3	Form and Content of Rate Review Application .....	15
12.4	Rate Application Guidelines.....	16
12.5	Financial Statement .....	16
12.6	Scope of Rates .....	16
<b>13.</b>	<b>FRANCHISE AGREEMENT.....</b>	<b>16</b>
13.1	Franchise Compliance and Agreement.....	16
13.2	Assignment.....	17
13.3	Contents .....	17
13.4	Requirement .....	17
13.5	County Discretion .....	17

<b>14.</b>	<b>LAND USE PERMIT PLAN CONSTITUENTS.....</b>	<b>17</b>
14.1	Initial Development and Improvements Plan.....	17
14.2	Regulatory Agency Approvals.....	18
14.3	Improvements Requirements.....	18
<b>15.</b>	<b>DEVELOPMENT AND IMPROVEMENTS PLAN .....</b>	<b>19</b>
15.1	Final Development and Improvements Plan .....	19
15.2	In approving the Development and Improvements Plan .....	19
<b>16.</b>	<b>SLOPE AND SEISMIC STABILITY .....</b>	<b>20</b>
16.1	Landfill Slopes Objective.....	20
16.2	Seismic Design.....	20
16.3	Landslide Study .....	20
16.4	Geotechnical Inspector .....	20
16.5	Landfill Design Stability.....	20
16.6	Slope Monitoring.....	20
16.7	Settlement Program.....	21
16.8	Emergency Landslide and Earthquake Program .....	21
16.9	Settlement Pond Embankment Design.....	21
16.10	Settlement Pond(s) Monitoring Program.....	21
16.11	Stockpile Stability.....	21
16.12	Unstable Areas .....	21
<b>17.</b>	<b>GROUNDWATER PROTECTION.....</b>	<b>21</b>
17.1	Groundwater Protection Objective .....	21
17.2	Landfill Liner .....	22
17.3	Leachate Collection System .....	22
17.4	Surface Drainage System.....	22
17.5	Groundwater Monitoring .....	22
17.6	Downstream Well Monitoring.....	22
17.7	Baseline Water Characterization .....	23
17.8	Liquid Waste Disposal .....	23
17.9	Drainage Grading .....	23
17.10	Leachate Management.....	23
17.11	Water Balance Calculations.....	23
17.12	Leachate Holding Tanks .....	23
17.13	On-Site Water Supply Wells .....	24
17.14	Off-Site Water Well Contamination .....	24
17.15	Liner Installation Inspection.....	24
17.16	Secondary Containment .....	24
17.17	Working Face.....	24
<b>18.</b>	<b>SURFACE WATER PROTECTION .....</b>	<b>24</b>
18.1	Surface Water Protection Objective.....	24
18.2	Surface Drainage System.....	25
18.3	Creek Protection .....	25
18.4	Surface Water Management and Sediment Control Plan .....	25
18.5	Monitoring.....	26

<b>19.</b>	<b>HAZARDOUS WASTE</b> .....	<b>26</b>
19.1	Hazardous Waste Ineligible .....	26
19.2	Load Inspection .....	26
19.3	Household Hazardous Waste Program .....	27
19.4	Hazardous Waste Pre-screening.....	27
19.5	Regulatory Agency Approvals.....	27
<b>20.</b>	<b>AIR QUALITY PROTECTION</b> .....	<b>27</b>
20.1	Prevention of Air Quality Deterioration .....	27
20.3	Cover Frequency. ....	28
20.4	Odoriferous Loads .....	29
20.5	Dust Suppressants .....	29
20.6	Area of Operations.....	29
20.7	Air Flow Monitoring .....	29
20.8	Contingency Program .....	29
20.9	Revegetation.....	29
20.10	Tree and Shrub Planting .....	30
20.11	Gas Control and Collection .....	30
20.12	Landfill Gas Processing .....	30
20.13	Methane Recovery.....	30
20.14	Gas Monitoring .....	31
20.15	Lateral Gas Barriers.....	31
20.16	Settlement Protection.....	31
20.17	Landfill Gas Testing .....	31
20.18	Leachate Disposal .....	31
20.19	Cell Re-Opening .....	31
20.20	Fissure Repair .....	31
20.21	Permanent Road Paving.....	32
20.22	Temporary Road Paving.....	32
20.23	Speed Limits .....	32
20.24	Equipment Maintenance .....	32
<b>21.</b>	<b>NOISE CONTROL</b> .....	<b>32</b>
21.1	Noise Control Objective .....	32
21.2	Noise Monitoring Program .....	32
21.3	Toe Berm.....	33
21.4	Mitigation/Lift-Level Berms.....	33
21.5	Construction Hours .....	33
21.6	Truck Noise Suppression.....	33
21.7	Landfill Vehicles.....	33
21.8	Gas Flare Muffling .....	33
<b>22.</b>	<b>VISUAL QUALITY</b> .....	<b>33</b>
22.1	Visual Quality Objective .....	33
22.2	Landscape Plan.....	33
22.3	Toe Berm.....	34
22.4	Mitigation Berms .....	34
22.5	Lawlor Creek Corridor Plan.....	34
22.6	Entrance Screening .....	34
22.7	Jacqueline Drive Terminus .....	34
22.8	Auxiliary Facilities Screening .....	34

22.9	Architectural Treatment.....	34
22.10	Area of Operations.....	35
22.11	Interim Revegetation.....	35
22.12	Water Tank Screening.....	35
22.13	Final Cover .....	35
22.14	Lighting.....	35
<b>23.</b>	<b>AGRICULTURAL AND BIOTIC RESOURCES .....</b>	<b>35</b>
23.1	Biotics Protection Objectives .....	35
23.2	Range Management Plan.....	36
23.3	Lawlor Creek Corridor Restoration Plan .....	36
23.4	Sandstone Outcrop Area .....	37
23.5	Weed Control Program .....	37
23.6	Phased Construction .....	37
23.7	Vegetation Protection.....	37
23.8	Wildlife Exclusion and Vector Control .....	37
23.9	Supplemental Wildlife Surveys .....	37
<b>24.</b>	<b>BIRD AND VECTOR CONTROL .....</b>	<b>38</b>
24.1	Bird and Vector Control Objective.....	38
24.2	Soil Cover Frequency .....	38
24.3	Working Face.....	38
24.4	Bird Control.....	38
24.5	Rodent Control.....	38
24.6	Mosquito Control.....	39
24.7	Fly Control .....	39
<b>25.</b>	<b>LITTER CONTROL.....</b>	<b>39</b>
25.1	Litter Control Objective .....	39
25.2	Load Covering .....	39
25.3	Load Cover Enforcement.....	39
25.4	Contingency Litter Control .....	39
25.5	Portable Litter Fences.....	40
25.6	Permanent Litter Fence .....	40
25.7	On-Site Litter Policing .....	40
25.8	Off-Site Litter Policing .....	40
25.9	Littering Signs .....	40
25.10	Clean-Up Bond.....	40
25.11	Public access.....	40
<b>26.</b>	<b>PUBLIC HEALTH AND SAFETY .....</b>	<b>41</b>
26.1	Safety Objective.....	41
26.2	Emergency Plan .....	41
26.3	Employee Safety Equipment .....	41
26.4	Employee Training.....	41
26.5	First Aid Equipment .....	41
26.6	Emergency Communications.....	41
26.7	Emergency Eye Baths and Showers .....	41
26.8	Equipment Maintenance .....	42
26.9	Gas Migration Monitoring.....	42
26.10	Refuse Cover.....	42

26.11	Load Inspection .....	42
<b>27.</b>	<b>SITE SECURITY .....</b>	<b>42</b>
27.1	Security Objective .....	42
27.2	Security Fencing .....	42
27.3	Security Staffing .....	42
27.4	Security Lighting .....	42
<b>28.</b>	<b>CULTURAL RESOURCES .....</b>	<b>43</b>
28.1	Cultural Resource Preservation Objective .....	43
28.2	Employee Access .....	43
28.3	Archaeology .....	43
<b>29.</b>	<b>TRANSPORTATION AND CIRCULATION .....</b>	<b>43</b>
29.1	Traffic Objective .....	43
29.2	Access Route .....	43
29.3	Landfill Access Road .....	43
29.4	Landfill Entrance .....	44
29.5	Bailey Road, Pittsburg city limits to the Landfill Entrance .....	44
29.6	Bailey Road Pavement Study .....	44
29.7	Road Maintenance .....	45
29.8	Highway 4/Bailey Road Interchange .....	45
29.9	Peak Period Traffic Management .....	45
29.10	Bicycle and Pedestrian Improvements .....	46
<b>30.</b>	<b>SITE SERVICES AND UTILITIES PLAN .....</b>	<b>46</b>
30.1	Final Site Services and Utilities Plan .....	46
30.2	Water Service Component .....	46
30.3	On-site Water Wells .....	46
30.4	Public Water Supply Option .....	47
30.5	Fire Protection Component .....	47
30.6	Fire District Programs .....	47
30.7	Construction Timing .....	47
30.8	On-Site Water Storage .....	47
30.9	Fire Fighting Water Main .....	47
30.10	Fire Cover .....	48
30.11	Fire Fighting Appliance .....	48
30.12	Fire Breaks .....	48
30.13	Fire Extinguishers .....	48
30.14	Use of Reclaimed Water for Landscaping .....	48
30.15	Equipment and Cleaning .....	48
30.16	Smoldering Loads .....	48
30.17	Emergency Equipment Access .....	48
30.18	Smoking Prohibitions .....	49
30.19	Toilets .....	49
30.20	On-site Septic System .....	49
30.21	Sewer Line .....	49
<b>31.</b>	<b>WASTE REDUCTION AND RESOURCE RECOVERY .....</b>	<b>49</b>
31.1	Waste Reduction and Resource Recovery Objective .....	49
31.2	1990-1995 Resource Recovery Program .....	49



31.3	1996-2000 Resource Recovery Program .....	49
31.4	Materials Recovery .....	49
31.5	Composting Project .....	50
31.6	Wood Chipping .....	51
31.7	Methane Recovery.....	51
31.8	Equipment Maintenance .....	51
31.9	County Resource Recovery Management Program .....	51
31.10	Fund Recovery .....	51
<b>32.</b>	<b>CONSTRUCTION ACTIVITIES AND CONDITIONS .....</b>	<b>52</b>
32.1	Hours of Construction .....	52
32.2	Exemption.....	52
32.3	Access Roads.....	52
32.4	Phasing Plan.....	52
32.5	Unstable areas.....	52
32.6	Dust Suppression .....	52
<b>33.</b>	<b>CLOSURE AND POSTCLOSURE MAINTENANCE .....</b>	<b>53</b>
33.1	Submittal of Plan.....	53
33.2	Funding of Closure and Postclosure Maintenance Plan .....	53
33.3	Revision to Plan and Cost Estimates .....	53
33.4	Staged Closure of the Landfill.....	53
33.5	Use of Landfill Following Closure.....	53
33.6	Postclosure Maintenance .....	54
<b>34.</b>	<b>ABANDONED VEHICLE STORAGE.....</b>	<b>54</b>
34.1	Storage Requirement.....	54
34.2	Off-site Storage Option .....	54
<b>35.</b>	<b>SPECIAL CONDITIONS OF APPROVAL .....</b>	<b>54</b>
35.1	Transportation System Impact Fee.....	54
35.2	Open Space and Agricultural Preservation Fee.....	54
35.3	Property Value Compensation Program .....	55
35.4	Resource Recovery Program Fee .....	55
35.5	Violation of Prescribed Haul Route .....	55
35.6	Direct Property Acquisition Study.....	56
35.7	Adjoining Sites.....	56
35.8	Mitigation Fee .....	56
<b>36.</b>	<b>LANDFILL GAS POWER PLANT .....</b>	<b>57</b>
36.1	Power Plant Design .....	57
36.2	Ultimate Responsibility.....	57
36.3	Keller Canyon Landfill Land Use Permit .....	57
36.4	Violation/Revocation .....	57
36.5	System Safety.....	57
36.6	Equipment and System Monitoring .....	57
36.7	Engines.....	57
36.8	Hazardous Materials.....	57
36.9	Emergency Response .....	58
36.10	Notification of Plant Upset or Accidental Release .....	58
36.11	Stormwater Pollution Prevention Plan (SWPPP) .....	58

36.12	Facility Design .....	58
36.13	Power Plant Landscape Plan.....	58
36.14	Construction.....	58
36.15	Material Recycling. ....	58
36.16	Implementation & Compliance Monitoring. ....	58
36.17	Surcharge. ....	58
<b>History of Revisions .....</b>		<b>59</b>

## 1. SHORT TITLE

- 1.1 Short Title. The Keller Canyon Landfill project is henceforth referred to in this document as the Landfill.

## 2. RESPONSIBILITY

- 2.1 Ultimate Responsibility. The conditions of approval identify the Landfill 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 Landfill owner shall be responsible for complying with all conditions.
- 2.2 Transfer of Ownership. The Land Use Permit for the Landfill shall run with the land; however, a new owner shall be responsible for notifying the County Conservation and 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.)
- 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. COMPLIANCE**

- 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).
- 3.2 Design Standard. 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.
- 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 Code of Regulations, Title 14 and Title 27).
- 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 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 the California Department of Resources Recycling and Recovery (CalRecycle) or Contra Costa Environmental Health, as the Local Enforcement Agency for CalRecycle.
- 3.6 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, Chapter 15 of Title 23 and Title 27 of the California Code of Regulations.
- 3.7 Other Regulatory Agencies' Requirements. The Landfill operator shall at all times comply with the provisions and requirements of other regulatory agencies having jurisdiction over the facility.
- 3.8 Utilities, Service Districts, and Government Agencies' Requirements. 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.

- 3.9 Notice Coordination. The Landfill operator shall notify the Department of Conservation and Development (DCD) in writing at the time any report is submitted to other agencies concerning the design, operation, and maintenance of the Landfill. Copies shall be made available or mailed to DCD offices at 30 Muir Road in Martinez upon request.
- 3.10 Monitoring and Inspection. All monitoring reports and results of inspection or analysis shall be made available to the Contra Costa Environmental Health and Conservation and Development Departments. Any indication of an emergency or other serious problem relating to public health and safety shall be reported at once.
- 3.11 Master Chart. 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.

#### **4. VALIDITY PERIOD**

- 4.1 Validity Period. 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.
- 4.2 Operative Date. 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).

#### **5. SERVICE AREA**

- 5.1 Area of Origin. 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 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*

5.3 Sub-County Service Area. 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.

5.4 Reciprocal Capacity Agreement. 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.

5.5 Pre-Requisite Curbside Recycling Program. The Landfill shall not admit for disposal waste loads from communities which do not have an eligible curbside recycling or equivalent program as determined by the Department of Conservation and Development. An eligible program shall recover a range of recyclable materials consistent 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 eligibility. The Board retains the authority to approve community programs previously deemed to be ineligible by the Department of Conservation and Development.

## 6. ELIGIBLE AND INELIGIBLE WASTES

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 Contra Costa Environmental Health, 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 Section 20210 of Title 27, of the California 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 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.
- 6.3 Infectious Wastes. The Landfill operator shall accept only those infectious wastes identified in, and disposed of in accordance with the Solid Waste Facilities Permit.
- 6.4 Ineligible Wastes. 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 Contra Costa Environmental Health.
- 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 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.
- 6.6 Hazardous Waste Screening and Management. See Condition 19.
- 6.7 Area of Origin Restrictions. See Condition 5.

## **7. LOAD INSPECTION**

- 7.1 Eligible Vehicles and Loads. 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 Landfill 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 Contra Costa Environmental Health and the County Conservation and Development Department.
- 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 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. ELIGIBLE REFUSE TRANSPORT VEHICLES**

- 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. Program 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 if processed 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 to increase diversion through a Transfer Station.

8.2 Service Area Restriction. See Section 5.

8.3 Emergency Exemption. See Condition 6.5.

8.4 Reciprocal Use Exemption. See Condition 5.4.



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.



***New Conditions 8.5 – 8.8 do not take effect until 18 months from September 22, 2015, pursuant to the Board of Supervisors approval in conjunction with the Permit Review for Land Use Permit 2020-89.***

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) Written confirmation by the Landfill operator that the waste or material is not on the approved annual list described in condition 8.5, 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.

☆ ***New Conditions 8.5 – 8.8 do not take effect until 18 months from September 22, 2015, pursuant to the Board of Supervisors approval in conjunction with the Permit Review for Land Use Permit 2020-89.***

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.

☆ ***New Conditions 8.5 – 8.8 do not take effect until 18 months from September 22, 2015, pursuant to the Board of Supervisors approval in conjunction with the Permit Review for Land Use Permit 2020-89.***

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.

☆ ***New Conditions 8.5 – 8.8 do not take effect until 18 months from September 22, 2015, pursuant to the Board of Supervisors approval in conjunction with the Permit Review for Land Use Permit 2020-89.***

## 9. OPERATING PARAMETERS

9.1 Hours of Operation. The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after 7:00 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 Contra Costa Environmental Health or in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by Contra Costa Environmental Health or the Department of Conservation & Development.

The Director of Conservation and Development may administratively shorten

or extend the hours of operations prescribed above after consultation with the Landfill operator, Contra Costa Environmental Health, and the 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 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 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. The Board of Supervisors shall review and revise, if necessary, the maximum allowable tonnages per day. If the Board establishes sub-County service areas, maximum tonnages for each landfill 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.
- 9.4 Minimum Buffer Zone. 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.
- 9.5 Special Buffer Area. No residential housing shall be permitted at any time in the special buffer area. See Condition 23.2.
- 9.6 Dedication of Special Buffer Area. 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.

## **10. WASTE MEASUREMENT AND CHARACTERIZATION**

- 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. The Landfill operator shall also submit an initial topographic map prior to receiving wastes.
- 10.2 Scales. The Landfill developer shall install certified scale(s) at the landfill to weigh incoming and outgoing trucks. A weighing program, subject to approval by Contra Costa Environmental Health and Director of Weights and Measures, shall be implemented to monitor incoming 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 Conservation and Development. Reports shall be submitted to the 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. ADMINISTRATION

- 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 Department of Conservation and Development 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. Contra Costa Environmental Health 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 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 may include 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 customers and periodically remind existing customers of the landfill's 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 Conservation and Development.

11.5 Development Coordinator. 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.

11.6 Compliance and Mitigation Monitoring Program. The Landfill operator shall fund the County Department of Conservation and Development's program for monitoring of compliance with these Conditions of Approval and the Environmental Impact Report's mitigation monitoring program.

11.7 Pre-Annexation Notification. 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.

- 11.8 Fee and Surcharge Identification. 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.
- 11.9 Interpretation of Conditions. The Conservation and Development Department Director is authorized to interpret these Conditions in the event that any clarification is needed.
- 11.10 Conditions Requiring Franchise. Conditions of Approval 4.2, Operative Date, and 13.4, Franchise Agreement Requirement, require a franchise or agreement to be established by this County. All of the terms of said franchise or agreement shall be subordinate to these Conditions of Approval, and these 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. 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 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 Conservation and Development or other designee.

## **12. RATE REVIEW**

12.1 Rate Approval.

- a) The Board of Supervisors 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 shall be the maximum 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 customer as required in Section 6.6 of the Landfill Franchise Agreement.
- 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 12.1(a) and 12.2 - 12.6 until such inconsistency no longer exists pursuant to Condition 2.3(d).

12.2 Rate Review. If the Board of Supervisors elects to review and approve rates, it should be done annually in accordance with the rate 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.

- 12.4 Rate Application Guidelines. 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.
- 12.5 Financial Statement. 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.
- 12.6 Scope of Rates. 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.

### **13. FRANCHISE AGREEMENT**

- 13.1 Franchise Compliance and Agreement. The 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 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.
- 13.3 Contents. 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.
- 13.4 Requirement. 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).
- 13.5 County Discretion. 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.

#### **14. LAND USE PERMIT PLAN CONSTITUENTS**

- 14.1 Initial Development and Improvements Plan. 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.

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 Wildlife.

The Landfill developer shall notify the 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.

14.3 Improvements Requirements. 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 Conservation and 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.

## 15. DEVELOPMENT AND IMPROVEMENTS PLAN

15.1 Final Development and Improvements Plan. 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 Conservation and 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 Contra Costa Environmental Health. The Conservation and Development Department will coordinate the review of the plan by Contra Costa Environmental Health, 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).
- i) A Traffic/Circulation Plan, (Section 29).

15.2 In approving the Development and Improvements Plan, the Conservation and 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.

## 16. **SLOPE AND SEISMIC STABILITY**

- 16.1 Landfill Slopes Objective. Landfill slopes shall be engineered to provide static and dynamic (seismic) stability under design criteria for Class II Landfills.
- 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 earthquakes as specified in applicable regulations. The Landfill developer shall utilize a MCE (design earthquake) specified by 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.
- 16.3 Landslide Study. 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.
- 16.4 Geotechnical Inspector. The Landfill operator shall fund the costs of an independent geotechnical consultant, who shall be selected by and be responsible to the County. The Inspector shall inspect 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.
- 16.5 Landfill Design Stability. 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 Conservation and Development Department and the San Francisco Regional Water Quality Control Board and included in the Final Development and Improvements Plan.
- 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 Department of Conservation and Development.

- 16.7 Settlement Program. 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 Conservation and Development Department and the San Francisco Regional Water Quality Control Board.
- 16.8 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 landslide and/or earthquake. The program shall be subject to the approval of the County Department of Conservation and Development, Contra Costa Environmental Health and the Regional Water Quality Control Board.
- 16.9 Settlement Pond Embankment Design. The Landfill developer shall design the settlement pond to control foundation seepage through the means of a filter or other materials.
- 16.10 Settlement Pond(s) Monitoring Program. 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 Conservation and Development Department and shall be included in the Development and Improvements Plan.
- 16.11 Stockpile Stability. 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 Conservation and Development Department and Contra Costa Environmental Health on demand.
- 16.12 Unstable Areas. Areas with landslide potential to affect landfill 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.

## **17. GROUNDWATER PROTECTION**

- 17.1 Groundwater Protection Objective. 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 groundwater transmission.

- 17.2 Landfill Liner. 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.
- 17.3 Leachate Collection System. 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.
- 17.4 Surface Drainage System. 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.
- 17.5 Groundwater Monitoring. 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 Contra Costa Environmental Health and the County Conservation and Development Department.
- 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. The Landfill operator shall sample and analyze water from these wells as required by the Regional Water Quality Control Board. The location of these wells shall be identified on the Development and Improvements Plan.

- 17.7 Baseline Water Characterization. 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 Contra Costa Environmental Health.
- 17.8 Liquid Waste Disposal. 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.
- 17.9 Drainage Grading. 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.
- 17.10 Leachate Management. 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 Contra Costa Environmental Health. 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, Contra Costa Environmental Health may require additional remedial measures, such as the placement of more soil cover, or the installment of a low-permeability earthen or synthetic cover. The Leachate Management Program shall be included as part of the Site Design Plan.
- 17.11 Water Balance Calculations. The Landfill operator shall provide water balance calculations, when requested by the 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.
- 17.12 Leachate Holding Tanks. 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 Contra Costa Environmental Health, prior to the submission of the Development and Improvements Plan.

- 17.13 On-Site Water Supply Wells. The Landfill developer shall construct 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 Contra Costa Environmental Health 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.
- 17.14 Off-Site Water Well Contamination. 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 Contra Costa Environmental Health 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.
- 17.15 Liner Installation Inspection. See Condition 16.4.
- 17.16 Secondary Containment. The Landfill developer shall construct a secondary containment system capable of containing 1.5 times the volume of each leachate-holding tank.
- 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. SURFACE WATER PROTECTION**

- 18.1 Surface Water Protection Objective. The Landfill shall not impair the beneficial uses of water bodies in the vicinity of the Landfill site.

- 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 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.
- 18.3 Creek Protection. The landfill shall be designed so leachate and other contaminated water does not flow into Lawlor Creek. See Section 23.3.
- 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 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 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 Department of Conservation and Development, Contra Costa Environmental Health, Public Works Department, 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.

18.5 Monitoring. 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 Contra Costa Environmental Health, the County Conservation and Development Department, and the Regional Water Quality Control Board.

## **19. HAZARDOUS WASTE**

19.1 Hazardous Waste Ineligible. See Section 6.4.

19.2 Load Inspection. See Condition 7.1

- 19.3 Household Hazardous Waste Program. 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 Contra Costa Environmental Health and Conservation and Development Departments. 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.
- 19.4 Hazardous Waste Pre-screening. The 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 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. AIR QUALITY PROTECTION**

- 20.1 Prevention of Air Quality Deterioration. 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.

- 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 Contra Costa Environmental Health, or reports are relayed from the Bay Area Air Quality Management District, the Department of Conservation and Development or Contra Costa Environmental Health may require additional physical improvements or management practices as necessary to alleviate the problem. Contra Costa Environmental Health 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, the date, time and description of the odor complaint shall be logged and investigated promptly to expedite implementation of any necessary corrective action by 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 state regulatory requirements enforced by Contra Costa Environmental Health and CalRecycle 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 shall be applied over each layer of cells ("lift"). The type of cover material and frequency of cover shall be modified 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 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.
- 20.5 Dust Suppressants. 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 Contra Costa Environmental Health. Contra Costa Environmental Health may require sprinklering more frequently for control of particulates.
- 20.6 Area of Operations. See Conditions 17.17 and 22.10.
- 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, 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 and the Department of Conservation and Development 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 and consult with the Bay Area Air Quality Management District and the Regional Water Quality Control Board. The program shall be approved by the Department of Conservation and Development and Contra Costa Environmental Health, and it may be revised from time to time. See Condition 25.4.
- 20.9 Revegetation. The Landfill operator shall revegetate completed Landfill areas. Revegetation shall be in accordance with the Development and Improvements Plan and shall be consistent with State and local water conservation landscaping requirements. Intermediate and final cover areas

shall be reseeded with native grasses immediately. Excavations shall be reseeded with native grasses 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.

- 20.10 Tree and Shrub Planting. 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.
- 20.11 Gas Control and Collection. 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 Management District and County Conservation and Development Department and it shall be included in the Development and Improvements Plan.
- 20.12 Landfill Gas Processing. 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.
- 20.13 Methane Recovery. 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 Conservation and 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.



- 20.14 Gas Monitoring. The Landfill developer shall install gas migration detection probes and wells along the boundary of the Landfill footprint, near on-site buildings, and in other locations specified by the Bay Area Air Quality Management District or Contra Costa Environmental Health 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 Conservation and 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.
- 20.15 Lateral Gas Barriers. 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.
- 20.16 Settlement Protection. 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.
- 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, Contra Costa Environmental Health and the Department of Conservation and Development. The Landfill operator shall provide the results to the County Department of Conservation and Development and Contra Costa Environmental Health on a bi-annual basis unless a more frequent interval is specified in the Solid Waste Facilities Permit.
- 20.18 Leachate Disposal. See Condition 17.10.
- 20.19 Cell Re-Opening. Previously-closed cells shall not be reopened without permission from Contra Costa Environmental Health. 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.

- 20.21 Permanent Road Paving. 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.
- 20.22 Temporary Road Paving. 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.
- 20.23 Speed Limits. The Landfill operator shall enforce speed limits set by the Contra Costa Environmental Health 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.
- 20.24 Equipment Maintenance. 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 Contra Costa Environmental Health. Equipment shall be stored, serviced, and repaired in a maintenance area designated in the Development and Improvements Plan and approved by the County Conservation and Development Department.

## **21. NOISE CONTROL**

- 21.1 Noise Control Objective. The Landfill operator shall manage the facility in a manner that minimizes noise impacts to area residents.
- 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 Department of Conservation and Development and Contra Costa Environmental Health. 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 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 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.

- 21.3 Toe Berm. See Condition 22.3.
- 21.4 Mitigation/Lift-Level Berms. See Condition 22.4
- 21.5 Construction Hours. See Condition 32.1.
- 21.6 Truck Noise Suppression. 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.
- 21.7 Landfill Vehicles. The Landfill operator shall provide Landfill equipment with the best available noise suppressing equipment to minimize sound generation.
- 21.8 Gas Flare Muffling. 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 Contra Costa Environmental Health and Conservation and Development Departments and the Bay Area Air Quality Management District.

## **22. VISUAL QUALITY**

- 22.1 Visual Quality Objective. The Landfill developer shall construct and operate the facility in such a manner that the high visual value of the surrounding area is maintained.
- 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 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.

- 22.3 Toe Berm. 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.
- 22.4 Mitigation Berms. 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).
- 22.5 Lawlor Creek Corridor Plan. See Condition 23.3.
- 22.6 Entrance Screening. 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.
- 22.7 Jacqueline Drive Terminus. 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.
- 22.8 Auxiliary Facilities Screening. 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.
- 22.9 Architectural Treatment. 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.

- 22.10 Area of Operations. 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.
- 22.11 Interim Revegetation. 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.
- 22.12 Water Tank Screening. 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 earth-tone colors.
- 22.13 Final Cover. Final cover shall be contoured and landscaped to blend with existing topography.
- 22.14 Lighting. 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.

## **23. AGRICULTURAL AND BIOTIC RESOURCES**

### **23.1 Biotics Protection Objectives.**

- 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.

- 23.2 Range Management Plan. 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 rangelands 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 Conservation and Development Department and it shall be included in the Improvements and Development Plan.
- 23.3 Lawlor Creek Corridor Restoration Plan. 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 Wildlife, 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.

- 23.4 Sandstone Outcrop Area. 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.
- 23.5 Weed Control Program. The landfill operator shall submit a weed control program to control introduced weedy species on the Landfill property as part of the Range Management Plan. The program is subject to approval by the County Conservation and 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.
- 23.6 Phased Construction. 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.
- 23.7 Vegetation Protection. 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.
- 23.8 Wildlife Exclusion and Vector Control. 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.
- 23.9 Supplemental Wildlife Surveys. The Landfill developer shall conduct additional surveys to establish the presence or indicate the absence of the following species at the landfill site.
  - 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.

- 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.

## **24. BIRD AND VECTOR CONTROL**

- 24.1 Bird and Vector Control Objective. 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.
- 24.2 Soil Cover Frequency. See Condition 20.3.
- 24.3 Working Face. See Condition 17.17
- 24.4 Bird Control. If birds become a problem at the Landfill in the judgement of Contra Costa Environmental Health, 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.
- 24.5 Rodent Control. 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.

- 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, Contra Costa Environmental Health may require the preparation and implementation of additional mosquito control measures, such as spraying of non-toxic larval suppressant.
- 24.7 Fly Control. 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 Contra Costa Environmental Health.

## **25. LITTER CONTROL**

- 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 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 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. See also Condition 7.2.
- 25.3 Load Cover Enforcement. 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.
- 25.4 Contingency Litter Control. Under windy conditions, the Landfill operator shall cover the refuse with County approved cover materials 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. Contra Costa Environmental Health shall have the authority to enforce this requirement. See Section 20.8.

- 25.5 Portable Litter Fences. The Landfill operator shall install portable fencing near the working face of the Landfill to intercept wind-blown debris.
- 25.6 Permanent Litter Fence. 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 Contra Costa Environmental Health.
- 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. Contra Costa Environmental Health 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 Highway 4 to at least 500 feet south of the site entrance. Based on experience, the County Department of Conservation and Development or Contra Costa Environmental Health 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 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.
- 25.9 Littering Signs. 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.
- 25.10 Clean-Up Bond. 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.
- 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. PUBLIC HEALTH AND SAFETY

- 26.1 Safety Objective. 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.
- 26.2 Emergency Plan. The Landfill operator shall prepare an emergency plan specified by the Solid Waste Facilities Permit and approved by Contra Costa Environmental Health. 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.
- 26.3 Employee Safety Equipment. 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 Contra Costa Environmental Health.
- 26.4 Employee Training. 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 Contra Costa Environmental Health.
- 26.5 First Aid Equipment. 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 Contra Costa Environmental Health.
- 26.6 Emergency Communications. 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 Contra Costa Environmental Health.
- 26.7 Emergency Eye Baths and Showers. The Landfill operator shall provide facilities for emergency eye baths and emergency showers. The facilities shall be subject to the approval of Contra Costa Environmental Health.

- 26.8 Equipment Maintenance. The Landfill operator shall prepare and implement an equipment maintenance program which shall be approved by Contra Costa Environmental Health 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.
- 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.
- 26.10 Refuse Cover. See Condition 20.3.
- 26.11 Load Inspection. See Condition 7.1.

## **27. SITE SECURITY**

- 27.1 Security Objective. 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.
- 27.2 Security Fencing. 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.
- 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.
- 27.4 Security Lighting. 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.

## **28. CULTURAL RESOURCES**

- 28.1 Cultural Resource Preservation Objective. The Landfill developer shall construct the facility in such a manner that preserves important archaeological or historic sites.
- 28.2 Employee Access. 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.
- 28.3 Archaeology. 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 Conservation and Development Department shall also be notified.

## **29. TRANSPORTATION AND CIRCULATION**

- 29.1 Traffic Objective. 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.
- 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.
- 29.3 Landfill Access Road. 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 turnaround 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 Conservation and Development Department in consultation with the applicable Fire Protection District.

- 29.4 Landfill Entrance. 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.
- 29.5 Bailey Road, Pittsburg city limits to the Landfill Entrance. 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.
- 29.6 Bailey Road Pavement Study. 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 re-construct 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.

- 29.7 Road Maintenance. 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.
- 29.8 Highway 4/Bailey Road Interchange. 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 interchange 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.
- 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 Development Departments and shall be provided with the Development and Improvements Plan. The Director of Conservation and Development has imposed the 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.

29.10 Bicycle and Pedestrian Improvements. 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.

### **30. SITE SERVICES AND UTILITIES PLAN**

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.

30.1 Final Site Services and Utilities Plan. The landfill developer shall prepare and submit a final Site Services and Utilities Plan, and obtain the approval of the County Conservation and 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)

30.2 Water Service Component. 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.

30.3 On-site Water Wells. 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 Conservation and Development Department and Contra Costa Environmental Health shall be furnished pumping test information which



shall be submitted with the Development and Improvement Plan.

- 30.4 Public Water Supply Option. 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 Contra Costa Environmental Health and Conservation and Development Departments.
- 30.5 Fire Protection Component. The Landfill operator shall develop and implement a Fire Protection Component meeting the requirements of the applicable 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 Contra Costa Environmental Health.
- 30.6 Fire District Programs. The Landfill developer shall participate in the applicable Fire Protection Districts Benefit Assessment Program and the New Development Fees program.
- 30.7 Construction Timing. 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 Contra Costa Environmental Health and the County Conservation and Development Department. Water may be transported onto the site during construction activities, but trucked water shall not be used for ongoing landfill activities.
- 30.8 On-Site Water Storage. 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.
- 30.9 Fire Fighting Water Main. 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.

- 30.10 Fire Cover. 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 Contra Costa Environmental Health in cooperation with the applicable Fire Protection District.
- 30.11 Fire Fighting Appliance. The Landfill operator shall provide a minimum of one (1) approved portable master-stream firefighting appliance (monitor) located within fifty (50) feet of each working face of any open cell in the landfill.
- 30.12 Fire Breaks. 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 applicable Fire Protection District. The firebreaks shall be included in the Development and Improvements Plan.
- 30.13 Fire Extinguishers. 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 Contra Costa Environmental Health and the applicable Fire Protection District.
- 30.14 Use of Reclaimed Water for Landscaping. 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 Conservation and Development Department.
- 30.15 Equipment and Cleaning. See Condition 20.24.
- 30.16 Smoldering Loads. 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.
- 30.17 Emergency Equipment Access. 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 applicable Fire Protection District.

- 30.18 Smoking Prohibitions. 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.
- 30.19 Toilets. 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 Contra Costa Environmental Health.
- 30.20 On-site Septic System. 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.
- 30.21 Sewer Line. 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.

## **31. WASTE REDUCTION AND RESOURCE RECOVERY**

- 31.1 Waste Reduction and Resource Recovery Objective. 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.
- 31.2 1990-1995 Resource Recovery Program. 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.
- 31.3 1996-2000 Resource Recovery Program. Prior to 1995, the Landfill operator shall prepare and submit for review and approval by the County Conservation and Development Department a resource recovery and recycling program for the service area covering the period from 1996-2000. This shall be consistent with the Countywide 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.
- 31.4 Materials Recovery. The Landfill operator shall prepare and implement a Material Recovery Program for recovering recyclable materials (e.g.

construction and demolition debris) 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, if applicable. The Program shall be consistent 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 being diverted must be weighed for reporting purposes. 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, if applicable. The Program shall be subject to the approval of the County Department of Conservation and Development.

- 31.5 Composting Project. The Landfill operator shall develop and implement a program for composting organic material. The program may occur at the landfill site, off-site or in coordination with third party(ies), and shall be approved by Contra Costa Environmental Health and the 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 shall be to implement a cost effective and feasible means of providing adequate local organics diversion capacity through large-scale 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. 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.

- 31.6 Wood Chipping. The Landfill operator shall establish a program to encourage landscape services and construction/demolition 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 approval by the County Department of Conservation and Development and implemented on an ongoing basis following approval.
- 31.7 Methane Recovery. 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 Conservation and 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.
- 31.8 Equipment Maintenance. The Landfill operator shall maintain motorized landfill equipment to assure maximum fuel efficiency.
- 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. 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).
- 31.10 Fund Recovery. 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.

## **32. CONSTRUCTION ACTIVITIES AND CONDITIONS**

- 32.1 Hours of Construction. The Landfill developer shall restrict outdoor construction activities to the period from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
- 32.2 Exemption. The Landfill developer may request, in writing, and the Director of Conservation and Development may grant, exemptions to Condition 32.1 for specific times for cause. An example is the placing of concrete.
- 32.3 Access Roads. 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.
- 32.4 Phasing Plan. 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.
- 32.5 Unstable areas. 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.
- 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 and the Bay Area Air Quality Management District.

### **33. CLOSURE AND POSTCLOSURE MAINTENANCE**

- 33.1 Submittal of Plan. The Landfill operator shall submit to the San Francisco Regional Water Quality Control Board, the California Department of Resources Recycling and Recovery, and Contra Costa Environmental Health a plan for the closure and the postclosure maintenance of the landfill as required by State law, but no later than upon application for a Solid Waste Facilities Permit. A copy of the closure and postclosure maintenance plan shall be submitted to the County Conservation and Development Department.
- 33.2 Funding of Closure and Postclosure Maintenance Plan. The Landfill operator shall submit to the Board of Supervisors or California Department of Resources Recycling and Recovery (CalRecycle) 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 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.
- 33.3 Revision to Plan and Cost Estimates. 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.
- 33.4 Staged Closure of the Landfill. The landfill owner or operator shall close the landfill in stages if compatible with the filling sequence and the overall closure plan.
- 33.5 Use of Landfill Following Closure. 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 development rights for the landfill site to the County to ensure fulfillment of this condition.

- 33.6 Postclosure Maintenance. 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.

### **34. ABANDONED VEHICLE STORAGE**

- 34.1 Storage Requirement. 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 responsibility 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 Contra Costa Environmental Health, and may be subject to the approvals of regulatory agencies having jurisdiction.
- 34.2 Off-site Storage Option. The Landfill operator may establish the abandoned vehicle storage area at another location, which shall be subject to the approval of the County Conservation and Development Department.

### **35. SPECIAL CONDITIONS OF APPROVAL**

35.1 Transportation System Impact Fee. 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.



*The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of Conditions 35.1 and 35.2 as long as the new Condition 35.8 remains in full force and operation.*

- 35.2 Open Space and Agricultural Preservation Fee. 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.

☆ ***The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of Conditions 35.1 and 35.2 as long as the new Condition 35.8 remains in full force and operation.***

35.3 Property Value Compensation Program. 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.

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.
- 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 29.2 by using a prohibited access route, 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.

35.6 Direct Property Acquisition Study. 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.

35.7 Adjoining Sites. 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.

☆ 35.8 Mitigation Fee. 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.

☆ ***Condition 35.8 was added when Amendment 1 to Land Use Permit 2020-89 was approved. The Board of Supervisors approved Amendment 1 on November 1, 1994 which stayed the operation of Conditions 35.1 and 35.2 as long as the new Condition 35.8 remains in full force and operation.***

## **36. LANDFILL GAS POWER PLANT**

- 36.1 Power Plant Design. The design of the Landfill Gas Power Plant project as approved is generally shown on the plans submitted to the Conservation and Development Department on October 16, 2001.
- 36.2 Ultimate Responsibility. 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.
- 36.3 Keller Canyon Landfill Land Use Permit. 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.
- 36.4 Violation/Revocation. 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.
- 36.5 System Safety. 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.
- 36.6 Equipment and System Monitoring. 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.
- 36.7 Engines. Power plant facilities shall use lean burn internal combustion engines to meet BAAQMD regulations for oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO) and volatile organic compounds (VOC).
- 36.8 Hazardous Materials. 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.

- 36.9 Emergency Response. Landfill Gas Power Plant operator shall submit a facility specific Emergency Response Plan and then implement and update as needed, said Plan.
- 36.10 Notification of Plant Upset or Accidental Release. Landfill Gas Power Plant operator shall notify the Conservation and 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 Conservation and Development Department within 72 hours after resolving an emergency.
- 36.11 Stormwater Pollution Prevention Plan (SWPPP). 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.
- 36.12 Facility Design. Power Plant facilities shall be painted Bronze Olive or other suitable color as approved by the Conservation and Development Department. Power Plant operator shall install a perimeter security fence to enclose the power plant.
- 36.13 Power Plant Landscape Plan. A Landscape Plan for the Power Plant site shall be submitted subject to the approval of the Conservation and Development Department. The location and types of landscaping proposed along the security fence shall be specified.
- 36.14 Construction. 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.
- 36.15 Material Recycling. 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.
- 36.16 Implementation & Compliance Monitoring. The operator shall provide payment for costs associated with the Conservation and Development Department's monitoring of implementation and compliance with these Conditions of Approval.
- 36.17 Surcharge. 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.

### **History of Revisions**

*7/24/1990 – Original Approval*

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

*6/25/2003 – Amendment 2 (added Section 36 “Landfill Gas Power Plant” – LP012115)*

*12/16/2014 – Permit Review Modification (modified conditions 20.3, 25.4, and 31.5)*

*9/22/2015 – Permit Review Modification (modified multiple COAs and added COAs 2.3, 8.5, 8.6, 8.7, and 8.8)*

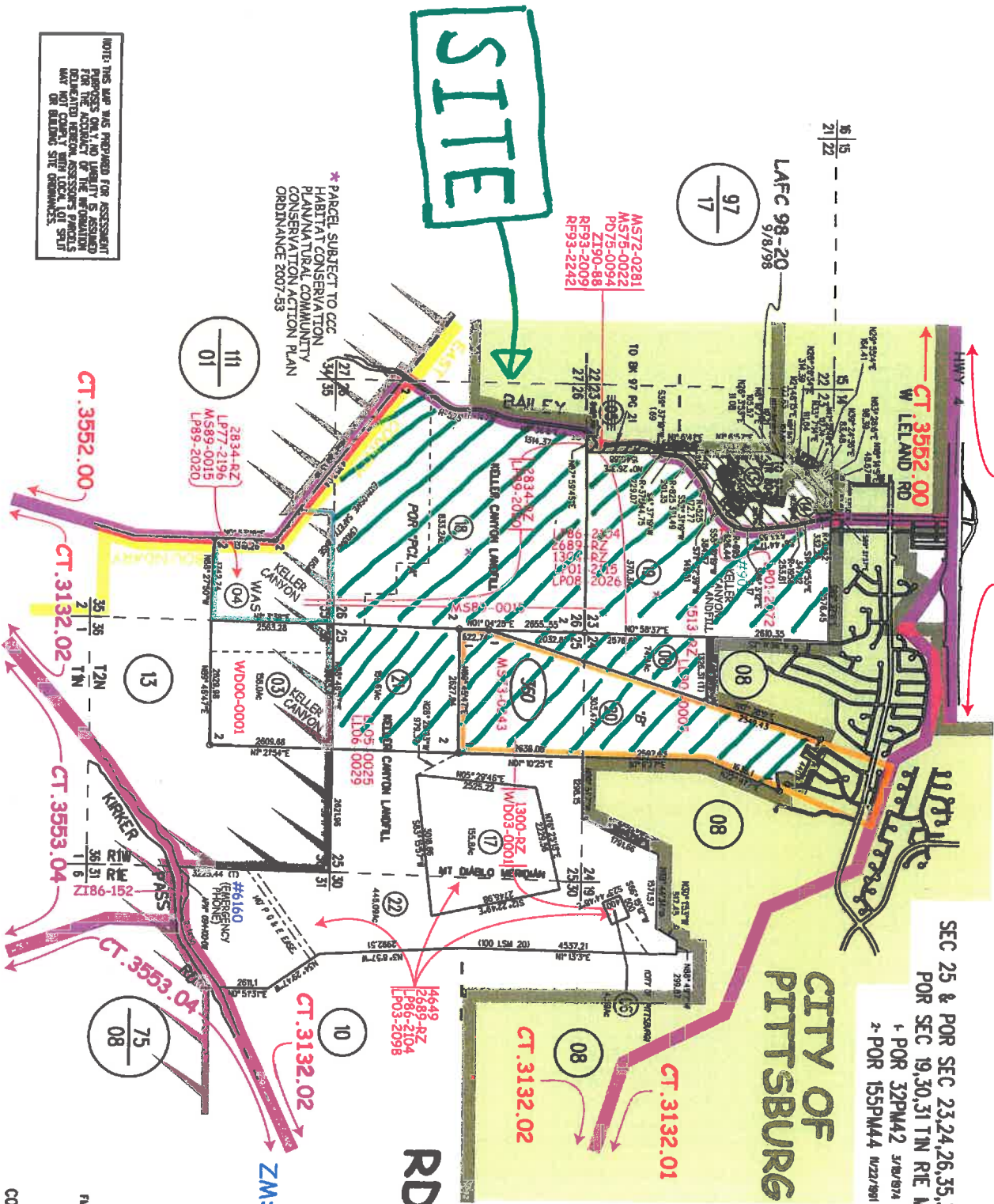
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# EXHIBIT B

SEC 25 & POR SEC 23,24,26,35,36 T2N R1W &  
 POR SEC 19,30,31 T1N R1E MDB&M  
 1- POR 32PM42 3/8/87A MS73-243  
 2- POR 15PM44 1/22/89I MS89-15

## CITY OF PITTSBURG

1"=2000'



### RD. FEES

094 - 360 - 012  
 BOOK PAGE PCL  
 ZM: F-17/F-18/F-19  
 G-17/G-18/G-19  
 H-17/H-18/H-19  
 J-181

360  
 22  
 62mm

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELIVERED HEREON. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL LOT SPLIT OR BULKHEAD SITE ORDINANCES.

\* PARCEL SUBJECT TO CCC HABITAT CONSERVATION PLAN/ANNUAL COMMUNITY CONSERVATION ACTION PLAN ORDINANCE 2007-93



# Zoning: Heavy Agricultural, A-3 / Agricultural Preserve, A-4

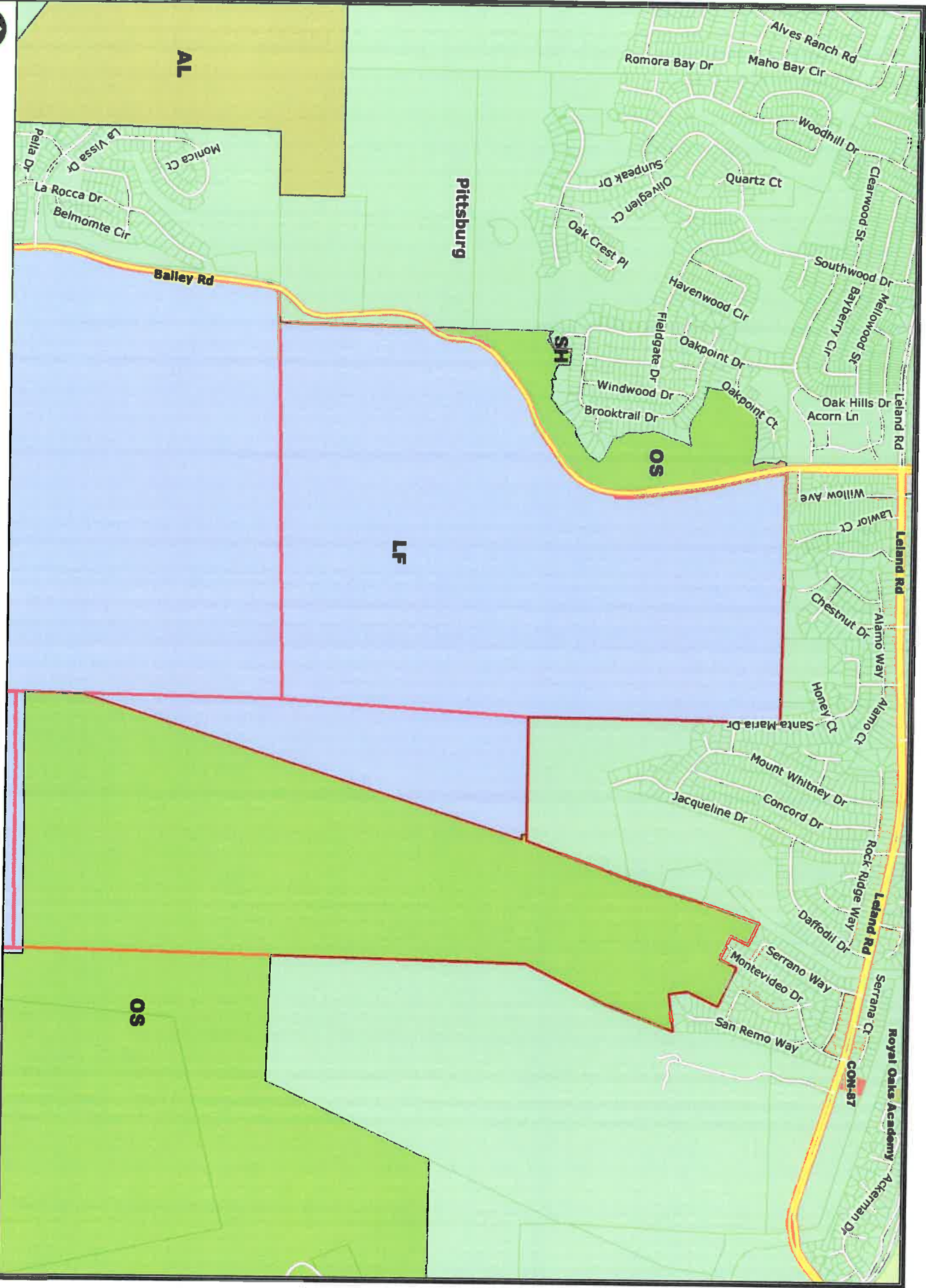


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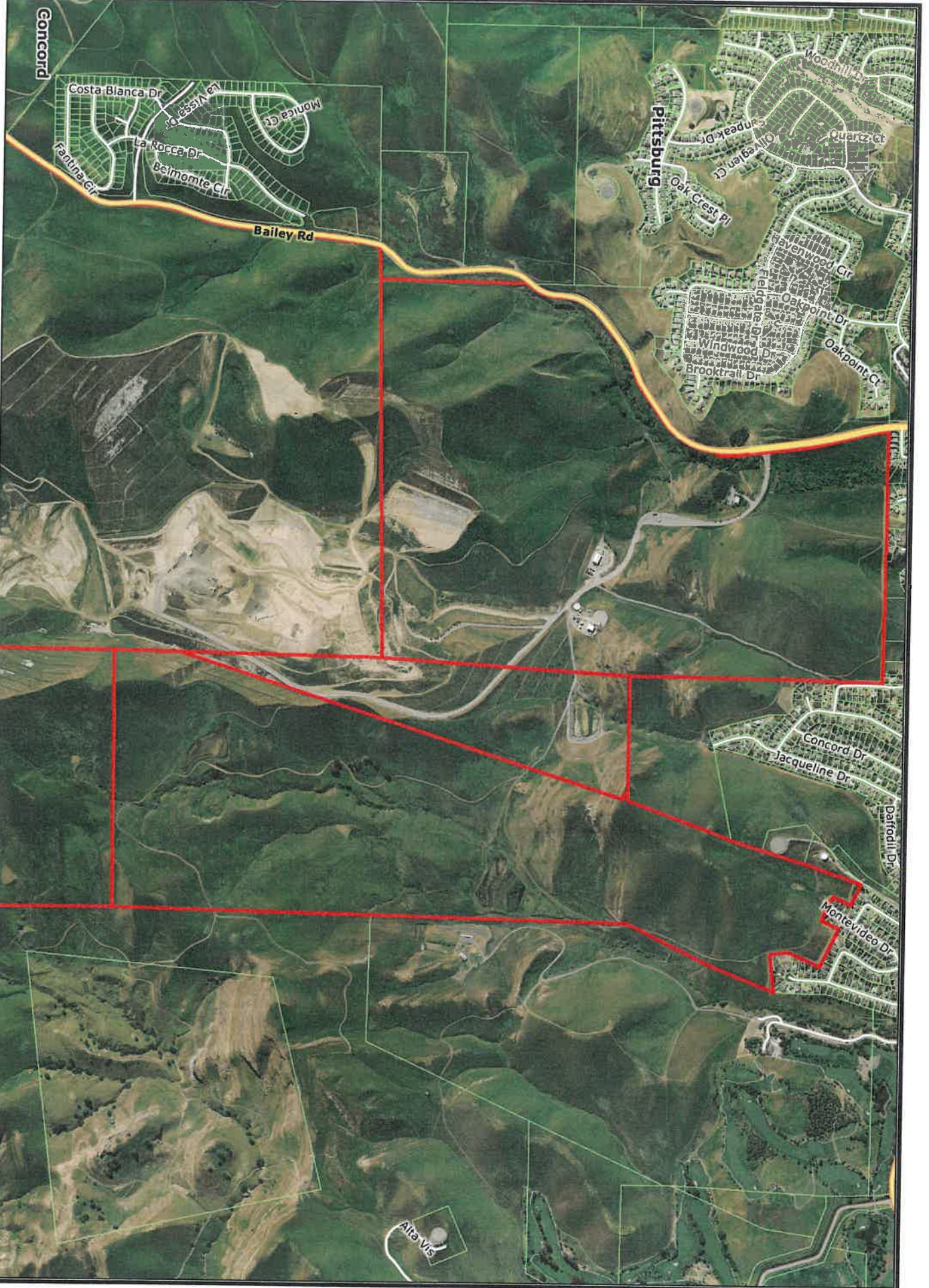
# General Plan: Landfill, LF / Open Space, OS



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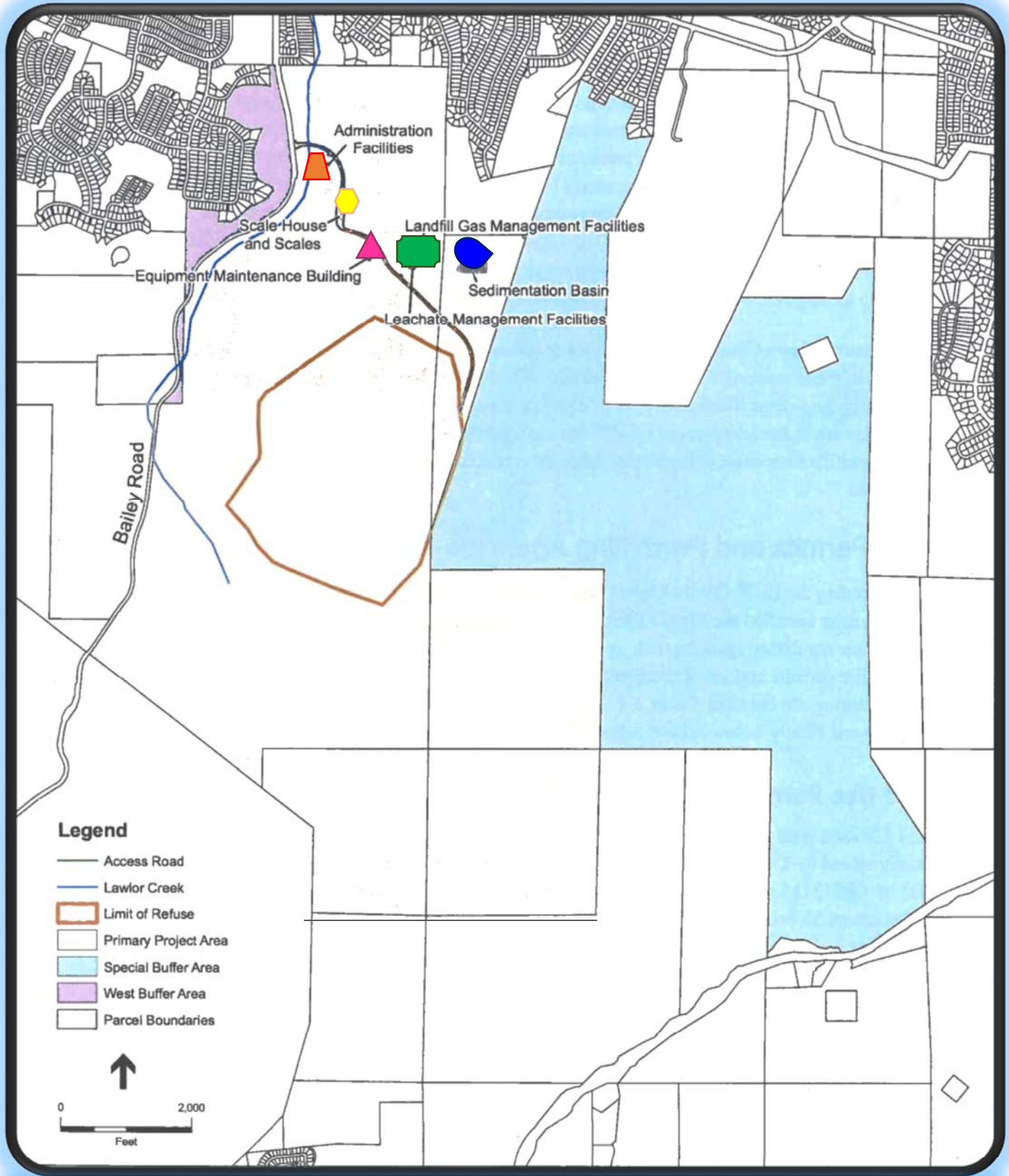




# Aerial Photograph

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Contra Costa Internet GIS Map  
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# Keller Canyon Landfill Site Map

901 Bailey Road, Unincorporated Pittsburg  
 Landfill Facilities & Disposal Area and Special Buffer Area



## Keller Canyon Landfill Aerial View

901 Bailey Road, Unincorporated Pittsburg  
Landfill Site and Surrounding Vicinity