



# Department of Conservation and Development

## County Planning Commission

Wednesday, October 25, 2017 – 7:00 .P.M.

### STAFF REPORT

Agenda Item # 7a

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<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)

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### I. PROJECT SUMMARY

This public hearing of the County Planning Commission (CPC) is the third annual review of the conditions of approval for Keller Canyon Landfill's (KCL) approved land use permit (LUP). The County Board of Supervisors (Board) referred this permit review to the CPC in November 2016. These annual permit review reports, initiated in 2014, are prepared in accordance with LUP condition of approval 11.1. The Permit Review Criteria approved by the Board in 1995 and condition 11.1 affords the Board 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 land use 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, completed in September 2015, 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 a need to propose any new or modified conditions of approval as a part of this third permit review. This staff report serves as an update regarding landfill activities regulated by the LUP since the last completed permit review held in October and November last year.

## **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 three years.

## **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 that 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**

The Board approved County File #LP89-2020 in July 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.

Initial KCL Permit Review: October 2014 - September 2015: The LUP was modified again through the first permit review process, which started with a report and presentation to the CPC in October and continued in November 2014. This initial report covered the past 20 years of the landfill's operations. This was the first permit review that incorporated the Board approved Permit Review Criteria. Using said criteria (Exhibit C) staff recommended adding five new conditions and modifying 82 others.

In December 2014, the Board approved modifications to three conditions of approval that pertained to material used for alternative daily cover (ADC) at the landfill. The Board continued the rest of the permit review to a hearing in March 2015, in order to consider a potential on-site project presented by the landfill operator. Additionally, staff was directed to research and report back on several separate but related items pertaining to 1) on-site material recovery, 2) legality of the City of Pittsburg taking over as the Local Enforcement Agency (LEA), 3) potential

franchise fee impacts expected from a reduction in direct haul loads, and 4) any CEQA implications resulting from the proposed new and modified conditions of approval.

Staff prepared a detailed report for the continued KCL Permit Review, but 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. Department of Conservation and Development (DCD) staff recommended that the Board continue the item once more to September 22, 2015 so that the District V Supervisor could participate in the decision making process. Through the evolution of continued public hearings, Staff 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 Board approved the option that limited the direct haul of materials, most notably loads of mixed construction and demolition (C&D) debris. A percentage of C&D materials are certainly recoverable if sorted at a transfer station first. The new "direct haul" conditions brought the LUP up to date with previously approved Board policies that were not formerly integrated into the original permit. However, the Board did allow a grace period of 18 months for the direct haul conditions to take effect following the September 22, 2015 hearing. The grace period allowed the landfill operator to develop and implement a plan to comply with the new conditions. On March 22, 2017, those conditions took effect and the operator remains in compliance with the new direct haul conditions.

Second KCL Permit Review: October – November 2016: Staff prepared a second permit review report for the CPC in October 2016, which concluded that no new or modified conditions of approval were necessary. The CPC recommended the Board accept the second permit review report and direct staff to schedule the next permit review in one year. The Board accepted staff's second permit review report in November 2016 and this staff report serves as the third permit review report.

Several interested parties at both hearings before the CPC and the Board raised comments related to the new direct haul conditions. A recurring comment was about how the operator intended to comply with the direct haul conditions that would take effect in March 2017. Therefore, the Board requested staff to prepare a follow-up report by the end of the calendar year (2016) on what had been done or what needed to occur in preparation of the new direct haul conditions.

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

This report serves as the third 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 and other matters. 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: This section provides a basic setting for the permit review process, including discussion of the 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.” 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.

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 discusses 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.

Approximately 40 percent of the conditions in KCL's LUP do not require any further action because the requirements have been fully satisfied, no longer applicable, informational, 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 currently applicable conditions. 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, but standardly reviews the LEA's inspection reports. However, DCD staff did conduct two inspections this past spring to monitor the gatehouse and working face after the new direct haul conditions took effect. Both inspections showed KCL's active compliance with the new limitations on direct haul loads brought for disposal. On-going compliance is reflected in the quarterly direct haul reports submitted by the operator.

DCD also monitors KCL's LUP compliance to address 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 135 incidents of odor concerns and zero incidents of litter control. These complaints generally involved coordinated communications between both agencies and follow up investigations by staff. The period used for calculating complaints is September 1, 2016 to August 31, 2017.

- 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 these complaints. Since the online odor complaint form for KCL was set up, in the past two years, there are two distinct patterns for these complaints.

- Complaints are received predominantly from October through April, which typically corresponds to the Bay Area's rainy season; and

- Occur in the evening/night (6:00 PM to midnight) and morning hours (5:00 AM to noon), or the times when residents are home and the landfill is not operating.

Odor complaints are generally responded to on the following day (or later that same day) when the potential odor may not be discernable and therefore the complaint cannot be verified. 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 11 out of the 135 on-line complaints.

Receiving 135 odor complaints is a significant increase from 15 complaints documented in the last permit review. Once the local residents in the neighborhoods adjacent to the landfill discovered the County's online complaint form, others shared the site through social media (e.g. Nextdoor). Staff noticed that some households (same address) submit two online complaints at the same time, which occurred approximately 12 times in the 12-month period.

During the period of late October 2016 through December 2016, anaerobic compostable material was removed from Republic Services' Organics Material Processing Facility (OMPF), located at the West Contra Contra Sanitary Landfill (WCCSL) site in North Richmond. The compostable material was received for the purpose of composting it on-site, however the material went anaerobic after being stockpiled on-site for a prolonged period of time. The anaerobic material was spread on the slopes of the closed WCCSL for erosion control. This material proved to have a very strong odor prompting numerous complaints at which time two regulatory agencies (LEA and BAAQMD) stepped in. The LEA ordered Republic Services to remove the odorous anaerobic material in accordance within the timeline established in the approved Organics Pile Screening Work Plan. This removal was conducted under the oversight of the LEA. Republic Services elected to transport the material for disposal at Republic's KCL and Forward landfill in Manteca. The combination of the rainy season and disposal of anaerobic compost material resulted in an unprecedented number of odor complaints. The LEA issued three (3) violations of the SWFP for confirmed nuisance odors on October 24, 2016; December 22, 2016; and January 12, 2017. Disposal of anaerobic organics material continued at KCL until work was completed on December 29,

2016. The vast majority of the anaerobic material disposed over the three month period went to KCL (19,515 tons).

The landfill operator implemented several measures to control the potential for nuisance odors, including the installation of a perimeter deodorizing / misting system at the working face; the anaerobic material was handled and buried upon receipt; twice daily patrols of the adjacent neighborhoods to check for odors; and consistent coordination with the LEA on all odor complaints. Additional gas control infrastructure was installed in spring 2017 to further control and minimize the potential for nuisance odors related to landfill gas. During the period of when many odor complaints were received, KCLC conducted outreach with local residents. The operator organized meetings at the KCL administrative offices to receive feedback on the severity of the problem and to identify locations most adversely affected by nuisance odors. The information received from the adjacent neighborhoods helped KCLC produce the Odor Management Plan. No odor complaints were received during the period of May 1, 2017 through August 30, 2017, and two complaints on August 31, 2017, both from the same household.

- b. Litter Complaints: DCD staff did not receive any litter complaints, nor did KCL report any litter incidents in the past year. KCL continues the practice of sending litter cleanup crews to the buffer area(s) as part of the standard litter management practices. Other litter management practices include on and off-site litter policing and removing litter from the portable and permanent litter fences. KCL voluntarily maintained a weekly litter pick up program for the vacant parcels on the east side of Bailey Road, between West Leland Road and the Highway 4 ramps.
2. **Complaints to Regulatory Agencies**: The BAAQMD operates a toll-free odor complaint hotline, which receives calls from throughout the Bay Area and are investigated by agency inspectors. Between September 1, 2016 and September 1, 2017, the District received a total of 131 odor complaints (as compared to a total of 37 odor complaints logged in 2015/2016). Three odor complaints were confirmed by the BAAQMD, two of which occurred on October 24, 2016. The other confirmed odor complaint occurred on December 29, 2016. Limited information regarding these complaints are available to DCD staff, including date, time and one to two word descriptions of the odor (e.g. "sickly sweet", "garbage").

BAAQMD received 147 odor complaints between January 2011 and October 2016, which averages out to about 25 complaints per year, with only three confirmed complaints in that period. The significant increase in odor complaints reflects those issues discussed above (e.g. heavy rains, anaerobic material disposal).

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. The City advised DCD staff that it received many complaints this past winter, likely in response to the disposal of anaerobic compost material from West County (discussed above).
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 117.3 acres. Currently, the landfill is working within the 20<sup>th</sup> individual phase, referred to as Phase 3B1 (12.2 acres), and 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 36% of the annual disposal in 2016.
- b. Cover Material: Daily cover material used at Keller initially was exclusively soil borrowed from on-site. State law changed after KCL's LUP was issued allowing use of alternative materials instead of soil to cover 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 Site 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 to CCEH's Independent Hearing Panel (IHP) and CalRecycle. The IHP and CalRecycle denied the appeal and upheld the LEA's application approval. A law suit was subsequently filed against CalRecycle (State). The lawsuit has since concluded and new regulations being developed by CalRecycle are expected to address concerns raised in the lawsuit.

- 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 operator changed the project description several times. The application process is currently on hold at the request of the Applicant, but it should be noted that additional CEQA review is required, including the preparation of a Subsequent EIR.

3. **Special Waste Issues:**

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 2016, special wastes (also referred to as Class II or designated wastes) only comprised 9% of the total disposal at KCL.

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 the 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. The only significant transfer station issue was the anaerobic compost material that originated from the OMPF, which was discussed in detail above.

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 first 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 took effect on March 22, 2017. As noted earlier, DCD has conducted site inspections to monitor adherence and compliance with these conditions; in addition to reviewing the quarterly direct haul reports.

## **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.

## **VII. 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 of approval – September 2015

Exhibit B: Maps

Exhibit C: Permit Review Criteria – June 1995

Exhibit D: Compliance Status Table – October 2017

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*DA*  
*10/18/2017*

# EXHIBIT A



## EXISTING CONDITIONS OF APPROVAL

**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)

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## 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.
- 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.

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

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

## **9. 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 principles applied on a consistent basis. A financial statement for the preceding 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 the 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 turn-around lane, and parking/turn-off lanes shall be provided. the traffic lanes shall be built to a suitable Traffic Index (between 10.0 and 10.5). The roadway shall be constructed of all-weather driving surfaces of not less than 20 feet of unobstructed width, and not less than 13'-6" of vertical clearance, to all landfill

areas within the site. The road shall not exceed 20% grade, shall have a minimum centerline turning radius of 30 feet, and must be capable of supporting the imposed loads of fire apparatus (20 tons). The access road shall be operational when the landfill opens. All costs shall be borne by the Landfill developer. The design and specifications of the roadway shall be approved by the County Public Works and 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)*

M:\Keller\LUP COAs\KCL-LUPCOA\_Modification 9-22-2015.docx

# EXHIBIT B



# MAPS





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

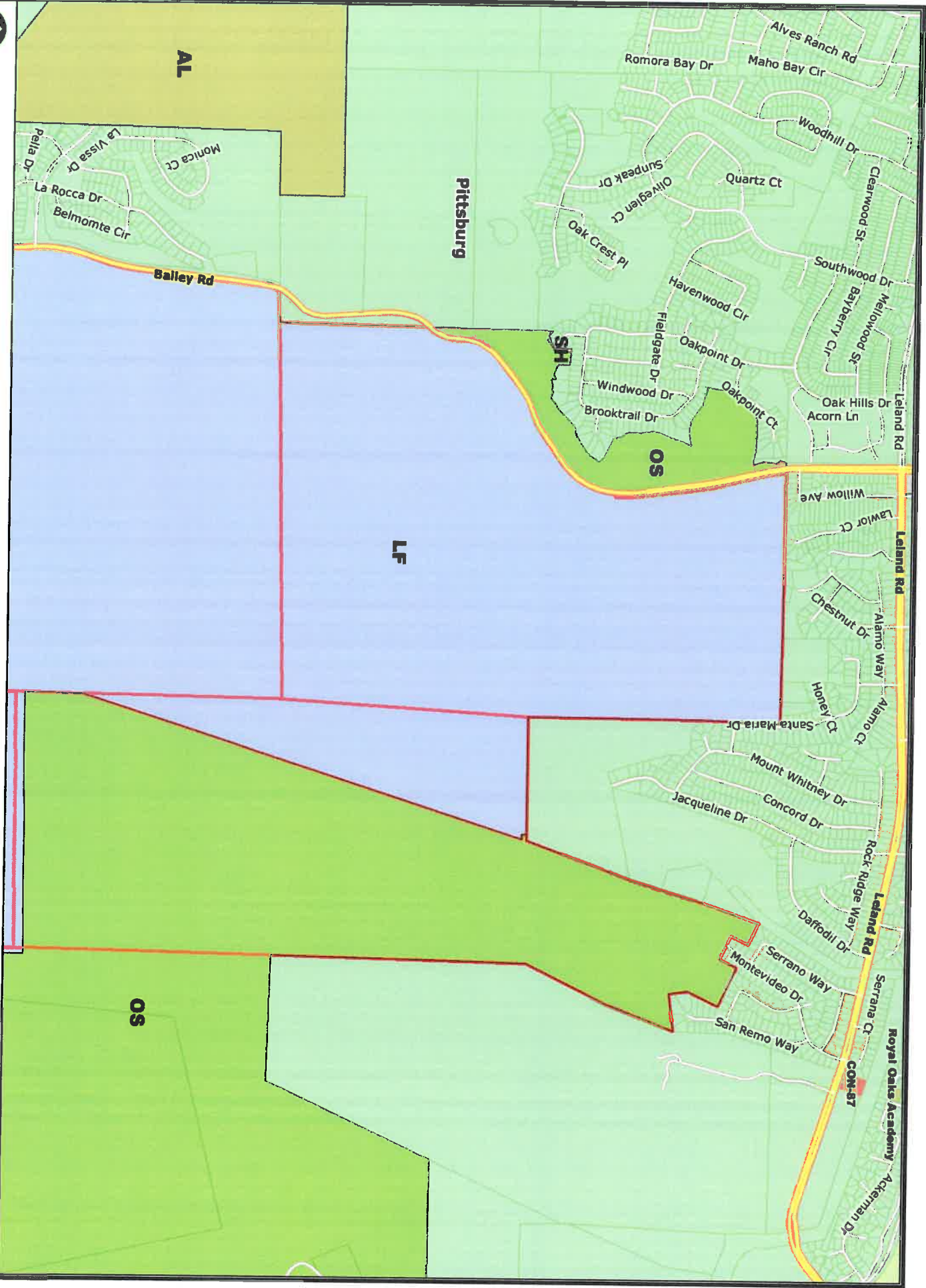


Scale 1:15,131  
 Contra Costa Internet GIS Map  
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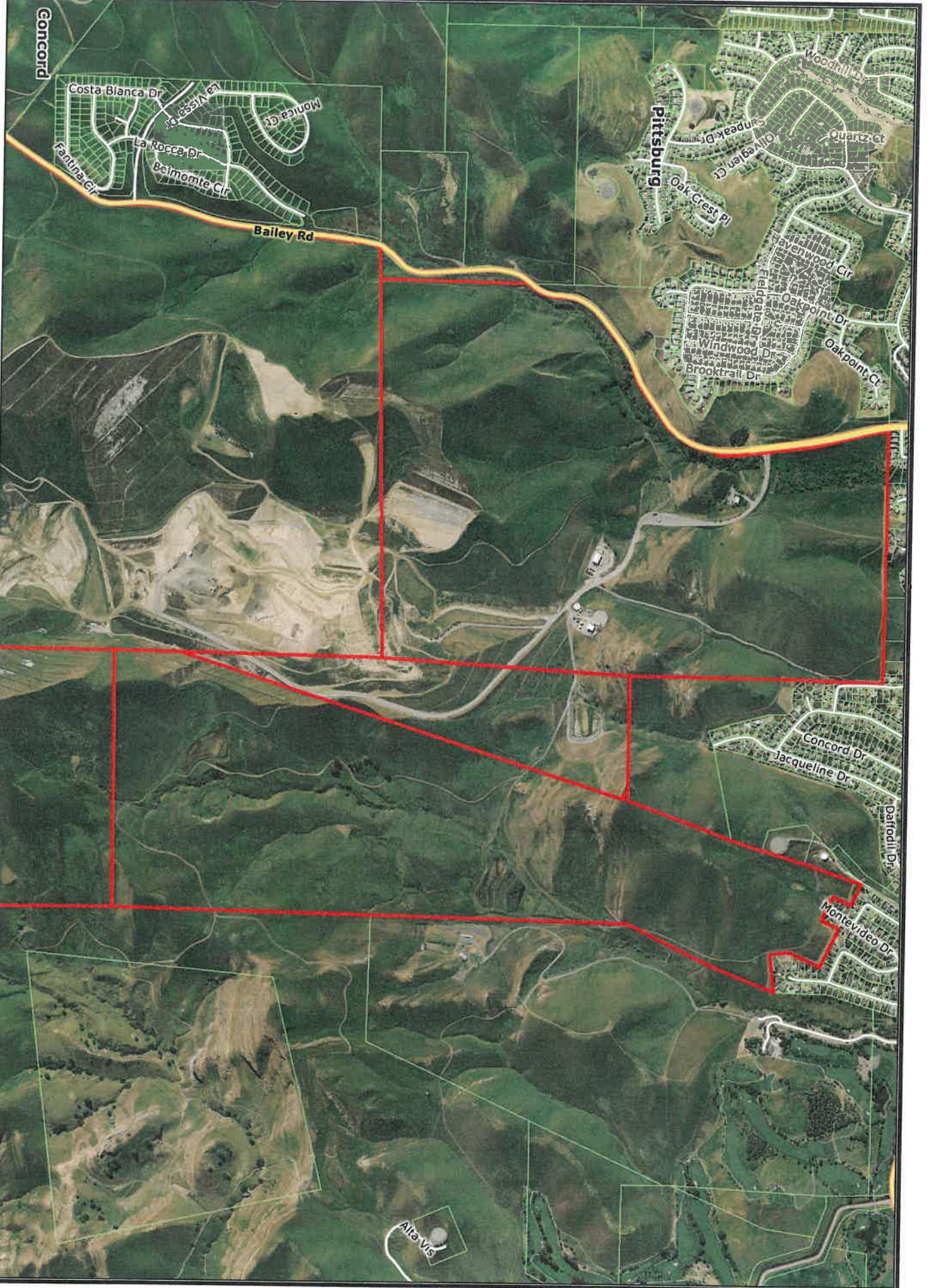
# General Plan: Landfill, LF / Open Space, OS



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 Contra Costa Internet GIS Map  
 Printed: Oct 13, 2014 1:39:23 PM



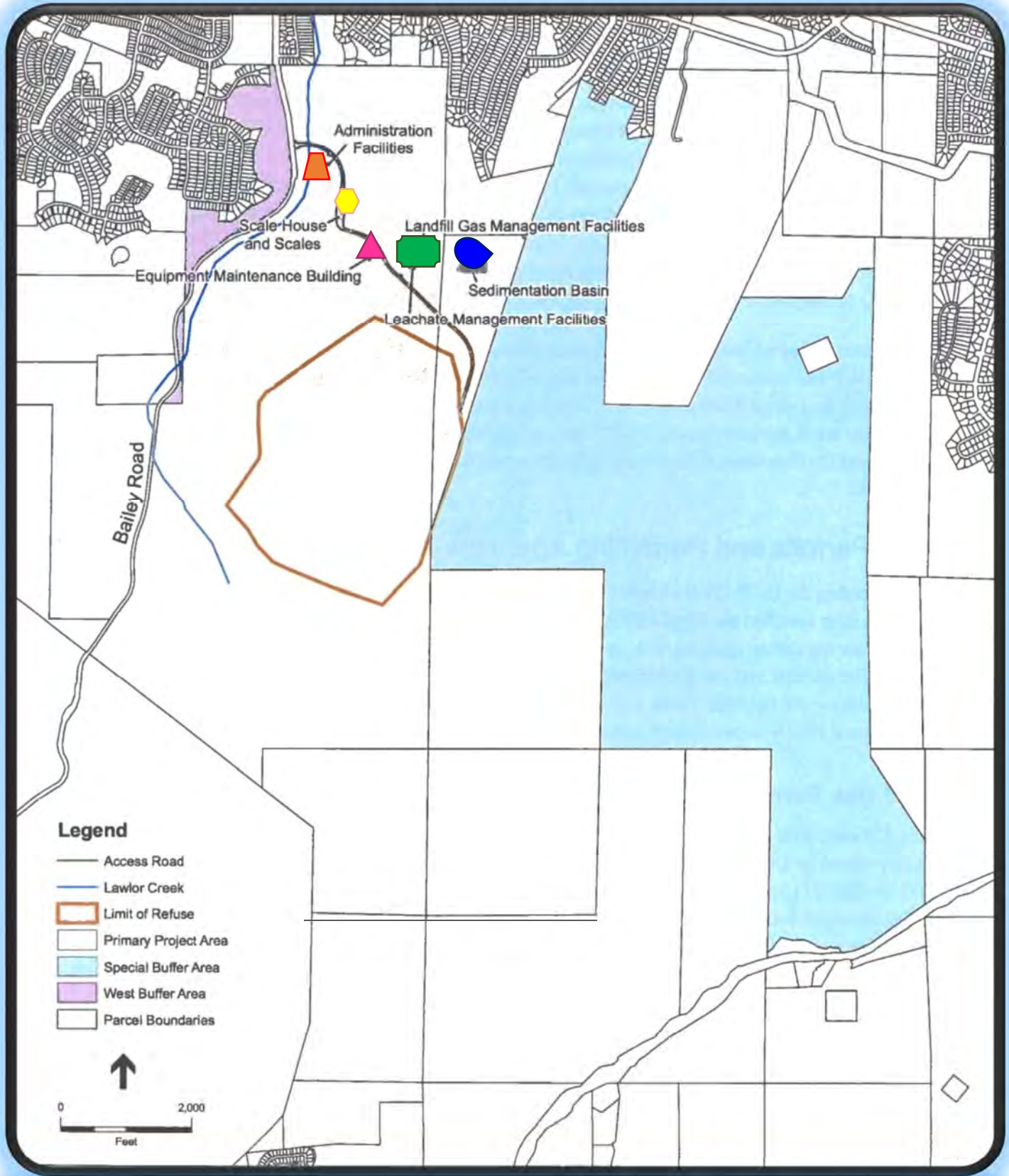




# Aerial Photograph

Scale 1:15,131  
Contra Costa Internet GIS Map  
Printed: Oct 13, 2014 1:41:20 PM





# 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

# EXHIBIT C



# PERMIT REVIEW CRITERIA

TO: BOARD OF SUPERVISORS
FROM: VAL ALEXEEFF, DIRECTOR, GROWTH MANAGEMENT & ECONOMIC DEVELOPMENT AGENCY
DATE: June 20, 1995
SUBJECT: CRITERIA FOR REVIEW ON KELLER CANYON LANDFILL LAND USE PERMIT (LUP 2020-89)



SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

- 1. Accept the staff submittal entitled Outline of Criteria, Review of Land Use Permit Conditions for Keller Canyon Landfill (Attachment 1).
2. Adopt criteria for the review of the Keller Canyon Landfill Land Use Permit Conditions of Approval at the Board meeting of June 20, 1995.
3. Refer the Conditions of Approval for the Keller Canyon Landfill Land Use Permit to the County Planning Commission for review pursuant to the Board's review criteria.
4. Direct staff to prepare a staff report on the above referred for consideration by the County Planning Commission.

FISCAL IMPACT

No General Fund impact. The review will be paid for by the permittee as a Land Use Permit Implementation/Mitigation Monitoring Program (I/MM) cost.

BACKGROUND:

The Board of Supervisors, on June 6, 1995, determined that a review of the Keller Canyon Landfill Land Use Permit Conditions of Approval should be performed through a referral to the County Planning Commission. Accordingly, the Board directed staff to prepare criteria to guide the review and to have the criteria considered by the Board at a public meeting. Staff's submittal is the attached document entitled Outline of Criteria, Review of Land Use Permit Conditions for Keller Canyon Landfill.

CONTINUED ON ATTACHMENT: X YES

SIGNATURE: [Handwritten Signature]

RECOMMENDATION OF COUNTY ADMINISTRATOR APPROVE
RECOMMENDATION OF BOARD COMMITTEE OTHER

SIGNATURE(S):

ACTION OF BOARD ON June 20, 1995 APPROVED AS RECOMMENDED X OTHER X

Following presentation by Dennis Barry, Community Development Department, of the report on the above matter, and Board discussion of the issues, IT IS BY THE BOARD ORDERED that the recommendations 1,2,3, and 4 are APPROVED: AND THE City of Pittsburg and Browning Ferris Industries are INVITED to discuss whether to activate the Keller Canyon Landfill Advisory Committee or another process for community/citizen input in this process; and DIRECTED the Growth Management and Economic Development (GMEDA) staff to address the issue of definitions of classifications of waste.

VOTE OF SUPERVISORS

X UNANIMOUS (ABSENT)
AYES: NOES:
ABSENT: ABSTAIN:

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

Attachment:

Contact: Charles A. Zahn (510) 646-2096
CC: Community Development Department (CDD)
County Administrator
County Counsel
County Health Services Department
Central and East County Cities
Central County Waste Management Authority
Browning-Ferris Industries
Citizens' United

ATTESTED June 20, 1995
PHIL BATCHELOR, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

BY: [Handwritten Signature] DEPUTY

**ATTACHMENT 1**

**OUTLINE OF CRITERIA  
REVIEW OF LAND USE PERMIT CONDITIONS FOR  
KELLER CANYON LANDFILL**

**PART I  
BACKGROUND FOR REVIEW**

**A. AUTHORITY**

**1. Land Use Permit**

Condition 11.1 of Land Use Permit 2020-89 states the following:

**11.1 ADMINISTRATION**

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

**2. Intent of Review**

**B. CONTEXT FOR THE REVIEW**

**1. Applicable Laws and Regulations**

2. **Terms of Applicable Permits**
  - a. **Solid Waste Facilities Permit (LEA)**
  - b. **Waste Discharge Requirements (RWQCB)**
  - c. **Permit to Operate (BAAQMD)**
  - d. **Other Regulatory Agency Requirements**
3. **Compliance with CEQA; Consistency with Keller EIR**
4. **Vested Rights of Permittee**
5. **Demonstration of Compelling Public Necessity**

**C. STATUS OF EXISTING LAND USE PERMIT CONDITIONS OF APPROVAL  
(IMPLEMENTATION/MITIGATION MONITORING PROGRAM)**

**D. COMPLAINTS REVIEW**

1. **Complaints to CCDD and LEA**
2. **Complaints to Regulatory Agencies**
3. **Complaints to other Local Agencies**

**E. ISSUES RAISED**

1. **Construction Issues**
2. **Operating Issues (Except Special Wastes)**

3. **Special Wastes Issues**
  - a. **Direct Haul of Non-transferable MSW**
  - b. **Direct Haul of Designated Wastes**
  - c. **Contaminated Soils as Proposed Cover**
  - d. **Proposed Disposal of Asbestos Waste**
4. **Haul Route Issues**
5. **Other Transfer/Direct Haul Issues**

**PART II  
REVIEW CRITERIA FOR  
COUNTY PLANNING COMMISSION**

**F. REVIEW CRITERIA FOR EXISTING CONDITIONS OF APPROVAL**

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**
5. **Correction of Demonstrated Significant Public Welfare Impacts**



# EXHIBIT D



## COMPLIANCE STATUS TABLE

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Printed: October 18, 2017

<b>Status Types</b>	<b>Status Description</b>	<b># of COAs</b>
<b>Completed</b>	requirements were satisfied and no further action or monitoring expected. Brief remarks are provided in the adjoining Comments column.	43
<b>Completed. On-Going</b>	initial required action or submittal was completed and continuing landfill operations must be conducted in conformance with applicable submittal/requirements on an on-going basis.	32
<b>Completed. Updated As Needed</b>	submittal requirement was satisfied, but submittal addresses on-going or future activities and may be updated if/when warranted based on operating experience or requirements imposed by regulations or another permit/regulatory agency.	8
<b>Cross-Reference</b>	solely refers to one or more other conditions and does not contain any additional requirements.	19
<b>Further Review Required</b>	compliance status has not yet been confirmed pending completion of further review and/or coordination with other regulatory agencies.	0
<b>In Compliance. On-Going</b>	compliance with general requirements of conditions involving facility design standards, daily operations, or scheduled monitoring.	132
<b>Informational</b>	primarily informational and does not require specific actions.	13
<b>In Process</b>	applicable compliance efforts are underway but not yet completed.	0
<b>No Longer Applicable</b>	determined to be unenforceable or infeasible subsequent to issuance of the KCL LUP in 1990. Examples include conditions superseded by regulations; conditions that no longer apply due to U.S. Supreme Court decisions. Explanation is provided in the adjoining Comments column.	8
<b>Not in Compliance</b>	further action is required by the operator to fully satisfy requirement(s), includes any that were only partially satisfied but not enough to be deemed substantially in compliance.	0
<b>Not Yet Required</b>	no action is required of the Landfill owner/operator until such time that circumstances or events occur that are specified in the condition of approval (e.g. upon request by the County). Explanation is provided in the adjoining Comments column.	20
<b>Objective</b>	objectives which are intended to be achieved by complying with the conditions in that section.	13

**288**

Notes in <b>bold text</b>	<b>bolded text</b> in the Notes column reflects <b>UPDATES</b> provided for this third Permit Review in 2017
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**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
1.1	<b>Short Title.</b> The Keller Canyon Landfill project is henceforth referred to in this document as the Landfill.	Informational	Condition Acknowledged.
2.1	<b>Ultimate Responsibility.</b> The conditions of approval identify the 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.	Informational	Condition Acknowledged.
2.2	<b>Transfer of Ownership.</b> The Land Use Permit for the Landfill shall run with the land; however, a new owner shall be responsible for notifying the County 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.)	Completed. On-Going	The First Amended Landfill Franchise Agreement contains assignment requirements pertinent to a change in ownership. The Keller Canyon Landfill Company (KCLC) was owned by Browning Ferris Industries (BFI) at the time the Landfill began operations in 1992. In 1999, BFI sold/transferred KCLC and other local assets to Allied Waste Industries. In 2008, Allied Waste Industries merged with Republic Services, Inc.
2.3	<p><b>Assignment of Responsibility.</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Informational	<b>UPDATE: This condition was approved by the Board of Supervisors as part of the first Permit Review by the County on September 22, 2015.</b>
3.1	<b>Compliance Objective.</b> The Landfill developer and operator shall at all times comply with the requirements of laws and permits applicable to the facility. 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).	In Compliance. On-Going	Operation has generally been conducted in compliance with all local, State, and federal laws and regulations. The Department of Conservation and Development (DCD) is not aware of any violations that were not corrected in a timely manner. The Landfill operator and any Vendors/operators subcontracted to work at KCL is required to comply with this LUP and all other permits with regulatory authority over landfill operations. See Condition 14.2 for a listing of approved permits.

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
3.2	<b>Design Standard.</b> The Landfill developer shall design the Landfill facility to meet the requirements of the San Francisco Regional Water Quality Control Board for a Class II waste disposal facility.	In Compliance. On-Going	KCL is a Class II waste disposal facility that has been classified by the Regional Water Quality Control Board (RWQCB) according to the provisions of Title 27, Environmental Protection--Division 2, Solid Waste Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites . Keller Canyon Landfill's design, construction, and operation comply with all State Minimum Standards for solid waste handling and disposal specified in Title 27 of the California Code of Regulations (CCR). The design for each phase of the landfill is subject to RWQCB review and approval prior to construction being authorized by DCD.
3.3	<b>State Minimum Standards.</b> The operation and maintenance of this facility shall at all times comply with Minimum Standards for Solid Waste Handling and Disposal (California Code of Regulations, Title 14 and Title 27).	In Compliance. On-Going	In 1997, California Code of Regulations (CCR) Title 14 and 23 for the Solid Waste Facilities Permit, were modified into CCR Title 27. KCL complies with all Minimum Standards for Solid Waste Handling and Disposal. The LEA has local enforcement authority over KCL and conducts monthly inspections of the landfill site to ensure compliance with the Minimum Standards for Solid Waste Handling and Disposal. See Condition 3.10.
3.4	<b>Land Use Permits.</b> The Landfill developer and operator shall at all times comply with the provisions and requirements of this Land Use Permit. A violation of any of these conditions 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.	In Compliance. On-Going	Landfill owner/operator is in compliance with the LUP conditions of approval currently in effect. This table reflects DCD staff's assessment of landfill operator's current status of compliance for each LUP Condition of Approval.
3.5	<b>Solid Waste Facilities Permit.</b> The Landfill operator shall conform with all provisions and requirements of the Landfill's Solid Waste Facilities Permit, 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.	In Compliance. On-Going	<p><b>UPDATE: The Operator has demonstrated consistent compliance with conditions of the SWFP. The exceptions pertained to odor management issues related to disposal of anaerobic compost material originating from the Organic Material Processing Facility in Richmond. This material was ordered for disposal by the LEA and other regulatory agencies. A series of complaints of nuisance odors were received commencing in October 2016, continuing through January 2017. The LEA issued violations of SWFP 07-AA-0032 for odor control on October 24, 2016; December 22, 2016; and January 12, 2017. Please refer to LUP Condition 20.2 Odor Containment for additional discussion.</b></p> <p>The Solid Waste Facility Permit was reviewed by Contra Costa Environmental Health in 2014. The next permit review is scheduled for 2019.</p> <p>The landfill operator submitted a Report of Disposal Site Information (RDSI) and formal application for a Solid Waste Facility Permit (SWFP) on 1/3/1992 (see letter from S. Gordon (KCLC) to C. Nicholson (HSD), dated 1/3/1992. SWFP 07-AA-0032 was issued April 29, 1992, and is reviewed every five years. <b>The last revision was in 2014.</b> The LEA conducts monthly inspections.</p>

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
3.6	<b>Class II Landfill Requirements.</b> 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.	In Compliance. On-Going	In 1997, California Code of Regulations (CCR) Title 14 and 23 for the Solid Waste Facilities Permit, were modified into CCR Title 27. Title 27 allows for preparation of a <i>Joint Technical Document (JTD)</i> to include the Report of Disposal Site Information (RDSI), Report on Waste Discharge, Preliminary Closure Plan, and Postclosure Maintenance Plan. These documents formerly were submitted separately.
3.7	<b>Other Regulatory Agencies' Requirements.</b> The Landfill operator shall at all times comply with the provisions and requirements of other regulatory agencies having jurisdiction over the facility.	In Compliance. On-Going	The landfill operator has generally been in compliance with all facility permits. There is no history or evidence of on-going non-compliance with other permits of other agencies with regulatory jurisdiction over landfill design and operations.
3.8	<b>Utilities, Service Districts, and Government Agencies' Requirements.</b> The Landfill developer or operator shall at all times comply with the regulations and requirements of utilities, districts, or agencies which have jurisdiction over the installation of improvements or provide services to the landfill.	In Compliance. On-Going	<b>UPDATE: There were alleged violations of the SWFP related to nuisance odors. The LEA issued violations on October 24, 2016; December 22, 2016, and January 12, 2017. Please see COA 20.2 Odor Containment for discussion.</b>  There were no recorded permit violations in 2015 and 2016. The Landfill Operator was in compliance with all facility permits during this time period.
3.9	<b>Notice Coordination.</b> 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.	In Compliance. On-Going	<b>UPDATE: All reports submitted to agencies in 2017 have been sent to DCD either electronically or in hardcopy form.</b>  Original compliance with this condition was approved by CDD on 10/15/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.  Copies of all reports concerning landfill design, construction, operation, and maintenance that are submitted to other agencies are available upon request. Reports submitted to some agencies are available on-line (e.g. RWQCB – Geotracker).
3.10	<b>Monitoring and Inspection.</b> 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.	In Compliance. On-Going	The landfill operator coordinates with both CCEH and DCD in reporting any potential problems relating to public health and safety. All monitoring and inspection reports are on-file at the Landfill owner/operator's office and available for review by interested agencies during normal business hours. Inspection reports produced by County Environmental Health and CalRecycle are posted and available on-line.  Contra Costa Environmental Health operates as the solid waste Local Enforcement Agency (LEA) for the California Department of Resources Recycling and Recovery (CalRecycle) with the primary responsibility to ensure correct operation and closure of solid waste facilities in the State of California, including the proper storage and transportation of solid wastes. The LEA enforces SWFP #07-AA-0032 for Keller Canyon Landfill. Also see comments in condition of approval 14.2.

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
3.11	<p><b>Master Chart.</b> The Landfill operator will maintain for reference a master chart showing schedules and results of preparation, operation, monitoring and reporting in all major phases of the facility.</p>	Completed. On-Going	<p>An initial Master Chart was approved by CDD in 1991. An update of the original development plan for the landfill prepared in 1991 was necessitated by changes that occurred from landfill operations and site development. A Conceptual Master Plan for the landfill was submitted to CDD in July 2002. The Master Plan was comprehensive and addressed important aspects of landfill design and operation. The Master Plan also demonstrated that the original permitted air space volume of 75 million cubic yards was maintained after landslide repairs and other site development.</p> <p>Landfill development sequencing for the remaining lifespan of the landfill was prepared consisting of eight (8) groupings of phases. The phases within the first two groupings, collectively known as Phases 1 and 2 respectively, had all been completed by 2002. Currently the Phase 3 is being implemented. A revised development plan for the remaining undeveloped portions of the landfill was presented in Figure 8 of the Master Plan. The revised plan accounts for mitigation of landslides, stability of containment systems and waste mass, and other design and operations parameters required to meet regulatory requirements.</p> <p>Over time, a Master Chart as described in this condition has been superseded by modern computerized project management systems. Similar information is already conveyed in periodic reports on landfill activities and site development that are submitted to regional/state agencies (copies provided to the County and also available for review during normal business hours).</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
4.1	<p><b>Validity Period.</b> The Landfill developer shall install pre-requisite improvements and open the Landfill for receiving refuse within three years of the final approval of the project's Solid Waste Facilities Permit. This validity period shall be tolled while any appeal filed by parties other than the Landfill developer is pending. The Landfill developer may request from the Director of Community Development one or more one-year extensions of the Land Use Permit. If the Land Use Permit is not implemented within the specified time, it shall become null and void. The Director of Community Development may allow each one-year extension if the Director finds that there are changed circumstances which warrant the consideration of changes to the Conditions of Approval.</p>	Completed	<p>The Contra Costa County Board of Supervisors approved LUP 2020-89 on July 24, 1990.</p> <p>The Solid Waste Facility Permit was issued on April 29, 1992. KCL became operational on May 7, 1992, within the specified time period of this condition.</p>
4.2	<p><b>Operative Date.</b> This Land Use Permit is valid upon approval by the Board of Supervisors. However, it shall not become operative until and unless the permittee (landfill owner, etc.) first obtains and the Board of Supervisors grants a franchise to or approves an agreement with permittee (see Section 13, Franchise Agreements).</p>	Completed	<p>The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.</p>
5.1	<p><b>Area of Origin.</b> 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.</p>	No Longer Applicable	<p>Judicial and legislative decisions have since overturned restrictions on disposal in local landfills to protect from too early filling. Waste origin restrictions were also nullified through the First Amended Franchise Agreement in 1994. The Board of Supervisors authorized KCL to accept certain special handling wastes (non-hazardous and non-toxic) originating outside of Contra Costa County pursuant to guidelines for direct haul originally approved by the Board on 10/27/1992. See report to the Board of Supervisors dated December 7, 1993 and approved on December 14, 1993.</p>

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
5.2	<b>Out-of-County Wastes.</b> <i>INVALIDATED BY LEGISLATURE</i>	No Longer Applicable	The prohibition on import of waste from outside the County was rendered No Longer Applicable by U.S. Supreme Court decisions in June 1992 that reinforced that solid waste is a business commodity subject to federal commerce clause protection.
5.3	<b>Sub-County Service Area.</b> If there is more than one Class II or Class III landfills operating in Contra Costa County, the Board of Supervisors may establish sub-County service areas for each on a temporary or long-term basis. If the Board has established a sub-County service area for the Landfill, the operator shall not accept waste for disposal from outside such area.	Not Yet Required	Sub-County service areas have not been established.
5.4	<b>Reciprocal Capacity Agreement.</b> The Landfill operator shall receive waste from outside Contra Costa County if in accordance with the terms and conditions of a Reciprocal Capacity Agreement entered into by Contra Costa County with another county. Waste shall be received upon reasonable notice to the Landfill operator and the Board of Supervisors and direction by the Board to the Landfill operator as to the terms and conditions under which the waste will be received. The Board may specify disposal charges which are applicable only to the waste received under the Reciprocal Capacity Agreement.	Not Yet Required	Reciprocal Capacity Agreements with other jurisdictions have not been established.
5.5	<b>Pre-Requisite Curbside Recycling Program.</b> The Landfill shall not admit 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.	In Compliance. On-Going	<p><b>UPDATE: A recent review of waste accepted by origin in 2016/17, by the landfill operator and DCD staff, revealed that all of the jurisdictions had an acceptable curbside recycling program, either certified in the CalRecycle database or verified by jurisdiction. Staff reviewed disposal reporting data that showed over 99% of the disposed tonnage came from jurisdictions within the Bay Area. Bay Area cities and municipalities have well established curbside recycling programs in place. Waste was accepted for disposal from the following jurisdictions outside of the nine county Bay Area: City of Chico; Unincorporated Merced County, City of Tracy, City of Scotts Valley, and City of Santa Cruz.</b></p> <p>The landfill operator uses CalRecycle's database of certified curbside recycling programs as a means of determining if a community has curbside recycling in place. Operator intends to institute a pre-acceptance procedure to ensure verification of curbside recycling occurs prior to loads being accepted from new jurisdiction.</p>
6.1	<b>Eligible Wastes.</b> The Landfill operator shall allow only wastes eligible for disposal in a Class II facility, as defined by the Regional Water Quality Control Board to be admitted to the land-fill. The wastes admitted to the landfill shall also be consistent with the Solid Waste Facilities Permit (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.	In Compliance. On-Going	<p><b>UPDATE: No ineligible waste was accepted in 2015, 2016, or 2017 to-date.</b></p> <p>Signage is posted at the gate and scale house outlining all prohibited material.</p>

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
6.2	<p><b>Designated Wastes.</b> 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.</p>	In Compliance. On-Going	Facility is in compliance with regulations in Title 27 of the CCR and conditions related designated wastes. On December 14, 1993, the Board of Supervisors authorized KCL to accept certain designated wastes (special handling wastes, that are non-hazardous and non-toxic) originating outside of Contra Costa County, subject to specific conditions related to volume limitations, rates, waste inspection, and laboratory testing among others. See Recommendation from Val Alexeeff, GMEDA Director, to the Board of Supervisors dated December 7, 1993. The Board approved as recommended on December 14, 1993. Many of these designated wastes have since been incorporated into the SWFP as described in Condition 6.1 Eligible Wastes above.
6.3	<p><b>Infectious Wastes.</b> The Landfill operator shall accept only those infectious wastes identified in, and disposed of in accordance with the Solid Waste Facilities Permit.</p>	In Compliance. On-Going	All potentially infectious waste are disposed of in accordance with Section 14 Prohibitions of the SWFP.
6.4	<p><b>Ineligible Wastes.</b> The Landfill operator shall not allow the following wastes to be disposed at the landfill:</p> <ul style="list-style-type: none"> <li>a) Hazardous or toxic wastes.</li> <li>b) Radioactive wastes.</li> <li>c) Liquid wastes, other than utility sludges meeting Regional Water Quality Control Board requirements.</li> <li>d) Other ineligible wastes specified in the Solid Waste Facilities permit administered by the Contra Costa Environmental Health.</li> </ul>	In Compliance. On-Going	<p><b>UPDATE : No ineligible wastes were accepted at the landfill since the 2016 permit review.</b></p> <p>All incoming loads are routinely screened in accordance with the most recent Load Check Program (updated in September 2013) and Condition 17j (Hazardous Waste Screening) of the SWFP. See Condition 6.1 &amp; 7.1.</p>
6.5	<p><b>Emergency Use.</b> 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.</p>	Not Yet Required	Sub-County service areas have not been established.
6.6	<p><b>Hazardous Waste Screening and Management.</b> See Section 19.</p>	Informational	This condition cross-references to another LUP condition.
6.7	<p><b>Area of Origin Restrictions.</b> See Section 5.</p>	Informational	This condition cross-references to another LUP condition.



Condition	Condition Description	Compliance Status	Comments
7.1	<p><b>Eligible Vehicles and Loads.</b> The Landfill operator shall screen loads to limit to the extent practicable the intake of ineligible waste. Prior to receiving waste, the Landfill operator shall prepare in writing a program for identifying eligible vehicles and screening loads at the Landfill entrance, random sampling and inspection for ineligible wastes, and checking loads at the 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.</p>	In Compliance. On-Going	<p>CCEH reviewed and approved the Load Check Program as part of the LEA's 2014 review of the RDSI. DCD received and reviewed the Program and no deficiencies were identified.</p> <p>The Eligible Vehicles and Loads Program was developed to conform with the requirements of 27 CCR, Section 20870, and the WDRs [Wastes and Their Classification (Part 11)] for KCL. The Eligible Vehicles and Loads program is designed to identify and remove hazardous and prohibited wastes from the waste stream coming to the landfill. Incoming wastes are verified based on visual inspection, questioning by staff, physical assessment, and waste characterization analysis. If an incoming load is suspected of containing ineligible waste, based on the visual inspection, the hauler will be questioned by landfill personnel about the contents of the load. If there is still a question about the acceptability of the waste, the hauler will not be permitted to unload the waste.</p> <p>The original Load Check Program, dated April 25, 1993 was approved by the Health Services Department and CIWMB as part of the RDSI pursuant to issuance of the SWFP. The Load Check Program was revised in September 2013. Condition 17j (Hazardous Waste Screening) of the SWFP specifies procedures for hazardous waste inspection. Landfill personnel are trained in the implementation of identifying non-eligible vehicles and ineligible waste. Ineligible hazardous waste materials are not accepted at the landfill per conditions in this LUP and the SWFP. A Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992, states this condition was reviewed and certified.</p> <p>Also see Condition 19.4.</p>
7.2	<p><b>Load Covering.</b> 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.</p>	In Compliance. On-Going	<p>Republic Services removed the "How's My Driving?" stickers from their trucks and replaced them with "Together for Safer Roads" stickers. Incidents of litter bounce out from Republic trucks can still be recorded using the truck number which identifies every truck, and using the local phone number printed on all trucks. Republic Services is a member of Together for Safer Roads, an organization made up of private sector companies dedicated to improving traffic safety on the nation's roads. Republic is implementing a program of Best Practices for its fleet of vehicles related to road safety management, safer roads and mobility, safer vehicles, and safer road users. Republic trucks and trailers are numbered. Complainants must call Keller directly to report concerns.</p> <p>Every incoming load is inspected to ensure all waste-hauling vehicles are covered; waste loads are screened for excessive littering and inadequate covering. Transfer vehicles with inadequate screens or containers are repaired as they are identified. Republic's trucks should have phone number for others to call if litter is observed so corrective actions are taken in a timely manner (like "How's my driving"). Also see Condition 25.3.</p> <p>On May 14, 1991, the Board of Supervisors amended County Ordinance Code 91-26 (Requirements for Vehicles Transporting Refuse codified as Chapter 418-2) to require all waste-carrying vehicles transporting refuse to solid waste facilities in the County to have their loads covered. On September 9, 1991 the Board of Supervisors approved additional recommendations that included but was not limited to requiring DCD to include off-site litter policing in new permits for waste disposal and processing facilities; and directed County staff to work with the Sheriff's Department and California Highway Patrol to assure enforcement of covered load and anti-littering requirements.</p>

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
8.1	<p><b>Eligible Vehicles.</b> The Landfill operator shall admit only the following refuse transport vehicles:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) Incinerated sewage sludge-hauling trucks originating at utilities.</li> <li>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.</li> <li>e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board.</li> <li>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.</li> </ul>	In Compliance. On-Going	Only eligible vehicles, as outlined in this condition and/or the operating permits, are allowed admittance into the Keller Canyon Landfill. In-county waste origin requirements of this condition are unenforceable as a result of U.S. Supreme Court decisions in June 1992 (see also the First Amended Franchise Agreement in 1994). See Condition 5.1.
8.2	<b>Service Area Restriction.</b> See Section 5.	Cross-Reference	This condition solely cross-references another LUP section. See Section 5.
8.3	<b>Emergency Exemption.</b> See Condition 6.5.	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 6.5.
8.4	<b>Reciprocal Use Exemption.</b> See Condition 5.4	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 5.4.
8.5	<p><b>Direct Haul.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: New Conditions 8.5 – 8.8 pertaining to direct haul became effective on March 22, 2017, as part of the initial KCL Permit Review conducted in 2014/15 and approved by the County Board of Supervisors. Since March 22, 2017, KCL ceased acceptance and disposal of direct haul loads of waste types identified as recoverable at transfer stations.</b></p> <p><b>The Annual Ineligible List for Direct Haul (Ineligible List) was submitted in early 2017. After staff review and comment, a revised Ineligible List was submitted and approved on March 20, 2017.</b></p>

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Condition	Condition Description	Compliance Status	Comments
8.6	<p><b>Direct Haul Procedures.</b> 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.</p> <p>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.</p>	In Compliance. On-Going	<p><b>UPDATE: New Conditions 8.5 – 8.8 pertaining to direct haul became effective on March 22, 2017, as part of the initial KCL Permit Review conducted in 2014/15 and approved by the County Board of Supervisors. Since March 22, 2017, KCL ceased acceptance of direct-hauled mixed C&amp;D for disposal.</b></p> <p><b>The operator has submitted the direct haul quarterly reports required under COA 8.7 that incorporates Direct Haul Procedures required in this condition.</b></p>
8.7	<p><b>Direct Haul Reports.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: New Conditions 8.5 – 8.8 pertaining to direct haul became effective on March 22, 2017, 18 months from the September 22, 2015 approval by the County Board of Supervisors as part of the initial KCL Permit Review conducted in 2014/15.</b></p> <p><b>The operator has submitted a Direct Haul Report for the first and second quarters of 2017 to DCD and is working with DCD staff on the finalization of data compilation and reporting to meet requirements of this condition of approval.</b></p>

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Condition	Condition Description	Compliance Status	Comments
8.8	<p><b>Emergency Direct Haul.</b> 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.</p>	Not Yet Required	<p><b>UPDATE: New Conditions 8.5 – 8.8 pertaining to direct haul became effective on March 22, 2017, as part of the initial KCL Permit Review conducted in 2014/15 and approved by the County Board of Supervisors. Since March 22, 2017, circumstances or conditions have not warranted emergency direct haul to Keller Canyon Landfill.</b></p>
9.1	<p><b>Hours of Operation.</b> The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after 7:00 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 &amp; Development.</p> <p>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.</p>	In Compliance. On-Going	<p>Hours of operation and control of on-site lighting are in compliance as specified in this condition. There have been no shortening of hours due to unforeseen impacts arising after the LUP was issued. No waste is accepted after 7:00 P.M. The required daily cover is completed by 7:30 P.M. All stationary lights are extinguished by 7:30 P.M.</p>
9.2	<p><b>Operating Days.</b> 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.</p>	In Compliance. On-Going	<p>The facility is open six days a week and closed on Sundays as specified in this LUP condition; Specification 5b. of the SWFP; and Condition #17309 part 1 of the Major Facility Review permit issued by the BAAQMD.</p>
9.3	<p><b>Maximum Daily Tonnage.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: The maximum daily tonnage limit of 3,500 was not exceeded in 2015, 2016, or 2017 to-date.</b></p> <p>KCL is in compliance with the maximum daily tonnage limit of 3,500 specified in this LUP condition; Section 5c and Condition 17m of the SWFP; and Condition #17309 part 2(a) of the Major Facility Review permit issued by the BAAQMD. Tonnage records are submitted to County DCD and CCEH and are available for review. Sub-County services areas have not been established.</p>

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Condition	Condition Description	Compliance Status	Comments
9.4	<b>Minimum Buffer Zone.</b> The Landfill developer shall reserve a minimum buffer of 2,000 feet from the closest place of permanent waste placement to the closest existing residence on Jacqueline Drive.	In Compliance. On-Going	The Minimum Buffer Zone of 2,000 feet was established and is maintained per this condition.
9.5	<b>Special Buffer Area.</b> No residential housing shall be permitted at any time in the special buffer area. See Condition 23.2.	In Compliance. On-Going	The Special Buffer Area continues to be under Williamson Act contract (Contra Costa County, 2008) and is zoned A-4, Agricultural Preserve.  No residential housing has been constructed in the Special Buffer Area. Application submitted for oil and gas well permit to drill a well in the Special Buffer Area (094-360-010) in June 2003.
9.6	<b>Dedication of Special Buffer Area.</b> At the time of the submission of the landfill's Development and Improvement Plan, pursuant to Government Code Section 7050, the landfill owner shall offer to dedicate the fee title of the land within the Special Buffer Area to the County of Contra Costa for recordation. The County may accept the fee title and complete the dedication subsequent to the opening of the landfill for the disposal of waste. In making the offer of dedication the Landfill owner may reserve the rights to carry out mitigation programs required by these Land Use Permit Conditions of Approval, and as may be further detailed in implementation plans required to be prepared by these Conditions within the Special Buffer Area.  The Landfill operator may perform grading and make installations, such as drainage ditches within the Special Buffer Area related to the landfill facility, provided that the grading and installations are consistent with the approved final Development and Improvements Plan and do not impair the capability of the Area to accommodate agricultural grazing and provide habitat mitigation consistent with these Conditions of Approval. Similarly, the Landfill operator shall be allowed to carry out closure and post-closure activities related to the landfill or the Special Buffer Area provided that such activities are consistent with a County-approved closure plan and with the uses of the land allowed by these Conditions of Approval.  The County may require the Landfill operator to maintain the Special Buffer Area, subsequent to dedication, at the operator's expense. Maintenance shall include security, weed control, erosion control and the provision of fire trails.	Completed	The landfill operator submitted a letter to the County Board of Supervisors with an Offer to Dedicate on October 23, 1991. The County Board of Supervisors formally accepted the dedication offer in the form of a Board Order "Acceptance of Development Rights for Special Buffer Area, Keller Canyon Landfill" recorded on November 19, 1996.  No waste disposal has occurred in the Special Buffer Area. Limited site development occurred consistent with the Dedication of Development Rights of the Board Order and Report of Disposal Site Information and Final Development and Improvements Plan. This site development has not impaired the Special Buffer Area's capability to accommodate grazing or habitat mitigation. The Dedication of the Special Buffer Area reserves the rights of the landfill owner to carry out mitigation programs required by LUP conditions and/or other permits.  Offer letter substantiated by CDD on 10/23/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
10.1	<b>Volume Estimation.</b> The Landfill operator shall 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 1st of each year. The Landfill operator shall also submit an initial topographic map prior to receiving wastes.	In Compliance. On-Going	Topographic maps, color aerial photos, and capacity absorption are completed annually. and are available for review by interested agencies during normal business hours. Aerial surveys are required under Condition 17r of the SWFP which is enforced by the LEA. DCD receives landfill capacity and estimated volume of waste in place on an annual basis which is used to satisfy an annual reporting requirement enforced by the State.
10.2	<b>Scales.</b> The Landfill developer shall install certified scale(s) at the landfill to weigh incoming and outgoing trucks. A weigh-ing program, subject to approval by the County Department of Health Services and Director of Weights and Measures, shall be implemented to monitor incoming wastes.	In Compliance. On-Going	Certified scales were installed prior to commencement of landfill operations See County Certificate of Inspection dated 4/23/1992.  The weighing program was approved by the Health Services Department prior to landfill operations (see Memo from C. Nicholson to C. Zahn, CDD dated 3/10/1992).

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Condition	Condition Description	Compliance Status	Comments
10.3	<p><b>Waste Characterization.</b> 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).</p>	In Compliance. On-Going	<p>The facility coordinates with transfer station operators on waste characterization as required by the County and the State’s Disposal Reporting System regulations. Waste characterization reports are prepared quarterly and submitted to DCD as required under this condition. A new Condition 8.7 has been added which addresses reporting for waste not processed through transfer stations.</p> <p>See letter from KCL dated 4/25/1992 for initial Waste Characterization Program.</p>
11.1	<p><b>Permit Review.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: This LUP Compliance Review table contains DCD staff input as well as information provided by the landfill operator to satisfy this annual compliance status report requirement in accordance with the County Board of Supervisor's direction of staff to proceed with the third annual permit review.</b></p> <p>Operator applied for an Amendment to the LUP in 2008 which is in process under County File Number LP08-2026. The Subsequent EIR for the proposed LUP Amendment is currently on hold at landfill operator's (Applicant) request.</p>
11.2	<p><b>Local Advisory Committee.</b> 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.</p>	Completed	<p>Currently inactive due to action taken by the County Board of Supervisors on ?. The last meeting took place on February 28, 1995. Landfill personnel periodically conduct site tours of the facility for the local community and make presentations to the Bay Point Municipal Advisory Council upon request.</p>

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Condition	Condition Description	Compliance Status	Comments
11.3	<p><b>Insurance and/or Bonding.</b> The applicant shall provide the insurance and bonds specified by the units of government having approval authority over the project. 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.</p>	In Compliance. On-Going	<p>The landfill operator provides proof of insurance and bonds annually to the Department of Conservation and Development.</p> <p>The filing was substantiated by CDD on 10/25/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Insurance requirements are specified in Article 12 of the First Amended Landfill Franchise Agreement approved by the County in 1994. See also Condition 25.10.</p> <p>The only agency that required a bond at project approval was the Regional Water Quality Control Board. A Mitigation Bond of \$500,000 (Bond No. 98370) was filed by KCLC with the Regional Board. Landfill facility Insurances and bonds are updated annually according to inflation rates set by CalRecycle. Bonds are updated for closure, post-closure, and corrective action.</p>
11.4	<p><b>Notification Program.</b> 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.</p>	Completed. On-Going	<p>Notification requirements of this condition are included in sales, customer service, and special waste service agreements/business contracts with users and potential users of the landfill. Signage of operating hours and conditions, conditions of use, and other requirements are posted at the facility entrance. Additionally, the back of every ticket issued to customers at the gate specifies unacceptable waste, and the actions that can be taken by the landfill operator at its sole discretion in the event a customer attempts to deliver unacceptable waste. The applicable waste reduction and recycling requirements can be found in Conditions 5.5 and 8.6.</p>
11.5	<p><b>Development Coordinator.</b> The Landfill owner shall provide a fund to support a County Landfill Development Coordinator, if the County establishes the position, through the period of construction and landfill operations. The Coordinator shall be a staff member or a consultant. The owner shall make quarterly advance payments.</p> <p>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.</p>	In Compliance. On-Going	<p>UPDATE 2016: The landfill operator was not asked to fund a Development Coordinator since the last Permit Review in 2014/15.</p>
11.6	<p><b>Compliance and Mitigation Monitoring Program.</b> 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.</p>	In Compliance. On-Going	<p>The landfill operator continues to reimburse County DCD staff for costs associated with LUP administration and enforcement.</p> <p>Landfill owner provides funds to support County staff of the DCD and CCEH as required by this condition of approval.</p>
11.7	<p><b>Pre-Annexation Notification.</b> If the Landfill owner decides to request annexation of the Landfill to a city, the owner shall notify the Board of Supervisors at least 180 days in advance of filing any application for such annexation. The Board may require the Landfill owner to consult with it or County staff to determine how solid waste management programs specified in these Conditions of Approval would be carried out subsequent to annexation. In no case shall the annexation relieve the Landfill operator of the financial responsibilities, including payment to the County of mitigation fees, specified in these Conditions.</p>	Not Yet Required	<p>Landfill owner has not requested annexation of the landfill property to a city.</p>

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Condition	Condition Description	Compliance Status	Comments
11.8	<b>Fee and Surcharge Identification.</b> The Landfill operator (permittee) shall not identify the costs of public agency (County, etc.) fees, charges, or surcharges on bills and receipts issued to landfill users without first obtaining the specific written approval of the County.	In Compliance. On-Going	This Landfill owner is in compliance with this condition. No costs of public agency (County, etc.) fees are identified on customer invoices.
11.9	<b>Interpretation of Conditions.</b> The Community Development Department Director is authorized to interpret these Conditions in the event that any clarification is needed.	Informational	Condition Acknowledged.
11.10	<b>Conditions Requiring Franchise.</b> 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.	Completed	Original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
11.11	<b>Regulations Enforced by Other Agencies.</b> 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.	Informational	Condition Acknowledged. The Department of Conservation and Development is not aware of any approval Keller has sought which was denied by a regulatory agency.
11.12	<b>Required Expenditures.</b> This Board does not intend, by requiring the applicant to fund various measures, to make any decision regarding whether or not, or how, any expenditures incurred may be recovered through the rate structure or otherwise by the applicant. Any such decision by this Board shall be reserved for its consideration in the franchise or agreement. No inference regarding this issue is to be drawn from this Board's use of any particular terminology in these Conditions of Approval.	Informational	Condition Acknowledged.
11.13	<b>Designation of Authority.</b> 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.	Informational	Condition Acknowledged.



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Condition	Condition Description	Compliance Status	Comments
12.1	<p><b>Rate Approval.</b></p> <p>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.</p> <p>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.</p> <p>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).</p>	In Compliance. On-Going	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.2	<p><b>Rate Review.</b> 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.</p>	No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.3	<p><b>Form and Content of Rate Review Application.</b> The landfill operator shall submit its rate application in a form and content as specified by the County. 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.</p>	No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.4	<p><b>Rate Application Guidelines.</b> The rate application shall be designed to ensure reconciliation of rates with audited company financial statements; detailed year-to-year cost comparisons; documented guidelines for allowable expense categories, accounting methodologies, allowable management costs and other cost elements; unit usage and unit cost data on major expense items; calculation and reporting of company productivity statistics by cost category; and full documentation of assumptions and source materials. The rate application process shall also provide for comparative rate surveys with other similar operations.</p>	No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.

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Condition	Condition Description	Compliance Status	Comments
12.5	<p><b>Financial Statement.</b> The landfill operator shall maintain full and complete accounting records in conformity with generally accepted accounting principals applied on a consistent basis. A financial statement for the proceeding fiscal year, in such form and providing such information as the Board may require, shall be submitted with each rate review application. The financial statement shall be prepared and certified by a Certified Public Accountant currently licensed to practice in the State of California. The County, through a Certified Public Accountant appointed by the County for that purpose, shall at all reasonable times have the right to inspect and audit the records of the landfill operator that supports the financial statements. The County reserves the right to determine which records are relevant.</p>	No Longer Applicable	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
12.6	<p><b>Scope of Rates.</b> The Board of Supervisors may require that the landfill operator include in its rates collection for purposes other than disposal including but not limited to, charges for funding of inspections, charges relating to origin of waste such as out-of-county waste, franchise or agreement fees, closure and postclosure maintenance of other landfills, solid waste management programs such as general litter pick-up, abandoned vehicle removal, solid waste planning, and any other conditions of approval.</p>	In Compliance. On-Going	Applicable conditions and provisions of rate review and approval are implemented through the Franchise Agreement. See Condition 11.10.
13.1	<p><b>Franchise Compliance and Agreement.</b> 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.</p>	Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
13.2	<p><b>Assignment.</b> The landfill operator and the landfill owners shall not assign or subcontract the franchise or agreement, any part of the franchise or agreement or any obligation of the franchise or agreement without written prior consent of the Board of Supervisors. 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.</p>	Completed. On-Going	Condition Acknowledged.
13.3	<p><b>Contents.</b> The franchise or agreement may contain such provisions as the Board deems necessary, including but not limited to complete indemnification of the County, liability insurance by type and amount, performance bond by type and amount, rights of the County to acquire ownership of the landfill, funding for mitigation and reimbursement of County costs, funding for closure or post-closure costs, franchise or agreement fee fees) rate review and approval procedure and determination of and consequences of breaches of the franchise.</p>	Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.
13.4	<p><b>Requirement.</b> Permittee shall not establish, operate or carry on the business of a solid waste facility pursuant to this permit unless and until it has been first granted a franchise (or entered an agreement with the Board of Supervisors).</p>	Completed. On-Going	The original Franchise Agreement was issued on December 4, 1990. The Franchise Agreement was amended on September 13, 1994 as the First Amended Landfill Franchise Agreement. Amendment No. 1 to the First Amended Franchise Agreement was executed on November 1, 1994. Amendment No. 2 to the First Amended Franchise Agreement was executed on February 27, 1996.

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13.5	<p><b>County Discretion.</b> Notwithstanding any other provision of this Permit, Permittee acknowledges that the County's discretion to grant or deny one or more said exclusive, non-exclusive or otherwise franchises or similar agreements is not limited or abridged in any manner by this Permit; and that this Permit does not require the approval of any such franchise or agreement. County reserves the right as part of the negotiation and entry of any such franchise or agreement to enter a public-private partnership with the Permittee for the project and/or to pursue the rights of the County to acquire ownership of the Landfill.</p>	Completed. On-Going	Condition Acknowledged.
14.1	<p><b>Initial Development and Improvements Plan.</b> The Initial Development and Improvements Plan approved by this Land Use Permit, and modified by these Conditions of Approval, shall consist of the following schematic plans included in the applicant's January 31, 1989 entitlement application, the Keller Canyon Landfill Comprehensive Project Description (February 1989) and addendum (December 1989), and the 3-volume Site Characterization Report (September 1989).</p> <ul style="list-style-type: none"> <li>a) Grading/Excavation Plans with fill limits for each phase.</li> <li>b) Layout for Groundwater Collection System.</li> <li>c) Liner System Cross-section and Installation Sequence.</li> <li>d) Leachate Collection System Layout Plan.</li> <li>e) Gas Collection Layout Plans for each phase.</li> <li>f) Surface Water Drainage Plan.</li> <li>g) Facilities Site Plan for Operations and Maintenance.</li> <li>h) Leachate, Landfill, Gas and Water Storage Facility.</li> <li>i) Landfill Access Road Plans Profiles, Typical Section.</li> <li>j) Bailey Road Plan and Typical Section.</li> <li>k) Landscape Facilities Site Plan for Operations and Maintenance.</li> <li>l) Landscape Plan for Leachate, Landfill Gas and Water Storage Facilities.</li> <li>m) Landscape Plan.</li> </ul>	Completed	All plan elements outlined in this condition of approval for the Initial Development and Improvements Plan were submitted and subsequently completed in final form in the Final Development and Improvements Plan (FDIP).

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14.2	<p><b>Regulatory Agency Approvals.</b> Subsequent to the approval of this Land Use Permit, the Landfill Developer shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for building, serving, and operating the Landfill. The approvals shall include, but are not limited to:</p> <p>a) Waste Discharge Requirements from the Regional Water Quality Control Board.                      b) Authority to Construct (and Authority to Operate Requirements) from the Bay Area Air Quality Management District.                      c) Wetland Modification Permit from the Army Corps of Engineers.                      d) Streambed Alteration Agreement from the State Department of Fish and Wildlife.</p> <p>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.</p>	Completed. Updated As Needed	<p><b>UPDATE: Permits updated are shown below in bold font.</b>                      The permits and approvals involved compliance with prevailing State and federal regulations and design standards for a Class II sanitary landfill and represent implementation of many mitigation measures specified in the 1990 Final EIR. All other project approvals were obtained and updated as follows:                      * Solid Waste Facility Permit (SWFP) #07-AA-0032, issued April 29, 1992 by Contra Costa Environmental Health, with concurrence from the former California Integrated Waste Management Board, now the California Department of Resources Recycling and Recovery (CalRecycle). Last reviewed and modified in 2014. <b>Next permit review in 2019.</b>                      * Waste Discharge Requirements (WDRs) Orders No. 91-052, 97-060, 98-081, 00-091, 01-240, R2-2003-0063, R2-2004-0080, issued 3/20/91 by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB). Last amended 2004;                      * Title V Permit Major Facility Review Plant No. A4618 last issued March 17, 2016 by the Bay Area Air Quality Management District (BAAQMD);* <b>Authority to Construct/Permit to Operate Plant No. 4618 reviewed annually by the BAAQMD. 2017 renewal scheduled November 1, 2017.</b> ;                      * National Pollution Discharge Elimination System Permit #2-07S006887 issued September 17,1992 by the U.S. Environmental Protection Agency;                      * Nation-Wide Permit No. 26t, Section 404 of the Clean Water Act, issued June 14, 1991 by the U.S. Army Corps of Engineers;                      * Conditional Certification under the Clean Water Act, Section 401, issued October 3, 1991 by the California Regional Water Quality Control Board, San Francisco Bay Region;* Streambed Alteration Agreement No. 1461-90 by the California Department of Fish and Game was signed by the Warden on 8/4/1991 and executed by the Operator on October 18, 1991. Lawlor Creek (No. 1461-90); Sedimentation basin, drainages, culverts (No. 1462-90); and wetlands construction (No. 1463-90).                      * Industrial Waste Discharge Permit #292150-S last issued 2008 by the Delta-Diablo Sanitation District;                      * Cancellation of the Land Conservation Act (Williamson Act) Contract #6-71 on July 14, 1990 and amended on October 15, 1991 by Contra Costa County.                      * Report of Disposal Site Information (RDSI), 1992, pursuant to SWFP 07-AA-0032, as amended.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
14.3	<p><b>Improvements Requirements.</b> Subsequent to the approval of this Land Use Permit, the Landfill developer shall obtain approvals from the agencies, utilities, and parties having jurisdiction or control over the on-site and off-site improvements required by this Land Use Permit or by agencies having regulatory jurisdiction over the project. The Landfill developer shall notify the 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.</p>	Completed. Updated As Needed	<p>All approvals were obtained from jurisdictional agencies as described above in Condition 14.2.</p> <p>The Department of Conservation and Development has not received any notice from the Landfill operator stating that the land use conditions appear to be inconsistent with the LUP or Environmental Impact Report.</p>

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Condition	Condition Description	Compliance Status	Comments
15.1	<p><b>Final Development and Improvements Plan.</b> Subsequent to the approval of the Land Use Permit but prior to the commencement of any construction, the Landfill developer shall submit a Development and Improvements Plan to the 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.</p> <p>The Development and Improvements Plan shall include:</p> <p>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).</p>	Completed. Updated As Needed	<p>There may be updates to various FDIP Sections, such as Sections 6.3 - 6.5 which relate to the requirements in Conditions 31.4 - 31.6.</p> <p>A copy of the FDIP is kept at the KCL and County DCD offices and is available for review during normal business hours. Some of the documents listed below have been updated by other permits in effect at KCL. The FDIP was formally submitted on July 23, 1991 to CDD. The FDIP served as the primary basis for facility review. CDD coordinated reviews of the FDIP with other County department. The landfill operator updated elements of the FDIP as directed by CDD.</p> <ul style="list-style-type: none"> <li>* Landfill (Site) Development Plan included in FDIP, Section 3</li> <li>* Surface Water Management and Sediment Control Plan included in FDIP, Section 4</li> <li>* Agricultural and Habitat Enhancement Plan included in FDIP, Section 5</li> <li>* Waste Reduction and Resource Recovery Plan included in FDIP, Section 6</li> <li>* Landscape (Screening) Plan included in FDIP, Section 7</li> <li>* Landfill Gas Management/Air Quality Monitoring/Odor Control Plan included in FDIP, Section 8</li> <li>* Leachate Management Plan included in FDIP, Section 9</li> <li>* Site Services and Utilities Plan included in FDIP, Section 10</li> <li>* Traffic and Circulation Plan included in FDIP, Section 11</li> </ul>
15.2	<p>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.</p>	In Compliance. On-Going	<p>DCD authorized initial phased construction of landfill facilities and modules in 1991. See Memo from C. Zahn to the Board of Supervisors dated 10/25/1991.</p>
16.1	<p><b>Landfill Slopes Objective.</b> Landfill slopes shall be engineered to provide static and dynamic (seismic) stability under design criteria for Class II Landfills.</p>	Objective	<p>This is solely an Objective. See Conditions 16.2 - 16.12.</p> <p>All engineering design related to landfill slopes meet design criteria for Class II landfills and are approved by the RWQCB. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists).</p> <p>Letter of authorization from the RWQCB was substantiated by CDD on 10/23/1991.</p>

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Condition	Condition Description	Compliance Status	Comments
16.2	<p><b>Seismic Design.</b> The Landfill, its drainage features and operating components (lifts, berms, liners, sediment pond, leachate and gas collection systems and major stockpiles) shall be designed to withstand 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.</p>	In Compliance. On-Going	<p>The facility is in compliance with seismic design criteria and other measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.5 (engineered structures to withstand maximum credible earthquake (MCE), Provision C.5 (submit proposal for slope and seismic analysis) and (slope and seismic analysis for new construction). WDRs are monitored by the RWQCB.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
16.3	<p><b>Landslide Study.</b> The Landfill developer shall employ a licensed geo-technical 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.</p>	Completed. On-Going	<p>The original preliminary Landslide Study is included in the FDIP, Appendix G. The facility is in compliance with the WDRs Section 19 and Title 27 requirements, including Section 21750(f)(5)(A) requiring the discharger to provide slope stability analyses prior to construction, ensuring the integrity of the waste management unit under both static and dynamic conditions throughout the unit's life.</p> <p>A certified study by a licensed geotechnical professional was substantiated by <b>DCD</b> on 10/25/1991. See Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
16.4	<p><b>Geotechnical Inspector.</b> 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.</p>	In Compliance. On-Going	<p>Design reports for all phases of site development are submitted to the County for review and approval. The operator was asked to provide funding for the County to contract with a geotechnical consulting firm to assist with the review of design reports for at least the first five years of phased landfill construction. Professional geotechnical consultants are involved in all phases of site development as required by WDRs Specification B.14 (Reports prepared by registered engineers and geologists). Liner installation is routinely inspected during construction of each new landfill disposal phase in accordance with requirements of this LUP and the WDRs monitored and enforced by the RWQCB. The County may elect to retain geotechnical expertise in the future at the operator's expense pursuant to this Condition.</p>
16.5	<p><b>Landfill Design Stability.</b> The Landfill developer shall provide a static and dynamic stability analysis of the final engineering design of the Landfill and its appurtenant improvements. The stability analysis method and the resulting analysis shall be approved by the County Conservation and Development Department and the San Francisco Regional Water Quality Control Board and included in the Final Development and Improvements Plan.</p>	Completed. On-Going	<p>An early study of landfill design stability is included in FDIP, Section 3.3. In 2002, analyses were performed to evaluate the static and seismic stability of the proposed base grades, the final fill grades and the proposed cover system under five cases involving different locations proximate to landslides, and under different final fill grades and cover parameters. The presentation and discussion of these analyses is organized in an internal report by GeoSyntec, 2002.</p> <p>All KCL design documents must comply with the WDRs Section 19. Title 27 Requirements, which requires that any future developments must comply with Section 21750(f)(5)(A), requiring the discharger to provide slope stability analyses, ensuring the integrity of the waste management unit under both static and dynamic conditions throughout the unit's life.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

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Condition	Condition Description	Compliance Status	Comments
16.6	<p><b>Slope Monitoring.</b> 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.</p>	Completed. On-Going	<p>Included in the original Landslide Study in the FDIP, Appendix G. Slope monitoring is conducted consistently to identify potential problems.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists), Provision C.5</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
16.7	<p><b>Settlement Program.</b> The Landfill developer shall implement a program to prevent fill settlement and an inspection program to detect and correct settlement problems. The developer shall compact the refuse and cover materials to maximum strength and design and maintain the necessary slope gradient to ensure proper surface water drainage. A network of settlement platforms shall be installed to monitor fill settlement at critical points. The station specifications and locations shall be included in the Improvements and Development Plan. The Settlement program shall be subject to the approval of the County Conservation and Development Department and the San Francisco Regional Water Quality Control Board.</p>	Completed. On-Going	<p>Included in FDIP, Section 3.4. Landfill settlement is also addressed in the Draft JTD. Compaction of waste and cover is performed in compliance with State requirements and Condition 17k(c) of the SWFP.</p> <p>The facility is in compliance with seismic design criteria and other measures incorporated into the WDRs (RWQCB Order 01-040) [(e.g. Specification B.5 (engineered structures to withstand maximum credible earthquake (MCE), Provision C.5 (submit proposal for slope and seismic analysis) and (slope and seismic analysis for new construction). WDRs are monitored by the RWQCB.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
16.8	<p><b>Emergency Landslide and Earthquake Program.</b> 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.</p>	Completed. On-Going	<p>A Post-Earthquake Program is included in the 1992 RDSI, and FDIP, Section 3.5, and was submitted to the RWQCB in compliance with Provision C.3 of the WDRs in Order No. 91-052.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
16.9	<p><b>Settlement Pond Embankment Design.</b> The Landfill developer shall design the settlement pond to control foundation seepage through the means of a filter or other materials.</p>	Completed	<p>Settlement pond embankment was designed per requirements of the WDRs and approved by the RWQCB. Also see Community Development Department Letter from H. Bragdon to the Board of Supervisors dated 12/13/1991; and Building Inspection memo from S. Thung to C. Zahn dated 1/21/1992. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.5 (Detailed construction plans of containment structures), C.18 (Notification of containment facility failure). WDRs are monitored by the RWQCB.</p>

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Condition	Condition Description	Compliance Status	Comments
16.10	<p><b>Settlement Pond(s) Monitoring Program.</b> The Landfill operator shall prepare and implement a failure prevention and warning system, including daily monitoring and visual inspection, for the sedimentation ponds. The program shall be approved by the County Conservation and Development Department and shall be included in the Development and Improvements Plan.</p>	In Compliance. On-Going	<p>Included in FDIP, Section 3.5. Sedimentation ponds and stormwater discharge points are inspected at a minimum on a weekly basis. Daily inspections have proved unnecessary due to the static nature of the facilities particularly during the non-rainy season.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.5 (Detailed construction plans of containment structures), C.18 (Notification of containment facility failure). WDRs are monitored by the RWQCB.</p>
16.11	<p><b>Stockpile Stability.</b> Commencing with the onset of stockpiling, the Landfill operator shall continually analyze daily cover material stockpiles for stability to determine allowable heights and/or slopes. The results shall be available to the County Conservation and Development Department and Contra Costa Environmental Health on demand.</p>	In Compliance. On-Going	<p>Stockpiled cover materials are analyzed daily for stability as standard operating procedure and Condition 17k(a) of the SWFP. Results of stockpile stability analyses are available to the Department of Conservation and Development and the LEA upon request.</p>
16.12	<p><b>Unstable Areas.</b> Areas with landslide potential to affect land-fill operations shall be stabilized through excavation or other methods such as compacting or the construction of retaining walls. Grading operations shall be performed in a manner which shall not destabilize slopes.</p>	In Compliance. On-Going	<p>Potential landslide areas have been identified. Stabilization methods are to be determined in the field. Significant landslide events occurred at the landfill site in 1996 and 1998. All corrective actions were reviewed and approved by the RWQCB and are the subject of RWQCB Order 01-040 Title 27 Requirements Items 16, 17, and 18.</p> <p>Measures are incorporated into the facility's WDRs (RWQCB Order 01-040) [(e.g. Specification B.8, (Maintenance of Disposal Area slopes), B.14 (Reports prepared by registered engineers and geologists), Provision C.5</p>
17.1	<p><b>Groundwater Protection Objective.</b> The Landfill shall not impair the beneficial uses of groundwater on the Landfill site or in its vicinity. The design and monitoring of the Landfill shall be based upon the assumption of the existence of high permeability interconnecting cracks and fissures in the underlying strata allowing the potential of groundwater transmission.</p>	Objective	<p>This is solely an Objective. See Conditions 17.2 - 17.6.</p> <p>Implementation of Section 17, Groundwater Protection conditions related to landfill site design and monitoring has maintained beneficial uses of groundwater at the landfill site and surrounding vicinity.</p>
17.2	<p><b>Landfill Liner.</b> The Landfill developer shall install a engineered liner system, including a clay liner and a high-density polyethylene liner, which meets State Class II Landfill standards. The liner shall be approved by the San Francisco Bay Regional Water Quality Control Board and its specifications and design shall be included in the Development and Improvements Plan. The liner shall be designed to withstand the Maximum Credible Earthquake as specified by the Regional Water quality Control Board. See Section 16.</p>	In Compliance. On-Going	<p>Landfill liner design is detailed in reports submitted for each phase of the phased development which are then subject to review and approval by the RWQCB and DCD.</p> <p>The KCL base liner system is designed in accordance with 27 CCR, Section 20330 and WDR 01-040 Specification B.13 requirements for a Class II liner. The base liner components generally consist of (from bottom to top): Prepared subgrade; A 12-inch underdrain granular layer; A non-woven geotextile filter; A 24-inch thick low-permeability soil layer (maximum permeability of 1 x 10<sup>-7</sup> cm/sec); A 80-mil high density polyethylene (HDPE) liner (double textured); A non-woven geotextile cushion layer; A 12-inch dendritic LCRS gravel layer; A non-woven geotextile filter; and A 12-inch thick operations (protective cover soil) layer.</p>



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17.3	<p><b>Leachate Collection System.</b> The Landfill developer shall install a leachate collection system which shall meet State Class II standards. The leachate collection system shall be approved by the San Francisco Bay Regional Water Quality Control Board, and its specifications and design shall be included in the Development and Improvements Plan. Leachate shall be contained by a double liner system consisting of a two-foot thick layer of clay overlain by a synthetic membrane liner. Enclosed storage tank design for leachate treatment shall meet hazardous waste storage requirements, which includes a double liner system with perimeter berms. An emergency connector shall be installed between the pre- and post-treatment tanks in the event of an overflow situation. A tanker truck shall be readily available for emergency purposes. Measures shall be taken to limit leachate formation, such as prompt covering of waste and provision of surface water drainage away from landfill areas.</p>	In Compliance. On-Going	<p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.9 (leachate discharges), Specification B.4 (LCRS design), B.17 (Leachate sump seismic design), Provisions C.1 (Compliance with Specifications and Provisions of Order), C.3 Groundwater monitoring. WDRs are monitored and enforced by the RWQCB.</p> <p>The Leachate Collection and Removal System (LCRS) was designed, constructed, and is operated in accordance with RWQCB requirements. The leachate collection system was designed to handle twice the maximum daily leachate generation rate from the facility. Leachate collected in the LCRS flows through the drainage layer to pipes and subsequently into two 66,000 gallon leachate storage tanks located adjacent to the landfill gas flare station. The storage tanks are located inside a reinforced concrete secondary containment area set below surrounding grades. The leachate is disposed by re-injection into the waste mass in accordance with RWQCB requirements. The level of leachate in the two tanks are observed and recorded daily. During dry months (April to October), leachate is withdrawn when the tank liquid level is observed at approximately 4-feet or 16,500-gallons. Due to the potential increase in the volume of leachate from winter rains, the tank levels are kept as low as feasible in the wet months.</p> <p>See WDRs Specifications 4,9,13, 17, and 18; and Provision 4. See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 3/12/1992, which authorized installation of leachate tanks.</p>
17.4	<p><b>Surface Drainage System.</b> Water collected in the underdrain system beneath the landfill shall be monitored on a regular basis specified by the San Francisco Regional Water Quality Control Board. If contaminated, this water shall be treated as leachate. See Section 18.2.</p>	In Compliance. On-Going	<p><b>UPDATE: All annual and semi-annual water quality monitoring reports were submitted to the RWQCB in 2017. KCLC continues to perform monthly sampling of the underdrain system.</b></p> <p>The surface drainage system is monitored in accordance with RWQCB WDR detection monitoring requirements (Monitoring Programs 36. Surface Water) and the facility Self-Monitoring Program Parts A and B. Annual monitoring reports are filed with the RWQCB and are available for review at the landfill office during normal business hours. The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.3 (Surface Drainage)].</p>
17.5	<p><b>Groundwater Monitoring.</b> The Landfill developer shall install a groundwater monitoring system and implement a monitoring program, as required by the San Francisco Bay Regional Water Quality Control Board. The monitoring stations' specifications, locations, and their frequency of monitoring shall be included in the Development and Improvements Plan. The proposed monitoring program shall be subject to review by Contra Costa Environmental Health and the County Conservation and Development Department.</p>	In Compliance. On-Going	<p><b>UPDATE: All annual and semi-annual water quality monitoring reports were submitted to the RWQCB in 2017. KCLC continues to perform monthly sampling of the underdrain system.</b></p> <p>The original groundwater monitoring program is included in FDIP, Section 9.3, and Appendix A. All monitoring of groundwater is performed in accordance with the RWQCB WDR requirements under Monitoring Programs 34. Groundwater and 35. Leachate. The facility is in compliance with measures for groundwater monitoring into the WDRs (RWQCB Order 01-040). Also see Section C, Provisions, and California Environmental Quality Act section of Order, Items 38 through 40).</p> <p>The existing groundwater monitoring network at the KCL has been designed to provide early detection of a release from wastes to groundwater. The monitoring systems currently installed was designed and certified by a registered (geologist or civil) engineer. The boring logs were prepared under the direction of a registered geologist or civil engineer and submitted to the RWQCB.</p>

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17.6	<p><b>Downstream Well Monitoring.</b> The groundwater monitoring program shall include selected wells down gradient from the site. The wells shall be subject to approval by the San Francisco Regional Water Quality Control Board. 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.</p>	In Compliance. On-Going	<p><b>UPDATE: All annual and semi-annual water quality monitoring reports were submitted to the RWQCB in 2017. KCLC continues to perform monthly sampling of the underdrain system.</b></p> <p>A downstream well monitoring program is included in the FDIP, Section 9.4, and Appendix A. Also see WDRs Self-Monitoring Program. The locations and design of wells were approved by CCEH and the RWQCB. All monitoring of groundwater is performed in accordance with the RWQCB requirements and the WDRs.</p> <p>Facility is in compliance with measures for groundwater monitoring incorporated into the WDRs (RWQCB Order 01-040). See Section C, Provisions. Also see Condition 17.5 above.</p>
17.7	<p><b>Baseline Water Characterization.</b> The Landfill developer shall conduct a groundwater characterization study for at least a one-year period following the approval of the Land Use Permit. The procedures for the study shall be specified by the San Francisco Bay Water Quality Control Board and Contra Costa Environmental Health.</p>	Completed	<p>Included in FDIP, Section 9.3, and FDIP Appendix A Waste Discharge Requirements and 401 Certification, Baseline characterization was performed in accordance with the WDRs Self-Monitoring Program Section 4C. Groundwater Characterization studies performed were reviewed and approved by the RWQCB. There is no record of a CCEH approval of a baseline characterization report; however, CCEH has deferred to the RWQCB approval on other similar conditions.</p>
17.8	<p><b>Liquid Waste Disposal.</b> The Landfill operator shall comply with the requirements of the Regional Water Quality Control Board for disposal of de-watered sewage and other utilities' sludges in the Landfill to prevent excess liquid concentrations. The Landfill operator shall not accept other liquid wastes.</p>	In Compliance. On-Going	<p>The landfill facility is in compliance with RWQCB and SWFP requirements for handling and disposal of sludge material. The discharge of liquid or semi-solid waste to the landfill (i.e. waste containing less than 50% solids by weight), other than dewatered sewage or water treatment sludge as described in Section 20220(c) of Title 27, is prohibited.</p>

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17.9	<p><b>Drainage Grading.</b> The Landfill developer shall grade completed fill areas to convey surface run-off to ditches at the fill perimeter to limit infiltration into the Landfill. The grading specifications shall be included in the Development and Improvements Plan.</p>	In Compliance. On-Going	All grading and fill operations are consistent with plans and specifications included in FDIP, Section 9.5. Facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.3 (Surface Drainage)].
17.10	<p><b>Leachate Management.</b> The Landfill operator may reapply leachate removed from the leachate collection sumps to the Landfill for absorption by solid waste, or arrange for its transportation (pretreated if necessary) to an appropriate treatment and disposal facility. If leachate is returned to the fill area, it shall be injected under the Landfill's cover rather than applied over its surface. The return of leachate to the Landfill shall be subject to the solids-to-liquids ratio restrictions defined by the San Francisco Bay Regional Water Quality Control Board and 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.</p>	In Compliance. On-Going	<p><b>UPDATE: All leachate monitoring reports were submitted to the RWQCB in 2017. KCLC continues to perform quarterly sampling analysis of the leachate system.</b></p> <p>The Leachate Management Plan is included in the FDIP, Sections 9.1 through 9.8. A Leachate Collection Tank Log records daily measured levels, gallons in tanks 1 and 2, truck loads and gallons out. Leachate is sampled and analyzed quarterly. Leachate is disposed by re-injection into the waste mass in accordance with RWQCB requirements. The level of leachate in two leachate storage tanks are observed and recorded daily. During dry months (April to October), leachate is withdrawn when the tank liquid level is observed at approximately 4-feet or 16,500-gallons. Due to the potential increase in the volume of leachate from winter rains, the tank levels are kept as low as feasible in the wet months.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Prohibition A.9 (leachate discharges), Specification B.4 (LCRS design), B.17 (Leachate sump seismic design), Provisions C.1 (Compliance with Specifications and Provisions of Order), C.3 Groundwater monitoring. WDRs are monitored and enforced by the RWQCB.</p>
17.11	<p><b>Water Balance Calculations.</b> 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.</p>	Not Yet Required	Water balance data will be provided upon request by DCD and/or CCEH. The landfill operator has confirmed that the facility has not yet reached the intermediate stages.
17.12	<p><b>Leachate Holding Tanks.</b> Holding tanks for leachate shall be tested to ensure chemical compatibility to prevent chemical degradation of said tanks. The Landfill developer shall submit test results to the Regional Water Quality Control Board and Contra Costa Environmental Health, prior to the submission of the Development and Improvements Plan.</p>	In Compliance. On-Going	<p>The initial tests were completed July 22, 1991. The original design and manufacture of leachate holding tanks were in accordance with RWQCB requirements.</p> <p>See Health Services Department memo from M. Schott to C. Zahn (CDD) dated 10/13/1991. Schott stated approval recommended from RWQCB and that HSD had no further action and deferred to the RWQCB approval.</p>
17.13	<p><b>On-Site Water Supply Wells.</b> 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.</p>	Completed. On-Going	An on-site water supply well was constructed in accordance with County CCEH and RWQCB requirements. Well design plan is included in FDIP, Section 10.2. Water for operations at the KCL is supplied by a well approximately 1,000 feet north of the maintenance shop and water storage tank. The well meets the pumping capacity requirements of this condition. Permits to construct the wells were issued by HSD on December 12, 1992 and April 15, 1993.

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17.14	<p><b>Off-Site Water Well Contamination.</b> If the water quality of nearby domestic water supplies is impaired by Landfill leachate, the Landfill operator shall take immediate remedial action that is acceptable to 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.</p>	Not Yet Required	Condition Acknowledged. The locations of groundwater wells within a mile of the existing KCL have been mapped and available information for the wells has been collected. Nearby domestic water supplies have not been impaired by landfill leachate. No remedial action has been required of the Landfill owner/operator.
17.15	<p><b>Liner Installation Inspection.</b> See Condition 16.4.</p>	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 16.4.
17.16	<p><b>Secondary Containment.</b> The Landfill developer shall construct a secondary containment system capable of containing 1.5 times the volume of each leachate-holding tank.</p>	Completed	The storage tanks are located inside a reinforced concrete secondary containment area set below surrounding grades. The containment area meets the requirements of this condition. See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 12/13/1992, which authorized construction of the leachate storage tank foundations for both leachate tanks have a capacity of 64,000 gallons each, and a concrete secondary containment with a capacity of 100,000 gallons (150% of the primary leachate tank) under Building Permit MI 176258.
17.17	<p><b>Working Face.</b> The Landfill operator shall maintain a maximum daily working face of 3 acres or less in order to minimize surface water infiltration to the refuse, as well as to control dust and erosion, prevent vector proliferation, and minimize visual impacts. 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.</p>	In Compliance. On-Going	Standard operating procedures limit the maximum daily working face to fewer than 3 acres as specified in this condition, and a maximum of 1 acre as specified in Condition 17h of the SWFP.
18.1	<p><b>Surface Water Protection Objective.</b> The Landfill shall not impair the beneficial uses of water bodies in the vicinity of the Landfill site.</p>	Objective	This is solely an Objective. See Conditions 18.2 - 18.5.  The original Surface Water Management and Sediment Control Plan was included in FDIP, Sections 4.1 through 4.3. Requirements for surface water protection are also defined in the facility WDRs Prohibitions 8(a), and Specifications B.3, B.7, and B.9.

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Condition	Condition Description	Compliance Status	Comments
18.2	<p><b>Surface Drainage System.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: No significant improvements or modifications to the surface drainage system were implemented in 2017. Routine maintenance of the sedimentation basin was performed.</b></p> <p>In 2016 a portion of the surface drainage system was reconfigured south of the existing "check structure" as part of site development, and in accordance with the Design Report for Phase 3B1 approved by the RWQCB.</p> <p>Included in FDIP, Section 4.1. Also see WDRs Finding 18, Spec 2-3, Drawings 29-31. The surface drainage system was designed, constructed, and is maintained in accordance with this condition and requirements of WDR Specification B.3, which requires that surface drainage from tributary areas, and internal site drainage from surface and subsurface sources, shall not contact or percolate through wastes during disposal operations or during the life of the site. Surface drainage from tributary areas, and on-site drainage from surface sources, are collected using surface drainage ditches, and/or other conveyance and collection methods.</p> <p>Letter of authorization from the RWQCB was substantiated by Community Development Department on 10/23/1991. See CDD Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. See correspondence from CDD to the District II Supervisor dated 4/22/1992 explaining how landfill design would help control flows into the City's storm drain.</p>
18.3	<p><b>Creek Protection.</b> The landfill shall be designed so leachate and other contaminated water does not flow into Lawlor Creek. See Section 23.3.</p>	In Compliance. On-Going	<p>Landfill site design in the FDIP, the original RWQCB for construction of a Class II landfill, and on-going design reviews by regulatory agencies ensure that neither leachate nor contaminated water flows into Lawlor Creek. The Extent of Waste Placement where waste is disposed is located hundreds of feet away from Lawlor Creek.</p> <p>See RWQCB letter from L. Kolb to B. Olney dated 10/23/1991.</p>

Condition	Condition Description	Compliance Status	Comments
18.4	<p><del>Surface Water Management and Sediment Control Plan.</del> 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.</p> <p>a) Primary Grading. The Landfill developer shall perform primary grading for the project's fill modules, cover, roads, paved areas, building sites, and the construction of site slopes during the April through October low rainfall season.</p> <p>b) Temporary Flow Restriction. If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the Landfill developer shall take corrective actions, which may include the installation of ground cloth or the placement of hay bales.</p> <p>c) Ground Cover. The Landfill developer shall plant ground cover on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan.</p> <p>d) Ditch/Swale Liners. The Landfill developer shall line any ditches and swales for conveying surface runoff across sanitary Landfill areas to limit water infiltration. Drainage-ways across other areas shall be lined or planted to limit erosion.</p> <p>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 down-stream discharge shall not exceed the 25-year, 24-hour design storm. The program shall include a preventive maintenance program which shall include a program for clearing of sedimentation ponds and maintenance of perimeter ditches and vegetative cover. The 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 15th). 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.</p> <p>f) Runoff Conveyance. Erosion to ditches or gullies used to convey runoff shall be corrected by use of appropriate</p>	Completed. On-Going	<p>The original Surface Water Management and Sediment Control Plan is included in FDIP, Section 4.2 and Appendix I, The RWQCB approved the design for Keller Canyon, (See RWQCB letter from L. Kolb to B. Olney dated 10/23/1991). Plan elements have been updated as needed to meet requirements of landfill construction and prevailing regulations.</p> <p>All requirements in this condition for design and construction of the landfill were met prior to, or if approved by the County, subsequent to landfill opening. Monitoring of surface water management and sediment control is performed in accordance with RWQCB requirements, and Condition 17k(b) of the SWFP.</p> <p>Facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.2 (Washout and Erosion of Wastes), and B.3 (Management of Surface Drainage), B.7 Final grading promoting lateral runoff] and Provision C.3 (Preparation of facilities prior to rainy season)]. Measures are also incorporated into NPDES Industrial Discharge permit. WDRs and NPDES are monitored and enforced by the RWQCB.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991. See also Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, as updated through 10/25/1991.</p>

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Condition	Condition Description	Compliance Status	Comments
18.5	<p><b>Monitoring.</b> The Landfill developer shall prepare and implement a surface water monitoring program to check for possible contamination of off-site surface water drainage facilities. Baseline water quality shall be determined prior to project implementation. Sedimentation pond outflow shall be monitored. The monitoring program shall be subject to approval of Contra Costa Environmental Health, the County Conservation and Development Department, and the Regional Water Quality Control Board.</p>	Completed. On-Going	<p><b>UPDATE 2017: The SWPPP was updated in June 2016 and is available for review during normal business hours.</b></p> <p>Storm water discharge monitoring results are summarized in the report titled "Annual Report for Storm Water Discharges Associated with Industrial Activities at Keller Canyon Landfill (WDID No. 2071006887", dated June 2015. The facility Storm water Pollution Prevention Plan (SWPPP) was updated in 2014 to comply with requirements specified in the new General Permit for Storm Water Discharges Associated with Industrial Activities 2014-0057-DWQ.</p> <p>Included in FDIP, Section 4.3. Also see WDRs Self-Monitoring Program. No events of contamination of off-site surface water drainage facilities have occurred. Monitoring of surface water is performed in accordance with the WDRs Item 36. Surface Water. Stormwater discharges from the site are monitored at five locations, during two major storm events, as required by the State Board's General Permit for Stormwater Discharges Associated with Industrial Activities and the Discharge Monitoring Program in Order 01-040.</p> <p>The facility is in compliance with measures incorporated into the WDRs (RWQCB Order 01-040) [e.g. Specification B.2 (Washout and Erosion of Wastes), and B.3 (Management of Surface Drainage), B.7 Final grading promoting lateral runoff] and Provision C.3 (Preparation of facilities prior to rainy season)]. Measures are also incorporated into NPDES Industrial Discharge permit. WDRs and NPDES are monitored and enforced by the RWQCB.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
19.1	<p><b>Hazardous Waste Ineligible.</b> See Section 6.4.</p>	Cross-Reference	<p>This condition solely cross-references another LUP condition. See Condition 6.4.</p>
19.2	<p><b>Load Inspection.</b> See Condition 7.1</p>	Cross-Reference	<p>This condition solely cross-references another LUP condition. See Condition 7.1.</p>

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
19.3	<p><b>Household Hazardous Waste Program.</b> The Landfill operator shall develop a household hazardous waste collection and management program for the service area which is consistent with the County Hazardous Waste Management Plan and with the County Integrated Solid Waste Management Plan. The program shall be subject to the approval of the 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 Contra Costa Environmental Health/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.</p>	Not Yet Required	<p>This condition preceded the approval of the County's Household Hazardous Waste (HHW) Element of the Countywide Integrated Waste Management Plan. There was a substantial change in public policy with respect to management of this portion of the waste stream shortly after this LUP was approved. CDD advised the Board of Supervisors that this policy change effectively put this COA 19.3 "on hold." (see memo from H. Bragdon to the Board of Supervisors dated 4/28/1992).</p> <p>By early 1992, County HSD had taken the lead role in implementing a countywide mobile collection program. Several years later wastewater agencies developed and began operating permanent drop-off facilities for HHW to serve those living in Central (Central Contra Costa Sanitary District) and East County (Delta Diablo Sanitation District). Soon thereafter a permanent drop-off facility was built in North Richmond to serve West County.</p> <p>The countywide household hazardous waste program includes three permanent HHW facilities serving households in their respective areas to provide free and convenient option to properly manage HHW effectively removing it from the waste stream before it reaches the landfill.</p> <p>The Countywide Integrated Waste Management Plan approved in 1993 does not call for an HHW program at Keller Canyon Landfill, however such a program could be re-activated if conditions change.</p>
19.4	<p><b>Hazardous Waste Pre-screening.</b> 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.</p>	In Compliance. On-Going	<p>The Eligible Vehicles and Loads program that is implemented at the landfill scale house was updated in 2013 and approved by the LEA in 2014.</p> <p>A Load Check program and hazardous waste pre-screening program are in effect at Contra Costa Transfer and Recovery Station and other transfer stations that dispose of waste at Keller Canyon Landfill. (See Condition 7.1)</p>
19.5	<p><b>Regulatory Agency Approvals.</b> The collection and storage of toxic and hazardous wastes pursuant to this section shall be subject to County Health Services Department's Hazardous Materials Division, State Department of Health Services, and other regulatory agency approvals.</p>	In Compliance. On-Going	<p>Condition Acknowledged. Procedures related to storage of toxic or hazardous waste are also addressed in SWFP 07-AA-0032, Section 17j. Should this statement also be included in the compliance response for the condition above? DB: This statement belongs in the comments for COA 19.5</p>
20.1	<p><b>Prevention of Air Quality Deterioration.</b> The Landfill operator shall manage the facility in a manner that does not result in the significant deterioration of air quality in the vicinity of the site or in the Bay Area. The condition shall be interpreted as a requirement that the Landfill comply with terms of the Authority to Construct Permit to Operate permits issued by the Bay Area Air Quality Management District.</p>	In Compliance. On-Going	<p><b>UPDATE: The most recent Title V Major Facility Review Permit #A4618 issued by the BAAQMD on March 17, 2016 remains in effect. The Authority to Construct/Permit to Operate reviewed annually by the BAAQMD is scheduled for renewal on November 1, 2017.</b></p> <p>Landfill owner/operator compliance with conditions of approval in LUP Section 20. The landfill facility is in compliance with all permits issued by the BAAQMD. Title V Permit Major Facility Review Plant No. A4618 last issued March 17, 2016; and the Authority to Construct/Permit to Operate Plant No. A4618. The Authority to Construct/Permit to Operate is reviewed annually by the BAAQMD.</p> <p>The Landfill Gas Management/Air Quality Monitoring/Odor Control Plan is included in the FDIP, Sections 8.1 through 8.10. The original Authority to Construct is Appendix B of the FDIP.</p> <p>The landfill facility has established protocols for logging complaints and handling those types of communications (see Condition 20.2 below).</p>



Condition	Condition Description	Compliance Status	Comments
20.2	<p><b>Odor Containment.</b> 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.</p> <p>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.</p>	In Compliance. On-Going	<p>UPDATE: KCL staff maintains an odor complaint tracking system. Each complaint is logged by week and month, with details of the date and time of odor complaint/occurrence, name and address and contact information of the complainant (if provided), the complaint location's approximate distance from the landfill Working Face, and description of the odor.</p> <ul style="list-style-type: none"> <li>* The Odor Management Plan for Landfill Operations implemented by KCLC on May 25, 2017. The Odor Management Plan is a supplement to the current, more general Odor Impact Minimization Plan (OIMP).</li> <li>* The Odor Management Plan contains protocols for responding to, and investigating, odor complaints, procedures for identifying presence of odor, employee training, equipment, specific odor mitigation measures, and required documentation and record keeping. A copy of the Odor Management Plan is available for review at the landfill office during normal business hours.</li> <li>* Complaint data reviewed in this LUP compliance review were provided by the BAAQMD, DCD, and CCEH.</li> <li>* Each complaint received has a date and approximate time of occurrence. Several complaints do overlap with another agency.</li> <li>* Three odor complaints were confirmed by the BAAQMD, two of which occurred on October 24, 2016. On this date, the LEA issued a Notice of Violation. The other confirmed odor complaint occurred on December 29, 2016.</li> <li>* 100% of the odor complaints were recorded from October through April, coinciding with the rainy season (one complaint on 8/31/2017). These odor complaints were described generally as "garbage" or "rotten garbage".</li> <li>* KCL has procedures for identifying, evaluating, and mitigating off-site odors when they are confirmed. Site personnel routinely patrol the area including local neighborhoods for any indication of odors. Findings and results from the surveys are documented daily. All complaints submitted to KCL, whether by phone, or a referral by DCD or BAAQMD, are followed up and investigated by KCL staff. All complaints are tracked and reviewed. Where feasible, complainants or nearby neighbors were interviewed.</li> <li>* Investigations usually involved follow-up by KCL staff, or jointly with BAAQMD and/or CCEH.</li> <li>* The on-site KCL weather station data are reviewed to assess wind direction and speed at the approximate time of the odor complaint.</li> <li>* Additionally, KCL has systems and operation practices to minimize odor impacts on the surrounding community, including use of Best Available LFG Control Technology, maintaining a small working face (less than 1 acre in size) and enclosing the leachate system.</li> </ul> <p>An odor impact minimization plan (OIMP) is in effect. An Odor Complaint Program is also in effect per Condition 17k(g) of the SWFP. Odor complaints and associated responses/corrective actions are logged in the facility's Complaint Log. Standard forms record the date of the complaint, name of the individual filing the complaint (if available), weather conditions, name of the landfill complaint investigator, the alleged locations of odors, and the results of complaint verification by either landfill personnel or personnel from the LEA or BAAQMD. Incidents are also recorded in a Log of Special Occurrences pursuant to provisions of Title 27 CCR 20510 (c) per</p>

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Condition	Condition Description	Compliance Status	Comments
20.3	<p><b>Cover Frequency.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: There were no issues associated with the use of greenwaste ADC. LEA typically evaluates greenwaste quality and size during monthly inspections. Inspection reports regularly state the absence of food waste contamination in greenwaste used for ADC.</b></p> <p>CCEH approved KCLC to use green waste and geosynthetic blankets as Alternative Daily Cover (ADC) after conducting a one-year demonstration project back in 1999-2000 and included a summary report, dated 6/28/2000. The use of greenwaste as ADC was approved shortly after the acceptance of the results of the demonstration project. The landfill's RDSI was updated in early 2015 to formally reflect additional details regarding the use of unprocessed green waste as ADC. The decision to approve that RDSI amendment was appealed to CalRecycle by an outside party. In August 2015, CalRecycle denied the appeal and upheld the approval of the RDSI amendment. As a result, the outside party filed a law suit against CalRecycle (State) and that case is still pending.</p> <p>In September 2014, Governor Brown signed Assembly Bill (AB) 1594 mandating that as of January 1, 2020, the use of green material as alternative daily cover (ADC) will no longer constitute diversion through recycling and will instead be considered disposal in terms of measuring a jurisdiction's annual 50 percent per capita disposal rate.</p> <p>All requirements for approved daily cover materials and practices are complied with as standard operating procedure. Soil cover frequency is in accordance with requirements of LUP Condition 20.3, procedures of the SWFP, and Condition #17309 part 3(a) through 3(d) of the Major Facility Review permit issued by the BAAQMD. The Working Face is limited to 1.0 acre under Condition 17h of the SWFP. Also see Condition 20.2, 24.4 Bird Control, and Section 25 Litter Control.</p>
20.4	<p><b>Odoriferous Loads.</b> 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.</p>	In Compliance. On-Going	<p>Immediate covering of odoriferous loads is standard operating procedure in accordance with requirements of this LUP, the SWFP, and BAAQMD Major Facility Review permit Condition #16462 regulating the handling, use, and storage of yard and green waste stock piles. Air District requires that certain details about the green waste stockpiles be included in each semi-annual report (available on the BAAQMD website).</p>
20.5	<p><b>Dust Suppressants.</b> The Landfill operator shall apply water or proven environmentally safe dust suppressants at least twice daily to working faces of the landfill, unpaved access roads, storage pile disturbances and construction areas as determined to be necessary by Contra Costa Environmental Health. Contra Costa Environmental Health may require sprinklering more frequently for control of particulates.</p>	In Compliance. On-Going	<p>Condition #17309, Item 8, of the BAAQMD permit states that water and/or magnesium chloride is to be applied depending on season: "Except as provided below, all applications of dust suppressant shall consist of 0.5 gallons per square yard of 10% MgCl<sub>2</sub> applied along the entire length of all unpaved roads."</p> <p>The facility is in compliance with dust suppression measures implemented per this LUP condition, Condition 17k(d) of the SWFP, and Condition #17309 and #16462, parts 8(a) through 8(d), 9, 10, 13, 15, and 16(j) through 16(l) of the Major Facility Review permit issued by BAAQMD.</p>
20.6	<p><b>Area of Operations.</b> See Conditions 17.17 and 22.10.</p>	Cross-Reference	<p>This condition cross-references to other LUP conditions. See Conditions 17.17 &amp; 22.10.</p>

Condition	Condition Description	Compliance Status	Comments
20.7	<p><b>Air Flow Monitoring.</b> The Landfill operator shall monitor air flow on the site upon commencement of operations and shall provide background meteorological conditions including wind direction, wind velocity, 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.</p>	In Compliance. On-Going	<p>The landfill weather monitoring station has been in continuous operation. The system is a Vantage Pro2 by Davis Instruments with Weatherlink analytical and reporting software. The collected data are stored on a secure server, thus weather conditions can be reviewed and analyzed for virtually every day the system has operated and stored this data. Collected data are also used to assist in the evaluation of odor complaints. Specifically, weather parameter of wind direction and speed, precipitation, relative humidity, and outside temperature are recorded as needed to evaluate odor complaints.</p> <p>An expanded weather monitoring station was installed May 1997 that monitors and records all meteorological conditions specified in this LUP condition. Data are used to manage daily landfill operations. CCEH letter dated 12/8/1995 acknowledges that their office and DCD agreed that KCL would not be required to submit actual monitoring reports unless determined necessary in the future. Data is available for review by regulatory agencies upon request and periodically checked by LEA during their routine inspections.</p>
20.8	<p><b>Contingency Program.</b> Prior to the start of filling operations, Landfill operator shall prepare a "bad days" contingency program for managing the Landfill during periods of unusual wind speeds or directions, rainfall or drought or other atypical situations. It shall apply specific site monitoring information. The 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.</p>	Completed. On-Going	<p>The landfill operator has established procedures for dealing with inclement weather with the potential to hamper normal operations. Rain and/or high winds may require adjustment of on-site waste handling and disposal procedures. During prolonged heavy rains, operations are moved to a tipping area (wet weather area) which has been surfaced with asphalt grindings to provide all weather access to allow for continuous refuse disposal operations during inclement weather. Stockpiles of soil material are maintained near the designated wet weather alternative tipping area to provide an adequate supply of cover material. Normal traffic and vehicle access to the wet weather area is provided by paved and/or a combination of tightly compacted soil and asphalt grindings.</p> <p>For high wind conditions, the unloading area is typically reduced in size and, whenever possible, placed in a portion of the landing that affords protection from the wind. Additional equipment may be utilized to expedite the spreading and compacting of the refuse as soon as it is unloaded. Cover operations may also be implemented prior to the end of the working day to reduce the area of exposed refuse on the working face. In addition, portable litter fencing is in-place and is used downwind around the unloading areas.</p>
20.9	<p><b>Revegetation.</b> 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.</p>	In Compliance. On-Going	<p>Included in FDIP, Sections 7.1 and 8.1 and Appendix E. Revegetation measures of graded areas are in compliance with Condition #17309 Part 14 of the Major Facility Review permit issued by BAAQMD, and is standard operating procedure when such areas are not expected to be used for fill or construction within 90 days or longer.</p>

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Condition	Condition Description	Compliance Status	Comments
20.10	<p><b>Tree and Shrub Planting.</b> The Landfill developer shall plant trees and shrubs downwind of the Landfill to aid in trapping dust. The planting plan shall be included in the Landscaping plan component of the Development and Improvements Plan.</p>	Completed	The tree and shrub planting plan is included in FDIP, Section 8.2, Landscape Plan drawings LP-1, LP-2, and LP-3. Tree and shrub planting species and locations were approved in the Landscaping Plan. See COA 22.2
20.11	<p><b>Gas Control and Collection.</b> The Landfill operator shall install a Landfill gas control collection system in accordance with the regulations of the Bay Area Air Quality Management District. The system shall have the capacity to operate in an active mode, using a mechanical vacuum, to withdraw gas from the Landfill. The system shall be operated in an active mode as soon as practical. The gas control and collection system shall be installed concurrently with the placement of wastes in the Landfill and shall be ready for operation when gas is produced. The gas collection and related recovery system shall utilize BACT and shall be subject to the approval of the Bay Air Quality Management District and County Conservation and Development Department and it shall be included in the Development and Improvements Plan.</p>	Completed. On-Going	<p><b>UPDATE: Due to the progression of waste filling activities, 23 additional vertical extraction wells and associated piping were installed in 2016.</b>  <b>All construction activities were conducted in compliance with KCL's Permit To Operate issued by the Bay Area Air Quality Management District. Construction activities included installation of additional vertical extraction wells, an above and below ground header pipe line, and additional lateral pipe lines. The annual collection system improvements, implemented since 2008, have increased gas collection and operating efficiency.</b></p> <p>Included in FDIP, Section 8.3.                      Gas control and collection requirements are contained in BAAQMD Major Facility Review permit Condition #17309 Parts 18 through 30. Facility components for gas control and collection (Flares 1 and 2) are permitted abatement devices A-1 and A-2, and active gas collection is source S-1. The landfill gas control system did not have to become operational until one million cubic yards of refuse had been placed in the landfill.</p> <p>KCL manages a complex landfill gas (LFG) collection system consisting of vertical extraction wells, headers, and sub-headers. The LFG collection system is under vacuum which draws the landfill gas to a central point currently consisting of a flare station, a blower building, and a landfill gas-to-energy facility (LFGTE). The LFG collection system, including additional vertical collection wells and flares, will be expanded as the landfill is developed to provide ongoing control within the performance criteria established and mandated by the BAAQMD and State and federal regulations.</p>
20.12	<p><b>Landfill Gas Processing.</b> The Landfill developer shall install a flaring mechanism, in accordance with Bay Area Air Quality Management District guidelines/regulations, to combust collected landfill gas. The flare shall be of the nonilluminous type. Best Available Control Technology (BACT) shall be used, as defined and approved by the Bay Area Air Quality Management District. The flare shall be installed with staged combustion, operated under fuel-rich conditions, and be designed with flue gas recirculation.</p>	Completed. On-Going	<p><b>UPDATE 2017: Plans for replacement of Flare #1 are in progress. Electrical modifications have been installed; replacement of the flare is scheduled for 2018.</b></p> <p>The original design for the flare system was included in FDIP, Section 8.4 and Appendix D. See Community Development Department letter from C. Zahn (CDD) to S. Gordon, dated 10/24/1995. Two flares are in operation that are subject to performance standards and testing requirements in Condition #17309 Parts 20 through 30 of the Major Facility Review permit issued by the BAAQMD.</p> <p>There are two enclosed flares constructed in the Landfill Gas Management and Landfill Gas to Energy Facilities area. The first flare was installed at KCL in 1995. Flare #2 was installed in 2007 to act as both a backup unit and to provide additional capacity as LFG production increases at the site.</p> <p>Both flares are 40-ft. high insulated steel tubes equipped to control combustion of the LFG to destroy methane and other gases. Both flares are founded on a reinforced concrete slabs and are designed to withstand conservative seismic and wind loads. In 2007, a new control system was installed that integrates control of both flares to a single system, allowing either one or both flares to operate, depending on LFG destruction needs. This new control system also interfaces with the LFGTE plant to ensure that consistent LFG extraction and destruction is maintained. See Condition 20.13.</p>

Condition	Condition Description	Compliance Status	Comments
20.13	<p><b>Methane Recovery.</b> The Landfill operator shall install a methane recovery system simultaneously with the construction of the gas collection system, preferably utilizing the Landfill gas to produce energy when the Landfill has developed enough gas to justify recovery. When required by the County Community Development Department, the Landfill operator shall conduct a study to determine how methane could be recovered from the gas and used for fuel or as a commodity.</p>	Completed. On-Going	<p>An early plan for methane recovery was included in the FDIP, Section 8.5.</p> <p>In 2006, Ameresco, Inc. submitted a development proposal to the County for a power plant with a capacity of up to 3.8 MegaWatts, which was ultimately approved. The landfill gas to energy (LFGTE) power plant was dedicated in October 2009 under County file #LP012115, a previous LFGTE project that was approved but never built on-site. The plant is owned and operated by Ameresco Keller Canyon L.L.C. See Section 36 of this LUP.</p> <p>The LFGTE plant was constructed adjacent to the existing flare station described in Condition 20.12 above. Ameresco has secured a power purchasing agreement to sell the power generated at KCL. See Section 36 Landfill Gas Power Plant of this LUP.</p>
20.14	<p><b>Gas Monitoring.</b> 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.</p>	In Compliance. On-Going	<p>Plans for the initial gas monitoring system are included in FDIP, Section 8.6. The monitoring and control of gas emissions via integrated and instantaneous surface emissions monitoring is conducted in accordance with the BAAQMD Rule 34 compliance plan requirements for the KCL. Perimeter probe results from collected monitoring data are compiled into a report. Gas monitoring data is submitted by KCL to the LEA and BAAQMD.</p> <p>As of September 20, 2007 regulations for Gas Monitoring and Control at Active and Closed Disposal Sites became effective. KCL submitted a Landfill Gas Monitoring Migration Monitoring Plan as required by the new regulations in September 2008. The Landfill Gas Migration Monitoring Plan was revised in response to LEA comments and subsequently approved by The LEA on August 3, 2009.</p> <p>Perimeter and surface landfill gas at KCL are monitored in accordance with CFR 258.23 (Subtitle D) and the BAAQMD Regulation 8, Rule 34. Perimeter and surface landfill gas monitoring are conducted on a quarterly basis. Perimeter landfill gas monitoring at the KCL have shown that there is no landfill gas migration off-site. The perimeter landfill gas monitoring probes were designed and spaced according to 27 CCR and BAAQMD requirements, and are in conformance with the criteria set forth in Subtitle D.</p> <p>On-site structures at are monitored monthly, in accordance with 27 CCR, Section 20931, for detection of potential landfill gas migrating into building structures. The upper detection limit is 1.25 percent methane by volume.</p>
20.15	<p><b>Lateral Gas Barriers.</b> The Landfill developer shall install a gas barrier or gas collection area on side slopes of the Landfill to prevent lateral gas migration through the sides of the Landfill. The barrier or gas collection area shall be approved by the Bay Area Air Quality Management District and shall be included in the Development and Improvements Plan.</p>	Completed. On-Going	<p>KCL operates a gas collection system on or near the slopes in general, and has installed horizontal collectors at the perimeter of the lining system when the perimeter probes are activated. This portion of the collection system is located only in the northeast corner of the lined area, approximately where the toe berm meets original ground just down hill from the east side liner area. "Barriers" as described in this condition are not in place at Keller. Barriers have not proven effective without significant collection infrastructure to ensure gas does not get diverted and causes a release in a different location. KCL has installed collection systems as needed to maintain compliance with CCR Title 27 (Subsurface) and BAAQMD/USEPA (Near-Surface) emissions requirements. Given the large buffer areas surrounding the landfill operations area, the best approach is to install and maintain a long-term collection system near a trouble area located within the waste mass, to "pull back" the gas.</p>

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Condition	Condition Description	Compliance Status	Comments
20.16	<p><b>Settlement Protection.</b> The Landfill developer shall use flexible piping and lightweight backfill for the Landfill gas collection system to ensure that settlement of the fill will not affect operation of the system.</p>	Completed. On-Going	<p><b>UPDATE: Source test reports for 2017 were submitted to the BAAQMD and County Department of Conservation and Development in accordance with this condition of approval. See report for Flare A-2, dated March 6, 2017; Flare A-1 submitted September 18, 2017.</b></p> <p>All materials and construction techniques approved by the BAAQMD are utilized to minimize potential settlement of fill. KCL has installed collection systems as needed to maintain compliance with CCR Title 27 (Subsurface) and BAAQMD/USEPA (Near-Surface) emissions requirements.</p> <p>Annual source tests are performed per Condition #17309 parts 30 and 31 of the Major Facility Review permit. Reports are filed with the BAAQMD and are available to interested agencies. The LFGTE power plant source testing is contained in its separate permit with the BAAQMD.</p>
20.17	<p><b>Landfill Gas Testing.</b> The Landfill operator shall test Landfill gas for its toxic composition and for toxic constituents. The testing program shall be subject to the approvals of the Bay Area Air Quality Management District, 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.</p>	In Compliance. On-Going	<p><b>UPDATE: Source test reports for 2017 were submitted to the BAAQMD and County Department of Conservation and Development in accordance with this condition of approval. See report for Flare A-2, dated March 6, 2017; Flare A-1 submitted September 18, 2017.</b></p> <p>KCL conducts a source test at each flare once every year. Source test reports are submitted to the BAAQMD Compliance and Enforcement Division and the Source Test Section within 60 days of the test date. Each annual source test is required to determine specific parameters and constituents of landfill gas as specified in the Major Facility Review permit.</p> <p>KCL also conducts characterization of the landfill gas concurrent with the annual source test required by the above. Landfill gas sample(s) are analyzed for concentrations of carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), oxygen (O<sub>2</sub>), methane (CH<sub>4</sub>), and total non-methane organic compounds (NMOC) in addition to organic and sulfur compounds specified in Part 31 of the permit with BAAQMD. Test reports are submitted to the BAAQMD Compliance and Enforcement Division and the Source Test Section within 60 days of the test date.</p>
20.18	<p><b>Leachate Disposal.</b> See Condition 17.10.</p>	Cross-Reference	<p>This condition solely cross-references another LUP condition. See Condition 17.10.</p>
20.19	<p><b>Cell Re-Opening.</b> 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.</p>	In Compliance. On-Going	<p>The facility is in compliance with this condition. Re-opening of cells is reviewed on case-by-case basis and only on approval by CCEH.</p>
20.20	<p><b>Fissure Repair.</b> The Landfill operator shall inspect the Landfill daily. Surface cracks, fissures, eroded areas, or inadequately covered areas on the Landfill may require repairs within 24 hours. 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 the expected cause and corrective action plans and repair schedule. This activity shall be included in the employee training program</p>	In Compliance. On-Going	<p>Employees are trained in inspections for fissures and approved repair measures. Staff routinely inspects the Landfill's surface for fissures. Fissures are repaired as they are discovered. When found, fissures are filled with soil and thoroughly compacted.</p>

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Condition	Condition Description	Compliance Status	Comments
20.21	<p><b>Permanent Road Paving.</b> The Landfill developer shall pave and maintain permanent access roads to control dust. A road used for one year or longer shall be considered to be a permanent road. Road construction shall be described in the Development and Improvements Plan.</p>	In Compliance. On-Going	Plans for permanent road paving are included in FDIP, Sections 8.8 and 8.9, Drawings 10 and 11. All roads designated for permanent paving have been completed and are maintained per this LUP and Condition #17309 Part 4 of the Major Facility Review permit issued by the BAAQMD.
20.22	<p><b>Temporary Road Paving.</b> The Landfill developer shall pave and maintain temporary road with gravel or crushed aggregate. Temporary roads shall be wetted or chemically treated when necessary to control dust. Road construction shall be described in the Development and Improvements Plan.</p>	In Compliance. On-Going	<p>Plans for temporary paving are included in the FDIP, Section 8.9. Major Facility Review permit Condition #17309 Part 5(a) through 5(d) identifies five temporary roadway segments comprising haul roads to the Working Face and a secondary fire access road. Temporary paving material consists of a minimum of 12 inches of compacted gravel or crushed asphalt.</p> <p>The facility is in compliance with dust control measures of Major Facility Review permit Condition #17309 Parts 8(a) through 8(d), Part 9, Part 10, and Part 13 pertaining to control measures to be implemented depending on type of road, landfill vehicle traffic, and weather.</p>
20.23	<p><b>Speed Limits.</b> 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.</p>	In Compliance. On-Going	Posted speed limit for paved roads is 15 mph; speeds on unpaved roads and fire roads are limited to 10 mph and 25 mph, respectively, per Condition #17309 Part 6 of the Major Facility Review permit. Signs are installed and speed limits are enforced.
20.24	<p><b>Equipment Maintenance.</b> The Landfill operator shall maintain Landfill equipment in optimum working order to ensure that vehicle emissions are controlled and equipment shall be fitted with spark arrestors so potential for causing fires is minimized. Equipment shall not be left idling when not in use. Maintenance records shall be kept on all pieces of Landfill equipment. The records are subject to review by 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.</p>	In Compliance. On-Going	<p>Equipment maintenance is performed according to manufacturer specifications and at required intervals. Maintenance records are maintained by the operator and available for review by County agencies.</p> <p>All equipment maintenance operations are completed at the landfill. The equipment maintenance facility includes a 6,000 sq. ft. building that contains all equipment spare parts and material storage units for the site equipment maintenance operations (e.g., storage bins and cabinets, waste oil tanks, fuel tanks, water tanks). A maintenance yard is used for scheduled maintenance of heavy equipment including daily routine, minor, and major repairs. All equipment (including stationary equipment) are maintained, tested, monitored, and inspected on a regular basis to ensure that they are functioning and readily available.</p>
21.1	<p><b>Noise Control Objective.</b> The Landfill operator shall manage the facility in a manner that minimizes noise impacts to area residents.</p>	Objective	<p>This is solely an Objective. See Conditions 21.2 - 21.8.</p> <p>Compliance with conditions of approval in LUP Section 21. Noise Control has minimized noise impacts to surrounding residential areas. DCD is not aware of any violations involving noise generated by the landfill.</p>

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Condition	Condition Description	Compliance Status	Comments
21.2	<p><b>Noise Monitoring Program.</b> The Landfill operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the County 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.</p>	In Compliance. On-Going	<p>Noise monitoring is performed monthly and reports are prepared quarterly per the requirements of this condition. No off-site noise impacts have been consistently received since the landfill opened in 1992. Noise monitoring have demonstrated that ambient noise levels during periods the landfill is in operation are below the thresholds established in this condition at the landfill boundary line and other monitored locations. There is no history of consistent off-site noise complaints.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Also see Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.</p>
21.3	<p><b>Toe Berm.</b> See Condition 22.3.</p>	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 22.3.
21.4	<p><b>Mitigation/Lift-Level Berms.</b> See Condition 22.4</p>	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 22.4.
21.5	<p><b>Construction Hours.</b> See Condition 32.1.</p>	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 32.1.
21.6	<p><b>Truck Noise Suppression.</b> The Landfill operator shall require transfer trucks and other waste hauling vehicles using the facility to be equipped with factory approved noise suppression equipment, including engine compartment insulation. The Landfill operator shall request the California Highway Patrol actively enforce muffler and vehicle noise standards as required in the California Vehicle Code if, for any reason, noise from heavy trucks becomes a source of complaints in the project area, whether project-related or not. Transfer trucks and other waste hauling vehicles with faulty mufflers shall be denied access to the landfill after one warning by a landfill operator at the landfill entrance.</p>	In Compliance. On-Going	<p>Waste-hauling trucks to KCL are equipped with noise suppression features that are standard to the industry. The landfill operator's transfer trucks are subject to inspection and maintenance as part of the operator's equipment maintenance program. Maintenance is performed according to manufacturer specifications and at required intervals. Faulty mufflers would be replaced as they are identified.</p> <p>No truck noise complaints have been consistently received at the landfill office since the late 1990s. In response to concerns about noise resulting from trucks traveling over speed bumps near the landfill entrance, the landfill operator voluntarily removed the speed bumps. Since that time no complaints of truck noise have been received at the landfill office.</p> <p>The CHP periodically sets up a mobile inspection station outside of the landfill entrance to ensure compliance with vehicle safety and equipment requirements. The landfill operator has not had cause to request enforcement by the CHP.</p> <p>New procedures have been put in place at the Landfill if a truck is determined to have a faulty muffler (or mufflers) by landfill staff at the scale house or working face, the landfill staff shall record the truck tractor license number and date of determination. The operator of the subject truck may be issued a warning to repair the muffler (or mufflers) at the discretion of landfill staff, depending to the degree that muffler performance is believed to be degraded. The truck operator shall be allowed up to 21 days from the date of determination to effect repairs The truck operator shall be required to provide documentation of repair to the landfill scale house operator to avoid being denied future access to the landfill.</p>
21.7	<p><b>Landfill Vehicles.</b> The Landfill operator shall provide Landfill equipment with the best available noise suppressing equipment to minimize sound generation.</p>	In Compliance. On-Going	Landfill equipment are equipped with best available noise suppressing equipment as supplied by the manufacturer.



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Condition	Condition Description	Compliance Status	Comments
21.8	<b>Gas Flare Muffling.</b> If flaring is used to dispose of Landfill gas, the flares shall be contained in noise and glare-reducing housing. The housing shall be subject to the approval of the Contra Costa Environmental Health and Conservation and Development Departments and the Bay Area Air Quality Management District.	Completed. On-Going	Design of the gas flares was approved by the BAAQMD prior to operation, and are operated in accordance with BAAQMD Title V requirements.
22.1	<b>Visual Quality Objective.</b> The Landfill developer shall construct and operate the facility in such a manner that the high visual value of the surrounding area is maintained.	Objective	This is solely an Objective. See Conditions 22.2 - 22.14.  Compliance with conditions of approval in LUP Section 22. Visual Quality has maintained the high visual value of the surrounding area. Landfill site development occurs only in approved areas as defined in the Report of Disposal Site Information, the FDIP, and landfill phase design and construction documents approved by the RWQCB.
22.2	<b>Landscape Plan.</b> 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.	Completed. On-Going	The Landscape (Screening) Plan that included all required elements of this condition is included in the FDIP, Sections 7.1 through 7.3 and Drawings LP-1, LP-2, and LP-3. The Landscape Plan was endorsed by the LAC. Installation of landscaping was phased. The Weed Monitoring and Control Program was included in the Range Management Plan in Condition 23.2 of this LUP. Also see Weed Control Program in Condition 23.5.  See County Letter of acceptance dated 11/2/1992. Also see Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
22.3	<b>Toe Berm.</b> The Landfill developer shall install the first phase of the toe berm prior to other landfill construction and development of the Landfill. Other sections of the toe berm shall be installed in stages (see condition 32.4). The toe berm shall be contoured to blend with existing topography. It shall be designed to screen the landfill access road. It shall be revegetated immediately with native grasses and other vegetation to blend in with the surrounding area.	Completed	Toe berm design is included in FDIP, Sections 3.1 and Drawings 14 & 23. See Community Development Department letter from C. Zahn to T. Cox (KCLC) which authorized construction of the toe berm. Also see Community Development Department letter from C. Zahn to T. Cox (KCLC) dated 12/30/1992 which authorized contouring of the toe berm. Also see Community Development Department memo from H. Bragdon to the Board of Supervisors dated 3/5/1992 which confirmed that the toe berm was constructed properly and keyed to the sub-surface.  The toe berm slope stability analyses approval from the RWQCB and revegetation plan were substantiated by CDD on 10/23/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
22.4	<b>Mitigation Berms.</b> The Landfill developer shall install landscaped mitigation berms (lift-level peripheral berms) at the face of each lift in areas visible off the Landfill site, before beginning refuse disposal on the lift. The berms shall be landscaped to blend with existing terrain. Specific heights for the initial toe berm and each of its phases shall be established in the Final Development and Improvements Plan (Condition 15.1).	Completed. On-Going	The initial toe berm was constructed prior to other landfill construction. Design reports for all phases of site development take into consideration the potential for visual impacts, and are submitted to the County and the RWQCB for review and approval. Lift-level peripheral berms that may be visible from off-site are re-vegetated accordingly.
22.5	<b>Lawlor Creek Corridor Plan.</b> See Condition 23.3	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 23.3.

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22.6	<p><b>Entrance Screening.</b> The Landfill developer shall install landscaping at the entrance of the landfill to screen the entrance facilities from Bailey Road users. Olive trees shall not be included as part of the entrance landscape plan.</p>	Completed	<p>Design approved by the County subsequent to initial FDIP approval in 1991. All landscaping at the landfill entrance was installed.</p> <p>See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991. Also see Community Development Department letter from C. Zahn to T. Cox (KCLC) dated 11/2/1992 which authorized installation of entry streetscape landscaping.</p>
22.7	<p><b>Jacqueline Drive Terminus.</b> The north terminus of Jacqueline Drive shall be landscaped, with native species, to shield near views of the toe berm. Planting of the terminus area shall begin as soon as practicable. The outside access road berm shall be a minimum of 15 feet high to shield transfer truck traffic and noise from nearby residences.</p>	Completed	<p>Completed at the "south" terminus of Jacqueline Drive. Included in landscape design plans approved by the County in 1993 and 1994 after initial FDIP approval in 1991. The landfill operator submitted a revised landscape plan for the Jacqueline Drive terminus on 8/30/1993 to account for a lack of water service previously requested from the City of Pittsburg and subsequently revised the plan in coordination with the County. See Plan B Landscaping Plan dated 12/28/1993.</p> <p>See Community Development Department letter from C. Zahn to T. Cox (KCLC) dated May 6, 1994 which authorized installation of Plan B landscaping.</p>
22.8	<p><b>Auxiliary Facilities Screening.</b> The landscaping plan shall provide for the screening of auxiliary areas, such as the administrative buildings, parking lots, maintenance facilities, and screening of facilities shall occur during the first year of development. Enhancement of Lawlor Creek shall occur during the first year, to aid in screening facilities from Bailey Road users.</p>	Completed	<p>Design approved by the County subsequent to initial FDIP approval in 1991. All required landscape screening of facilities has been installed and is regularly maintained. See Community Development Department letters from C. Zahn to T. Cox (KCLC) dated 7/30/1992 and 9/23/1992 which authorized installation of landscaping at the administration building, and scale house and maintenance building, respectively. Lawlor Creek corridor was improved in 1998 as part of the Lawlor Creek Restoration Plan.</p>
22.9	<p><b>Architectural Treatment.</b> Plans for buildings and other structures shall include architectural sections showing design and materials to be used. Buildings shall be designed to blend into the rural agricultural setting.</p>	Completed	<p>Architectural plans for buildings and other structures were included in the FDIP, Section 7.2. See Community Development Department letter dated 2/21/1992 from C. Zahn to B. Olney (KCLC) which authorized construction of auxiliary facilities as follows:</p> <ul style="list-style-type: none"> <li>-- Administration building: Building Permit CO-175997</li> <li>-- Maintenance building: Building Permit IN-175909</li> <li>-- Scale House: Building Permits MI-175450 &amp; MI-175970</li> </ul>
22.10	<p><b>Area of Operations.</b> Except during construction of modules and other major installations, the Landfill operator shall limit unvegetated working areas of the landfill, including the daily working face, to 25 acres for appearance and to control dust and erosion. The restriction shall not apply to grading for foundations, cover, site roads, berms and other construction, providing these are carried out expeditiously.</p>	In Compliance. On-Going	<p>Limiting unvegetated working areas to the greatest extent possible is standard operating procedure.</p>

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22.11	<p><b>Interim Revegetation.</b> Interim revegetation shall be required on all areas that will be inactive for more than 90 days. Revegetation shall include native grasses, shrubs and trees to lend more variety and natural appearance to the finished landfill.</p>	In Compliance. On-Going	<p>Inactive areas typically generate ruderal vegetation during winter and spring as verified by site surveys. The working face is purposefully kept small (about 1 acre) at any given time to minimize the amount of area exposed.</p> <p>Interim revegetation of areas that will be inactive for more than 90 days is standard operating procedure. Also see Condition 20.9.</p>
22.12	<p><b>Water Tank Screening.</b> The Landfill developer shall provide landscaping to screen the facility's water tanks. Where possible, the landscaping shall be installed prior to the installation of the tank. Consideration shall be given to subsurface or partially buried tanks, and to painting the structures with earthtone colors.</p>	Completed	<p>The water tank location was selected because it is not visible from off-site locations. Landscape screening of the water tank was not required due to natural topography and camouflage paint.</p>
22.13	<p><b>Final Cover.</b> Final cover shall be contoured and landscaped to blend with existing topography.</p>	Not Yet Required	<p>Final cover has not yet been implemented and will be performed in accordance with this LUP condition, and the approved Preliminary Closure and Post-Closure Maintenance Plan.</p>
22.14	<p><b>Lighting.</b> The Landfill developer shall design and locate the lighting system to reduce glare and reduce impact to area resi-dents. 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.</p>	Completed	<p>All on-site and security lighting has been installed and is directed generally downward to avoid glare. Operation of lighting systems is performed per this condition. Also see LUP Condition 9.1.</p>
23.1	<p><b>Biotics Protection Objectives.</b></p> <p>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.</p> <p>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.</p>	In Compliance. On-Going	<p>Four mitigation wetlands were created in 1992 in accordance with federal and state resource agencies. Total wetlands area of 8.57 acres, exceeded the 6.0-acre minimum for this Condition (USACOE permit minimum = 7.21 acres). A Biological Condition Compliance Review was conducted in 2003 which concluded that the 8.29 of mitigation wetlands in place at Keller did not warrant any wetland remediation (0.28 acres no longer met USACOE jurisdictional wetlands criteria). An additional 6.0 acres of Lawlor Corridor were enhanced through plantings of California native species and other riparian enhancements. These wetlands and enhanced areas continue to function as designed.</p> <p>See Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 2/5/1992, which authorized construction of mitigation wetlands in the east Special Buffer Area in compliance with COA 23.1 and USACE Section 404 Nation-wide Permit No. 26. Streambed Alteration Agreement No. 1463-90 for wetlands construction was issued by the California Department of Fish and Game on 10/18/1991. The Final Wetland Mitigation and Monitoring Plan was substantiated by CDD on 10/23/1991.</p>

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Condition	Condition Description	Compliance Status	Comments
23.2	<p><b>Range Management Plan.</b> The Landfill operator shall design and develop a Range Management Plan in order to provide for continued grazing on portions of the site. The Special Buffer Area shall remain as Agricultural Preserve, and development rights shall be conveyed to the County. The buffer area and other site range-lands of the Primary Project Area not exempted for habitat protection and not in active landfill use shall be enhanced as grassland/oak woodland, and shall provide grazing for at least 270 head of cattle, approximately the same number of cattle which presently graze on the site. Stock watering ponds shall be enhanced through planting of trees and shrubs. Grazing shall be restricted for a 1 to 2 year period in order for grasses to get reestablished. It shall provide for adequate grazing range, and for native tree species such as oaks to be planted for animal protection and to replace trees removed during landfill construction, while controlling soil erosion. The plan shall be prepared in consultation with the Contra Costa County Resource Conservation District and the Agricultural Extension Service. It shall be coordinated with the Landscape Plan, the Habitat Preservation Plan, and the Erosion and Sediment Control Plan developed for the landfill facility. It shall be subject to the approval of the County Community Development Department and it shall be included in the Improvements and Development Plan.</p>	In Compliance. On-Going	<p>Grazing was continued as an important element of the Range Management Plan.</p> <p>Included in FDIP, Section 5.1 Range Management Plan and Drawing RM-1, approved by the Community Development Department. The buffer area is maintained within the guidelines of this condition for grazing, habitat preservation and fire protection.</p> <p>The Special Buffer Area continues to be under Williamson Act contract (Contra Costa County, 2008) and is zoned A-4, Agricultural Preserve.</p>
23.3	<p><b>Lawlor Creek Corridor Restoration Plan.</b> Enhancement of this riparian area shall replace habitat lost by the rerouting and covering of a portion of the unnamed drainageway within the waste placement area. This plan shall provide replacement for habitat lost to landfill construction. The Corridor Plan shall also provide screening of the landfill entrance and service facilities from Bailey Road. Livestock fencing shall be constructed around the perimeter of approximately 35 acres to exclude cattle from the riparian and oak woodland areas. Litter shall be removed from the creek and corridor, and fencing shall be established along Bailey Road to prevent unlawful disposal of trash. Riparian species of trees such as Willows, Fremont cottonwood, sycamore and other oak species, California Bay Laurel and shrubs shall be planted. The access road crossing of Lawlor Creek shall be designed and constructed in a manner that would be compatible with the aesthetics of the corridor and habitat enhancement. Installation of horizontal drainage pipes into hillsides may be provided to tap groundwater sources to improve creek flow conditions. A monitoring and maintenance program shall be established to insure wildlife habitat values are protected. Rock dams, overhangs, splash pools and erosion control structures shall be included in the corridor plan design. The detailed restoration plan shall be developed for Lawlor Creek in coordination with the County, the California Department of Fish and Game, U.S. Fish and Wildlife Service, local Audubon and California Native Plant Society representatives and other environmental organizations. A streambed alteration agreement shall be obtained if determined to be necessary by the CDF&amp;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.</p>	Completed	<p>Streambed Alteration Agreement No. 1461-90 for Lawlor Creek was issued by the California Department of Fish and Game on 10/18/1991. A Restoration and Enhancement Plan was prepared in accordance with requirements of the County, U.S. Army Corps of Engineers, and California Department of Fish and Game, and implemented in 1997 and 1998.</p> <p>General plans are included in FDIP, Section 5.2, Drawing LC-1 and Appendix C, approved by the Community Development Department.</p> <p>Final Section 404 Monitoring Report Submitted August 26, 1998. Also See LUP conditions 22.8 and 23.1.</p>
23.4	<p><b>Sandstone Outcrop Area.</b> Livestock fencing shall be constructed around the perimeter of the 72-acre sandstone area at the front of the Landfill to exclude cattle and preserve upland habitat area. Landfill personnel and construction operators shall be alerted regarding the protected area. Native trees such as Oak and California Buckeye shall be planted along the perimeter of this area. The adjoining equalization basin and toe berm shall be constructed to avoid damage to the protected area.</p>	Completed	<p>Sandstone outcroppings in this area have been protected by exclusionary livestock fencing. Siting and construction of landfill facilities in adjoining areas were implemented without damage to the sandstone outcrop area.</p>

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Condition	Condition Description	Compliance Status	Comments
23.5	<p><b>Weed Control Program.</b> 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.</p>	In Compliance. On-Going	Weed control is performed in accordance with this condition, the Range Management Plan, and County Weed Abatement.
23.6	<p><b>Phased Construction.</b> The Landfill operator shall construct and operate the Landfill in phases in order to reduce the acute impact to vegetation and wildlife habitat. Mature trees should be removed only as needed, not more than one year in advance of module development. Black walnut and other heritage tree cuttings shall be taken with the direction of a research organization such as the University of California's botanical garden.</p>	In Compliance. On-Going	Phased construction has been implemented since the landfill opening in 1992. No Black Walnut or heritage trees or high quality wildlife habitat exist within the approved area of disturbance for landfill facilities or operations.
23.7	<p><b>Vegetation Protection.</b> The Landfill developer shall employ dust suppression measures to prevent damage from dust loading on vegetation. Periodic watering of vegetation adjacent to the fill working area shall be developed as part of the Range Management Plan.</p>	In Compliance. On-Going	Dust suppression measures are implemented in accordance with this LUP condition, Condition 17k(d) of the SWFP, and requirements of Condition #17309 in the Major Facility Review permit issued by BAAQMD. Also see Condition 20.5.
23.8	<p><b>Wildlife Exclusion and Vector Control.</b> The Landfill operator shall construct fences around the working area of the site, limit the size of the working face, and cover refuse at least daily in order to exclude wildlife and control vectors at the working area of the site.</p>	In Compliance. On-Going	Wildlife exclusion and vector control are implemented per the requirements of this condition and the SWFP regulating landfill operation. Fences in the working area for wildlife exclusion have not proven necessary as determined by the LEA. The working face size is limited to less than 3 acres by Condition 17.17 of this LUP, and 1 acre by Condition 17h in the SWFP.
23.9	<p><b>Supplemental Wildlife Surveys.</b> The Landfill developer shall conduct additional surveys to establish the presence or indicate the absence of the following species at the landfill site.</p> <p>a) San Joaquin Pocket Mouse. The survey shall be conducted according to USFWS recommendations. If found, the developer shall follow USFWS guidelines regarding appropriate mitigation procedures.</p> <p>b) The California Tiger Salamander and the Alameda Whipsnake. The salamander study shall take place during the rainy season. If salamanders are found to exist in the unnamed creek, they shall be trapped and released to the Lawlor Creek area. If the Alameda Whipsnake is encountered, then facilities such as the equalization basin, and the access road shall be relocated further from the outcrop area. The outcrop reserve shall be expanded to include the easternmost outcrops. Consideration shall be taken in siting facilities and any activities north of access road. Lighting shall be shielded and shall illuminate only paved areas in this vicinity.</p>	Completed. Updated As Needed	<p>Supplemental wildlife surveys were conducted in 2003. No special status wildlife species were observed in the primary project area of the landfill during site visits. Based on existing habitat conditions, there is a moderate to high potential of occurrence for these special status wildlife species to occur on or adjacent to the primary project area: 1) San Joaquin pocket mouse, 2) California horned lark, and 3) loggerhead shrike. Two additional species, the California tiger salamander and the California red-legged frog, occur in adjacent areas and could disperse through the project area. Habitat assessments for these species were conducted in accordance with state and federal guidelines. The habitat assessments concluded that surveys were not warranted based on the probability the species may occur in the primary project area of the landfill, as follows: California red-legged frog = low probability, California tiger salamander = low probability,</p> <p>Earlier supplemental survey data submitted to the U.S. Fish and Wildlife Service were substantiated by CDD on 10/15/1991. See Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>

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Condition	Condition Description	Compliance Status	Comments
24.1	<b>Bird and Vector Control Objective.</b> The Landfill operator shall manage the facility in such a manner that prevents and controls the attraction and/or generation of birds and vectors at the site.	Objective	This is solely an Objective. See Conditions 24.2 - 24.7. Compliance with these conditions of approval in LUP Section 24. Bird and Vector Control prevents and controls attraction and/or generation of birds and vectors at the landfill operations area.
24.2	<b>Soil Cover Frequency.</b> See Condition 20.3.	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 20.3.
24.3	<b>Working Face.</b> See Condition 17.17	Cross-Reference	This condition solely cross-references another LUP condition. See Condition 17.17.
24.4	<b>Bird Control.</b> 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.	In Compliance. On-Going	Implementation of LUP COA 24.4 and 24.5 is routinely coordinated with the SWFP Section 17k(f). The Bird Control Plan for Keller Canyon Landfill was updated on January 14, 2014. The plan includes elements on bird species identification, bird control methods, and specific bird control measures. The control program involves dispersal in conjunction with whistlers, crackershells, and distress calls played over a loudspeaker attached to a vehicle. Monthly on-site inspections by the LEA have not indicated problems with control of birds and vectors.
24.5	<b>Rodent Control.</b> If waste compaction does not eliminate live rodents from the Landfill footprint, or if rodents (other than small numbers of field mice, etc.) occupy facility landscaping or agricultural areas, the operator shall work with the local enforcement agency to identify the reasons for the presence of rodents and make appropriate changes in operational procedures. If an eradication program is necessary, the use of alternative rodent control programs such as sustained live trapping using nonpoisonous baits, and natural biological control shall be considered. Anti-coagulants shall be administered by a pest management professional in a manner which minimizes exposure to avian predators. Class 1 pesticides shall not be used.	In Compliance. On-Going	See 24.4 above.
24.6	<b>Mosquito Control.</b> The Landfill operator shall grade areas within the Landfill property to prevent ponding of water which could harbor mosquitos (except for sedimentation ponds and riparian habitat areas). Sedimentation ponds shall be stocked with mosquito fish 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.	In Compliance. On-Going	See 24.4 above. The landfill operator works closely with the County Mosquito Abatement District to ensure approved controls and methods are used to control mosquitos. If required, stocking of sedimentation ponds with mosquito fish would be implemented as directed by the County Mosquito Abatement District. Typically there is insufficient standing water in the sedimentation basin to support mosquito fish.
24.7	<b>Fly Control.</b> The Landfill operator shall limit the size of the working face and shall cover refuse daily in order to prevent fly proliferation. If an eradication program is necessary, the use of a pest-control specialist shall be considered and a plan implemented pursuant to approval by Contra Costa Environmental Health.	In Compliance. On-Going	Fly control is achieved by limiting the size of the working face per LUP Condition 17.17 and Condition 17h of the SWFP. Cover practices and materials are in accordance with requirements of both permits. Also see Condition 24.4.

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Condition	Condition Description	Compliance Status	Comments
25.1	<p><b>Litter Control Objective.</b> The Landfill operator shall manage the facility in a manner which confines litter to the working face of the Landfill, which prevents litter from accumulating another parts of the site, and which prevents litter from being blown off the site.</p>	Objective	<p>This is solely an Objective. See Conditions 25.2 - 25.11.</p> <p>In 2015 substantial improvements were made to the facility's on-site litter control system. See conditions 25.5 and 25.6 below. No uncontrolled litter incidents occurred in 2015.</p> <p>The site is in compliance. Litter control is conducted during all hours of operation as specified in Section 25 of this LUP and condition 17k(e) of the SWFP.</p>
25.2	<p><b>Load Covering.</b> 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.</p>	In Compliance. On-Going	<p>See Conditions 7.1 and 7.2 for load covering requirements.</p>
25.3	<p><b>Load Cover Enforcement.</b> If routine enforcement of load cover requirements is not effective, the Landfill operator shall offer to contract with the Sheriff's Department to enforce regulations requiring the covering of trucks and trailers.</p>	Not Yet Required	<p>Republic Services removed the "How's My Driving?" stickers from their trucks and replaced them with "Together for Safer Roads" stickers. Incidents of litter bounce out from Republic trucks can still be recorded using the truck number which identifies every truck, and using the local phone number printed on all trucks. Republic Services is a member of Together for Safer Roads, an organization made up of private sector companies dedicated to improving traffic safety on the nation's roads. Republic is implementing a program of Best Practices for its fleet of vehicles related to road safety management, safer roads and mobility, safer vehicles, and safer road users. Republic trucks and trailers are numbered. Complainants must call Keller directly to report concerns.</p> <p>Every incoming load is inspected to ensure all waste-hauling vehicles are covered. Waste loads are screened for excessive littering and inadequate covering. All transfer trucks are required to have tarps covering their loads. In addition, all transfer trucks owned by the landfill operator have large easily visible truck numbers that allows citizens to contact the operator if litter is observed falling from transfer trucks. The Landfill owner/operator has had no cause to request load cover enforcement from the County Sheriff's Department.</p>
25.4	<p><b>Contingency Litter Control.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: No litter issues have occurred since the last permit review. Litter is contained on-site and crews continue to clean the site daily. Contingency litter control has not been necessary since the last Permit Review.</b></p> <p>Portable litter fences are provided as necessary around the unloading and receiving areas to prevent litter from migrating off-site. A permanent litter fence has been constructed at the east edge of the landfill operations area. In the event that litter is generated by extremely high winds, the Landfill owner/operator deploys emergency crews to collect on and off-site litter blown beyond the normal containment areas.</p> <p>Litter incidents are recorded by DCD and also in the Log of Special Occurrences maintained by KCL. Also see Condition 20.2. The Department of Conservation and Development is not aware of any complaints related to litter that have not been addressed in a timely manner by the landfill operator.</p>

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Condition	Condition Description	Compliance Status	Comments
25.5	<p><b>Portable Litter Fences.</b> The Landfill operator shall install portable fencing near the working face of the Landfill to inter-cept windblown debris.</p>	In Compliance. On-Going	<p><b>UPDATE: In 2016 and 2017, movable "bull fences" are used in proximity to the Phase 3B1 working face as needed.</b></p> <p>Portable litter fences were initially approved as submitted in the Solid Waste Facility Permit, subject to continued inspection by the County HSD (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).</p> <p>Portable litter fences are provided as necessary around the unloading and receiving areas to prevent litter from migrating off-site per this LUP condition and condition 17k(e) of the SWFP.</p>
25.6	<p><b>Permanent Litter Fence.</b> The Landfill operator shall install a permanent fence of wire around the current fill area of the Landfill. The location shall be subject to the approval of Contra Costa Environmental Health.</p>	Completed. On-Going	<p>In 2015, the existing 20-foot-tall permanent litter fence at the top of the main haul road was extended approximately 1,500 feet to the west; approximately 1,100 feet of new 20-foot-tall permanent litter fence was also installed upslope and south of the main haul road adjacent to Phase 3B1. KCL regularly removes litter from these permanent litter fences. It also maintains a litter pick up labor force that can be deployed immediately in the event of an on or off-site litter incident.</p> <p>The permanent litter fence was initially approved as submitted in the SWFP, subject to continued inspection by the County HSD (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).</p> <p>The permanent litter fence was installed prior to commencement of landfill operations in 1992.</p>
25.7	<p><b>On-Site Litter Policing.</b> The Landfill operator shall remove litter from the litter fences and planting screens at least once each day. On-site roads, 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.</p>	In Compliance. On-Going	<p>Keller Canyon Landfill has an extensive litter control program in place. The landfill operator enforces the covered load program at the scale house by reminding any untarped customers (which are rare) of the requirement. Daily on-site litter removal is performed in accordance with this LUP condition, the Litter Management Plan, and the SWFP Condition 17k(e). Monthly inspections by the LEA have indicated an acceptable level of litter control. Extensive onsite controls are in place to ensure litter is controlled within the site boundaries.</p>



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Condition	Condition Description	Compliance Status	Comments
25.8	<p><b>Off-Site Litter Policing.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: The voluntary off-site litter pick up program described below has continued in 2017.</b></p> <p>In response to County and City of Pittsburg concerns about off-site litter, KCL continued with a voluntary weekly litter pick up program for the vacant parcels on the east side of Bailey Road, between West Leland Road and the Highway 4 ramps as described below. A log is maintained at the landfill office detailing dates of pick up for the year 2015 to-date. A log of off-site litter policing is also maintained for the residential areas north of the landfill in residential areas in the vicinity of San Remo Way, Jacqueline Drive, and Santa Maria Way. Where applicable, before and after photos are taken of litter incidents and subsequent clean up. KCL maintains a litter pick up labor force that can be deployed immediately in the event of an on or off-site litter incident.</p> <p>Off-site litter removal is performed from West Leland Road to at least 500 feet south of the landfill entrance in accordance with this LUP condition and the facility Litter Control and Prevention Plan. . In addition, Keller Canyon Landfill's litter control program includes voluntary pick up of litter in areas between Highway 4 and W. Leland Road. Landfill personnel regularly pick up litter in the vacant lot by the bus stop across from the shopping center on Bailey Road. In addition, the landfill operator participates in the Adopt-a-Highway program for the area from the San Marco exit to Bailey Road, including the off-ramp at Bailey Road. This program was previously suspended at the direction of CalTrans during Hwy 4 construction, but was recently re-instated at the request of Keller Canyon Landfill. The landfill operator also enforces the covered load program at the scale house by reminding customers with untarped loads (which are rare) of the requirement.</p>
25.9	<p><b>Littering Signs.</b> The Landfill operator shall post signs, as determined necessary by the County Public Works Department, along access roads to the Landfill noting littering and illegal dumping laws. The Landfill operator shall post signs at the Landfill entrance noting the hours when the Landfill is open. The operator should periodically publish these laws and operating hours in mailings to Landfill clientele.</p>	Not Yet Required	<p>A sign specifying landfill operating hours is posted at the site entrance. Off-site signage was deemed unnecessary by the County Public Works Department (PWD) . (See memo from J. Causey, PWD to C. Zahn, CDD dated 2/26/1992.) The County staffs and maintains a countywide illegal dumping hotline and the phone number is: 1-800-NO-DUMPING or (1-800-663-8674)</p> <p>With nearly <b>25</b> years of continuous operation in which public self-haul is prohibited, landfill clientele are familiar with facility operating hours as opposed to potential conflicts that may occur from self-haul customers who arrive at the facility after hours. There have been no instances of illegal dumping for example, resulting from a customer who arrived at the facility after hours.</p>
25.10	<p><b>Clean-Up Bond.</b> The Landfill developer shall deposit a surety bond for \$10,000 payable to the County to use for clean-up in the event of emergency or disputed littering or spills.</p>	In Compliance. On-Going	<p>The initial Performance Bond (# 571-10-31) in the amount of \$10,000 went into effect on 5/7/1992. It was issued by Safeco Insurance as a surety for Contra Costa County in the event it was needed to clean-up litter or spills not remedied by the Operator. The initial Bond listed BFI which was the parent company that owned the landfill at the time. Since that time the parent company has changed more than once and the Bond had also been renewed. The landfill operator secured a new bond in the name of Republic Services, the current parent company which is on file with County DCD.</p>
25.11	<p><b>Public access.</b> 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.</p>	In Compliance. On-Going	<p>Signage prohibiting public access to the landfill is posted at the landfill entrance and enforced on-site.</p>

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26.1	<p><b>Safety Objective.</b> The Landfill operator shall manage the facility in a manner which does not impair the safety of persons living in its vicinity, Landfill users, or Landfill employees.</p>	Objective	<p>This is solely an Objective. See Conditions 26.2 - 26.11.</p> <p><b>UPDATE: From July 31, 2016 through August 2017, there was no lost time due to injuries or accidents. KCL maintains a very active safety program and conducts monthly safety meetings.</b></p> <p>Implementation of conditions of approval in this LUP Section 26. Public Safety has maintained a high degree of safety for landfill users, employees, and the surrounding area.</p>
26.2	<p><b>Emergency Plan.</b> 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:</p> <ul style="list-style-type: none"> <li>(a) A fire and explosion component.</li> <li>(b) A seismic component.</li> <li>(c) A hazardous waste spills and contamination containment component.</li> <li>(d) An evacuation component.</li> </ul>	Completed. On-Going	<p>The Emergency Plan was originally approved by County HSD as submitted in the RDSI in 1992 (See memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992).The current Emergency Plan is contained in the updated RDSI which was approved in conjunction with the Solid Waste Facility Permit by HSD and CalRecycle.</p>
26.3	<p><b>Employee Safety Equipment.</b> The Landfill operator shall provide or require employees to provide safety equipment, such as safety glasses, hard hats, safety shoes, gloves, coveralls, and noise reducers as required by state and federal safety agencies and Contra Costa Environmental Health.</p>	In Compliance. On-Going	<p>Safety equipment is provided to landfill personnel as necessary in compliance with 27 CCR, 21600(b)(5)(F). Equipment includes: boots, hard hats, reflective vests, ear and eye protection, filtration masks and self-contained breathing apparatuses. All personal protective equipment (PPE) used by KCL employees in the course of their work must be used and maintained in a sanitary and reliable condition, whenever it is required, based on hazard assessments of district job/tasks. A hazard assessment using the PPE matrix included in the Personal Protective Equipment Program included in Appendix E must be performed for each distinct job/task to determine if hazards are present which require use of PPE. In Fire extinguishers are located in onsite buildings, operating equipment and maintenance and support vehicles.</p>
26.4	<p><b>Employee Training.</b> The Landfill operator shall develop and implement training and subsequent refresher training programs covering accident prevention, safety, emergencies and contingencies ("bad-day" scenarios), gas detection, identification of hazardous materials and ground fissures, first aid, and instruction in the use of equipment. The programs shall be subject to the approval of Contra Costa Environmental Health.</p>	In Compliance. On-Going	<p>Training records are kept for each employee and maintained in personnel files. Additionally, all KCL employees participate in a company-wide, monthly safety incentive program. This program provides financial rewards to employee groups for demonstrated safe work habits.</p> <p>The training program was originally approved by County HSD as submitted in the RDSI in 1992 (see memo from C. Nicholson, HSD to C. Zahn, CDD dated 3/10/1992). All employee safety training is performed in accordance with this LUP condition and State requirements. Training for operations personnel is provided in health and safety, hazardous waste identification, handling and storage procedures, environmental control systems management and proper waste handling and disposal procedures. Training provides site personnel with a thorough understanding of operator responsibilities to ensure that landfill operations are conducted under safe working conditions to minimize potential public health and safety problems, and to maintain a high degree of compliance with all applicable solid waste handling and disposal regulations.</p>

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

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
27.1	<b>Security Objective.</b> The Landfill operator shall manage the facility in a manner which prevents unauthorized persons from having access to the working areas of the Landfill both during and after operating hours.	Objective	<p>This is solely an Objective. See Conditions 27.2 - 27.4.</p> <p><b>UPDATE: There were no significant security breaches of the site or facilities in 2015, 2016, or 2017 to-date.</b></p> <p>Site security at the site includes: a locked entrance gate, fencing along the entire property boundary and the manned fee booth/scale area. Access to the site is monitored by the Fee Station Attendants at the scale house when the facility is open for business. A fence around the entire facility controls unauthorized access to the site. The LFGTE facility and flare station are fenced off and locked during non-business hours while the sedimentation basin is also fenced off along the edge of the perimeter or access road. At all other times, the entrance gate is securely locked. Security lighting is provided at the entrance gate, the administrative building, the scale house area, the maintenance facilities, and the utilities areas. KCL can provide additional site security measures, as deemed necessary.</p>
27.2	<b>Security Fencing.</b> The Landfill developer shall install a security fence around the perimeter of the site with lockable gated entrances and exits. The fence shall be located to minimize its visual impacts. It shall be included in the Development and Improvements Plan.	Completed	<p>The Security Fencing plan is included in FDIP Section 10.10. Approved by the Riverview Fire Protection District on 10/22/1991. County HSD deferred to the Fire District's approval (see memo from C. Nicholson, HSD to C. Zahn, CDD, dated 10/24/1991. See memo from V. Conklin, CDD to C. Zahn, CDD dated 10/15/1991, and as updated through 10/25/1991.</p> <p>Security fencing was installed prior to the landfill opening. The initial portion of fencing was authorized in a Community Development Department letter from C. Zahn to B. Olney (KCLC) dated 2/6/1992; installation of the remainder of perimeter fencing was authorized by CDD in a letter from C. Zahn to B. Olney, KCLC dated 7/24/1992. Fencing is maintained or repaired as the need arises.</p>
27.3	<b>Security Staffing.</b> The Landfill operator shall staff the 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.	In Compliance. On-Going	Private security services patrol the site when the landfill is not open, from landfill closure until 6:00 A.M. and all day on Sunday. The level of security is managed to ensure landfill assets are protected. On-site patrols include all landfill buildings, facilities such as the scalehouse, flare system, water tank, and leachate tanks, and major equipment. Security breaches have been very rare at the site. No buildings or facilities have experienced forced entry or burglaries. The last incident involved vandalized windows on a piece of earthmoving equipment in 2008.
27.4	<b>Security Lighting.</b> The Landfill developer shall install and operate adequate lights at the entrance area to the Landfill. The lighting shall be provided in a manner which minimizes glare to nearby residents and road users. The security lighting shall be covered in the Development and Improvements Plan.	In Compliance. On-Going	The Security lighting plan is included in the FDIP, Section 10.11. Lighting was installed and is maintained per the requirements of this condition and the FDIP. Security lighting is operated in compliance with LUP Condition 9.1.
28.1	<b>Cultural Resource Preservation Objective.</b> The Landfill developer shall construct the facility in such a manner that preserves important archaeological or historic sites.	Objective	<p>This is solely an Objective. See Conditions 28.2 - 28.3.</p> <p>Implementation of conditions in LUP Section 28. Cultural Resources has preserved known cultural resources.</p>
28.2	<b>Employee Access.</b> Employee access to the buffer area, the Lawlor Creek area, or the sandstone outcrop area shall be limited to duties associated with landfill maintenance. Artifact collection or vandalism in these areas shall be strictly prohibited.	In Compliance. On-Going	There are no regular landfill disposal operations in the Special Buffer Area or Lawlor Creek corridor. Public access is prohibited. Employee access to these areas is limited.

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Condition	Condition Description	Compliance Status	Comments
28.3	<p><b>Archaeology.</b> The Landfill operator shall cease work in the immediate area if buried human remains or archaeological features (e.g., petroglyphs) are uncovered during construction or operation. Work in the immediate area shall cease until a qualified archaeologist is consulted and approves resumption of work. Should human remains which may be of Native American origin be encountered during the project, the County Coroner's Office shall be contracted pursuant to the procedures set forth in the Health and Safety Code. The County Conservation and Development Department shall also be notified.</p>	In Compliance. On-Going	To-date, no buried human remains or archaeological resources have been discovered during site development or landfill operations.
29.1	<p><b>Traffic Objective.</b> The Landfill operator shall manage the facility in such a manner that provides safe, efficient transport of solid waste, while minimizing impacts to County residents.</p>	Objective	<p>This is solely an Objective. See Conditions 29.2 - 29.10.</p> <p>Implementation of conditions of approval in LUP Section 29. Transportation and Circulation is meeting the objectives of safety, efficient transport, and minimizing traffic impacts to area residents. The Traffic and Circulation Plan is included in the FDIP, Sections 11.1 through 11.7.</p>
29.2	<p><b>Access Route.</b> 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.</p>	In Compliance. On-Going	The vehicle access route to/from the landfill is strictly enforced by the Landfill operator. The prescribed route is specified in all user contracts. Non-contract users are informed of the prescribed access route. No additional enforcement from City of Pittsburg or City of Concord law enforcement has been required.
29.3	<p><b>Landfill Access Road.</b> The Landfill developer shall install a paved, two-lane access road between Bailey Road and the edge of the current working lift of the landfill. A facility parking lot, a bridge across Lawlor Creek, a 12-foot 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.</p>	Completed	<p>Landfill Access Road design information is included in the FDIP, Section 11.1, Drawings 8-13. Approval for completion of on-site roads was issued by CDD in a letter from H. Bragdon to B. Olney, KCLC dated 12/13/1991. A memo from C. Nicholson, HSD to C. Zahn, CDD dated 12/12/1991 concurred that all paved roads met design specifications and requirements Title 14 CCR. Authorization to construct Bailey Road improvements; and landfill entrance and intersection design was issued by CDD in a letter from C. Zahn to B. Olney, KCLC dated 12/20/1991. Final Construction Quality Assurance (CQA) for Phase 1A completed July 29, 1992. The landfill access road was designed and constructed in accordance with standards of the County Department of Public Works.</p>

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Condition	Condition Description	Compliance Status	Comments
29.4	<p><b>Landfill Entrance.</b> The Landfill developer shall construct the Bailey Road entrance to the site in a manner that provides safe access into the landfill. This improvement shall include the following for proper sight distance and intersection design: a separate left turn lane at least 150 feet in length and an acceleration lane, at least 1200 feet in length, leading north on Bailey Road, away from the site. The landfill developer shall also become responsible for a traffic signal at a later date, if warranted. The County Public Works Department shall approve the design of the entrance and estimate its cost. All costs shall be borne by the Landfill developer.</p>	Completed	Landfill Entrance design is included in FDIP, Section 11.2. The landfill entrance was designed and constructed in accordance with standards of the County Department of Public Works.
29.5	<p><b>Bailey Road, Pittsburg city limits to the Landfill Entrance.</b> The Landfill developer shall reconstruct the sections of Bailey Road between the city limits and the landfill entrance. The reconstructed roadway shall provide the sight distance, and roadway geometrics (including shoulder widening) specified by the County Public Works Department for truck use. This shall include two twelve-foot lanes with eight-foot shoulders. These improvements shall be in place prior to commencement of landfill operations. The Landfill developer shall upgrade the pavement capacity to reflect a 20-year life (an estimated Traffic Index of 10.0 - 10.5) along Bailey Road between the Pittsburg city limits and the landfill entrance. The County Public Works Department shall approve the design of the roadway and pavement reconstruction and estimate its cost. All costs shall be borne by the Landfill developer.</p>	Completed	<p>Design plans for reconstruction of Bailey Road is included in FDIP, Section 11.3, Drawings 4 through 7. The section of Bailey Road as defined in this condition was designed and constructed in accordance with standards of the County Public Works Department.</p> <p>On 10/20/1992 the Board of Supervisors authorized a Joint Exercise of Powers Agreement (JEPA) between the County and the City of Pittsburg for the purpose of constructing certain road improvements to Bailey Road within the City's jurisdictional boundaries from just south of West Leland Road to just north of Maylard Street. The JEPA became effective on 3/18/1993. The County Public Works Department had oversight over the project designs, construction, and conducted final inspections in consultation with the City.</p> <p>A Memorandum of Understanding (MOU) was also established on 10/1/1992 between the County and the Keller Canyon Landfill Company. By order of the Board of Supervisors dated 10/20/1992, the County approved the Keller Canyon Landfill Company and the disbursement of monies from the Transportation System Impact Fee account in an amount not to exceed \$300,000.</p>
29.6	<p><b>Bailey Road Pavement Study.</b> The Landfill developer shall conduct a study of the Bailey Road roadway from the Pittsburg city limits to the Highway 4 interchange to determine the improvements necessary to 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.</p>	Completed	The initial pavement study is included in the FDIP, Section 11.4 and Appendix F. A subsequent comprehensive pavement study was completed by the County Department of Public Works in 2009 prior to the rehabilitation of Bailey Road between the Highway 4 interchange and West Leland Road.
29.7	<p><b>Road Maintenance.</b> Subsequent to the funding of the above traffic lane upgrading improvements, the landfill operator shall impose a surcharge for the maintenance of Bailey Road between the Highway 4 interchange and the Landfill intersection. The surcharge shall be estimated by the County Public Works Department in consultation with the City of Pittsburg and shall be based on the landfill's proportionate share of traffic on the road corridor adjusted for vehicle weight and number of axles. The fees shall be paid quarterly into a segregated account established by the County. The design of the improvement, its cost, the surcharge and disbursements from the segregated account shall be approved by the Board of Supervisors.</p>	In Compliance. On-Going	On July 7, 2010, the County Board of Supervisors approved the establishment of a \$0.32 per ton fee ("Bailey Road Improvement Disposal Surcharge"), pursuant to Condition of Approval 29.6, of the Keller Canyon Landfill Land Use Permit 2020-89. On the same day the Board approved a \$0.68 per ton fee for Bailey Road Maintenance Disposal Surcharge, pursuant to Condition 29.7. This fee will be in effect between January 1, 2011 and December 31, 2015 and will be reduced to \$0.27 on January 1, 2016.

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Condition	Condition Description	Compliance Status	Comments
29.8	<p><b>Highway 4/Bailey Road interchange.</b> The Landfill developer shall participate in an improvements district, benefit area, or other cooperative arrangement with the County, the City of Pittsburg, and Caltrans which may be created to improve the Highway 4/Bailey Road Interchange. The developer shall be required to pay an amount for the improvements and maintenance proportionate to the traffic generated by the landfill, adjusted for truck use. If necessary, the developer shall advance the money for the 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.</p>	Completed	<p>Originally included in FDIP, Section 11.5. An improvement district, benefit area, or other cooperative arrangement requiring the landfill developer participation was not established for the improvement of the Highway 4/Bailey Road Interchange.</p> <p>CalTrans constructed the Highway 4/Bailey Road interchange improvements in September 1992, which included the section of Bailey Road from the Highway 4 interchange south to Maylard Street.</p>
29.9	<p><b>Peak Period Traffic Management.</b> 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.</p> <p>a) The A.M. peak period departure from the landfill shall commence at 7:10 a.m.</p> <p>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.</p> <p>c) Waste hauling vehicles en route to eastbound Highway 4 (the uncongested "reverse commute" direction) may be released without restriction.</p>	Completed	<p>Included in FDIP, Section 11.6 and Appendix H. The peak period traffic management plan has been modified over time to reflect local traffic conditions. Conditional approval was issued in August 1996 to modify A.M. and P.M. peak period departure times (see Community Development Department letter from C. Zahn to S. Gordon (KCLC) dated 8/14/1996). A five (5) minute interval for departing trucks was approved for the periods of 7:30 A.M. to 8:30 P.M. and 3:30 P.M. to 6:30 P.M. Departure restrictions between 6:30 A.M. and 7:30 A.M. remained in effect. The revised intervals were subject to modification if dictated by traffic flow or a 25% increase in daily tonnage.</p> <p>Conditional Approval was issued by CDD in March 2000 to adjust departure time from 7:30 A.M. to 7:10 A.M.; and in April 2000 to reduce the interval of departing trucks in the A.M. peak period from 5 minutes to 3 minutes. See Community Development Department letter from D. Dingman to N. Christensen (KCLC) dated 4/27/2000. Modification of departure patterns improved efficiency of peak period truck traffic.</p>
29.10	<p><b>Bicycle and Pedestrian Improvements.</b> The Landfill developer shall incorporate into the Transportation and Circulation Plan a bicycle and pedestrian path system along Bailey Road in the vicinity of the landfill.</p>	Not Yet Required	<p>Plans for bicycle and pedestrian improvements are included in FDIP, Section 11.7, Figure 11-1. Staff reported to the Board of Supervisors on April 28, 1992 indicating that installation bike and pedestrian path between the City limits and the landfill entrance was determined to have limited functionality.</p>
30	<p><b>Objective.</b> The Landfill developer shall design, develop and manage the facility in such a manner that services and utilities adequately meet the landfills requirements, while ensuring the protection of site employees, area residents, and the surrounding environment.</p>	Objective	<p>This is solely an Objective. See Conditions 30.1 - 30.21.</p> <p>Implementation of conditions of approval in LUP Section 30. Site Services &amp; Utilities is expected to address the objectives of safety, efficient transport, and minimizing traffic impacts to area residents. The Site Services &amp; Utilities Plan is included in the FDIP, Sections 10.1 - 10.11..</p>

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Condition	Condition Description	Compliance Status	Comments
30.1	<p><b>Final Site Services and Utilities Plan.</b> The landfill developer shall prepare and submit a final Site Services and Utilities Plan, and obtain the approval of the County 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:</p> <p>a) A water service component. (see Condition 30.2)                      b) A fire protection component. (see Condition 30.5)</p>	Completed	Implementation of Site Utilities Plan conditions of approval 30.2 - 30.21 meets landfill requirements and protects the surrounding environment. The Site Services and Utilities Plan is included in the FDIP, Sections 10.1 through 10.11, approved by the Community Development Department on 10/23/1991. Also RFPD letter from K. McCarthy to V. Conklin (CDD) dated 10/22/1991 in which RFPD approved compliance with Section 30 of the LUP.
30.2	<p><b>Water Service Component.</b> The Landfill developer shall prepare and implement a Water Service Component, covering available water resources, estimated total water needs and supplies, landfill construction and operation, landscaping, fire protection, employee hygiene, and human consumption water needs, and water supply sources. Potable water shall be provided for hygiene and consumption. Potable water may be trucked onto the Landfill.</p>	Completed	Included in FDIP, Section 10.1. Additional research and negotiations occurred following initial submittal in the FDIP in July 2014, documentation including numerous letters between the operator and City of Pittsburg are on file.
30.3	<p><b>On-site Water Wells.</b> The Landfill operator shall install wells for water supply with a minimum pumping capacity of 1,000 gallons per minute, or must have on-site storage which produces this capacity. The County 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.</p>	Completed	Also see Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.4	<p><b>Public Water Supply Option.</b> The Landfill operator may substitute water service from a public water supply system for the use of wells, if arrangements can be made with the Contra Costa Water District and, where applicable with the cities of Concord or Pittsburg. The water supply may be potable or non-potable. Annexation to the Contra Costa Water District probably would be required, as well as an approval for annexation from the Local Agency Formation Commission, and would have to be obtained prior to the submission of the Water Service Plan as part of the Final Development and Improvements Plan. The size and placement at the water supply line shall be included in the Water Service Plan and shall be subject to the approval of the Contra Costa Environmental Health and Conservation and Development Departments.</p>	Not Yet Required	The option of a public water supply was not employed. The landfill Operator investigated the feasibility of this option in coordination with County agencies. A public water supply option was not feasible at the time of landfill construction due to design and infrastructure constraints. All on-site water needs are currently met with groundwater supplies. The Condition should be retained to allow for evaluation of future public water supply alternatives if necessary.
30.5	<p><b>Fire Protection Component.</b> 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.</p>	Completed. Updated As Needed	<p>The Fire Protection Component is included in FDIP, Section 10.3. The Riverview Fire Protection District (RFPD) indicated that the fire protection component had been adequately addressed and therefore authorized preliminary construction in a letter dated 10/21/1991. The Site Plan and Fire Protection Component were approved by RFPD. See RFPD letter from K. McCarthy to C. Nicholson (HSD) and C. Zahn (CDD) dated 3/4/1992. Final inspection of the entire fire protection system determined all requirements were met. Last inspection was on January 31, 2014.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991 and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>



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

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Condition	Condition Description	Compliance Status	Comments
30.12	<p><b>Fire Breaks.</b> The Landfill developer shall provide and maintain firebreaks as follows: a) A minimum 100-foot firebreak around the perimeter of each landfill disposal area, b) A minimum 60-foot firebreak around the perimeter of the entire site and around any buildings or similar structures. The firebreaks shall be placed to minimize any adverse visual effects. Their locations shall be subject to the approval of the Riverview Fire Protection District. The firebreaks shall be included in the Development and Improvements Plan.</p>	In Compliance. On-Going	<p><b>UPDATE: Fire breaks were constructed in 2015, 2016, and 2017 in accordance with this condition.</b></p> <p>Fire breaks are maintained on a seasonal basis as standard operating procedure in accordance with requirements of the Riverview Fire Protection District.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
30.13	<p><b>Fire Extinguishers.</b> The Landfill operator shall provide landfill equipment with fire extinguishers large enough to fight small fires on the equipment or on the landfill. The extinguishers and their distribution shall be subject to the approval of Contra Costa Environmental Health and the applicable Fire Protection District.</p>	In Compliance. On-Going	<p>Fire extinguishers are located in onsite buildings, operating equipment and maintenance and support vehicles. See Condition 30.5.</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
30.14	<p><b>Use of Reclaimed Water for Landscaping.</b> The Landfill Developer shall make every effort to use treated waste water from a district sewage treatment plant for landscape maintenance. The Landfill Developer shall report on this matter to the Conservation and Development Department</p>	In Compliance. On-Going	<p>Use of treated wastewater for landscaping was determined in December 1992 to be infeasible. In a letter from the landfill operator dated 9/24/1992, information was requested on availability and feasibility of treated waste water to meet an annual demand of approximately 1,050,000 gallons per year. Letters were sent to the Delta Diablo Sanitation District (DDSD) and Central Contra Costa Sanitary District (CCCSD).</p> <p>In December 1992, the landfill operator submitted a status report to the Community Development Department stating the annual water demand would have to be trucked from either DDSD or CCCSD for use at the landfill site. Neither the transportation/distribution system nor transport capacity existed to deliver the annual demand for water. The landfill operator stated that construction of a pipeline from DDSD to KCL would cost in the millions of dollars for development of a system, exclusive of right-of-way acquisition costs. The system would require necessary governmental and private approvals that were beyond the scope of the condition of approval. The landfill operator expressed a willingness to explore the option for use of reclaimed waste water should a pipeline delivery system become operational sometime in the future.</p> <p>See KCLC letter T. Cox (KCLC) to V. Conklin (CDD) dated 12/1/1992.</p>
30.15	<p><b>Equipment and Cleaning.</b> See Condition 20.24.</p>	Cross-Reference	<p>This condition cross-references another LUP condition. See Condition 20.24.</p>
30.16	<p><b>Smoldering Loads.</b> The Landfill operator shall check incoming loads and direct vehicles hauling smoking or burning trash to a designated place apart from the current fill area. The loads shall be dumped immediately and the fire extinguished before the waste is incorporated into the fill.</p>	In Compliance. On-Going	<p>The Load Check Program requires checking of all incoming vehicles hauling smoldering loads. Gate operator would notify site foreman at the working face of the need for special handling per this condition. Also see LUP Condition 7.1.</p>

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Condition	Condition Description	Compliance Status	Comments
30.17	<b>Emergency Equipment Access.</b> The Landfill operator shall designate access points for local fire protection agency access to all parts of the landfill and routes. The access points shall be included in the Development and Improvements Plan and shall be subject to the approval of the Riverview Fire Protection District.	In Compliance. On-Going	Designated emergency access points were approved by RFPD.  Approval by RFPD substantiated by CDD on 10/23/1991. See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.
30.18	<b>Smoking Prohibitions.</b> The Landfill operator shall prohibit smoking on the landfill except in designated areas. In no event shall smoking be allowed near the working face of the landfill and the fuel storage area. Signs shall be clearly posted and enforced.	In Compliance. On-Going	On-site signage is installed that prohibits smoking in all landfill operations areas.
30.19	<b>Toilets.</b> The Landfill operator shall provide portable chemical toilets near the active disposal area for use of workers and drivers. Their placement and maintenance shall be subject to the approval of Contra Costa Environmental Health.	In Compliance. On-Going	Included in FDIP, Section 10.9. Placement of chemical toilets in safe and convenient locations is standard operating procedure within the disposal operations area and ancillary facilities.  Sanitary facilities are provided for employees and visitors at the landfill administrative building. Locker, rest room, and shower facilities are provided for employees in the maintenance building. Bottled drinking water is provided at the administrative building and maintenance building.
30.20	<b>On-site Septic System.</b> Septic systems shall be designed to County Department of Health Service Standards, and State Health and Safety Code requirements. The Landfill developer shall pay for any treatment plant fees.	In Compliance. On-Going	Septic systems were designed, approved, and constructed per County and State standards.
30.21	<b>Sewer Line.</b> In the event that the Landfill developer elects to connect to a sewer line, the developer shall pay for any capacity studies required, and any resultant equipment and/or facilities.	Completed	Landfill developer elected to construct an on-site septic system. Connection to a sewer line has not been determined to be necessary.
31.1	<b>Waste Reduction and Resource Recovery Objective.</b> The Landfill operator shall manage the facility in such a manner that complies with the State's waste management hierarchy of source reduction, recycling and composting, and environmentally safe transformation and land disposal; and that is consistent with the Countywide Integrated Waste Management Plan.	Objective	This is solely an Objective. See Conditions 31.2 - 31.10.  <b>UPDATE: Please see updates of Conditions 31.4 through 31.6 below.</b>  The Landfill operator generally manages the facility consistent with prevailing requirements of CalRecycle, the Countywide Integrated Waste Management Plan, and other permits. The Waste Reduction and Resource Recovery Program is included in the FDIP, Sections 6.1 through 6.5. Condition 17i (Waste Reduction and Resource Recovery) of the SWFP further requires that wastes transported by transfer vehicles should originate from transfer stations where waste reduction and recovery activities take place.
31.2	<b>1990-1995 Resource Recovery Program.</b> The Landfill Operator shall participate with the transfer station(s) operators(s), route collection companies and direct haulers in designing and implementing a resource recovery and recycling program for the service area which is consistent with the goal of diverting 25 percent of all solid waste generated in the County from landfill facilities by January 1, 1995.	Completed	The Resource Recovery Program for 1990-1995 is included in FDIP, Section 6.1. No substantive resource recovery activities were conducted at Keller.

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Condition	Condition Description	Compliance Status	Comments
31.3	<p><b>1996-2000 Resource Recovery Program.</b> 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 County-wide Integrated Waste Management Plan's goal of diverting a total of 50 percent of all solid waste generated in the County from landfill facilities by January 1, 2000.</p>	Completed	The Resource Recovery Program for 1996-2000 is included in FDIP, Section 6.2. Initiated on-site resource recovery activities authorized by regulatory changes allowing waste derived cover materials and beneficial reuse materials to be treated as diversion.
31.4	<p><b>Materials Recovery.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: On March 22, 2017, the new direct haul conditions (COA 8.5 through 8.8) added to KCL's LUP as part of the 2015 permit review, took effect. These four COAs limit the types of direct haul waste loads eligible for disposal based on the types of wastes/materials recovered from mixed loads received at local transfer stations. Due to the operational changes necessitated this year as a result of these new direct haul conditions, the loads of mixed waste being hauled directly to the landfill should not contain adequate recyclable materials (e.g. construction and demolition debris) to warrant the establishment of on-site sorting and recovery activities. KCL ceased accepting for disposal direct haul loads of mixed waste deemed recoverable at transfer stations. Therefore, the Material Recovery Program submitted by KCL in 2016 and updated in 2017 (replaces FDIP Section 6.3) focuses on on-site recovery of source-separated loads of material types deemed suitable for use as daily cover, alternative daily cover or other on-site beneficial reuse.</b></p> <p>Revised information was submitted to DCD in the Fall of 2016 with information intended to update what is specified in FDIP Section 6.3. Updated Material Recovery Program information submitted in October 2016 was reviewed and approved ensures consistency with current Countywide goals and requirements and intent of this condition.</p> <p>The initial Materials Recovery program was included in FDIP, Section 6.3. However, the Countywide Integrated Waste Management Plan was not approved by the State until 1993.</p>
31.5	<p><b>Composting Project.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: A concept for a composting operation is included in FDIP, Section 6.4. Some compostable green waste has been diverted as Alternative Daily Cover since authorized to do so by CCEH starting with their 12-month Demonstration Project in April 1999. Documentation was submitted to DCD in the Fall of 2016 with information intended to update what is specified in FDIP Section 6.4. As of October 1, 2016 there are only three cities in the County which do not require that their franchise hauler compost the greenwaste collected curbside. One of those cities has committed to have their curbside greenwaste composted by 2018. Republic Services has adequate capacity to compost the greenwaste from the two remainign cities at their Northern California operations including the WCCSL Organic Materials Processing Facility (OMPF) in Richmond; Forward Landfill in Manteca; and Newby Island Resource Recovery Park in Milpitas Updated program information was submitted in October 2016, where RS will use their network of facilities to provide for composting facility capacity needed</b></p>

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Condition	Condition Description	Compliance Status	Comments
31.6	<p><b>Wood Chipping.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: Wood chipping is not proposed to occur on-site at KCL in the foreseeable future. The updated wood chipping program submitted by the operator in 2016 has been deemed adequate to satisfy this condition. The wood chipping program is designed to direct wood waste to existing wood chipping operations at two off-site locations in central and west county, the Contra Costa Transfer and Recovery Station (County File LP 2122-86) in Martinez and the Bulk Materials Processing Center (County File LP 2054-92) in Richmond. Procedures and protocols are in place for inspection, refusal, and re-direction of wood waste loads that are to be processed at a local transfer/recovery facility.</b></p> <p>Revised information was submitted to DCD in the Fall of 2016 to replace the previously submitted written program contained in Section 6.5 of the FDIP. Although DCD issued conditional approval on August 21, 2003 allowing the operator to implement a wood chipping operation, a wood chipping operation was never implemented on-site.</p>
31.7	<p><b>Methane Recovery.</b> The Landfill operator shall explore the use of methane in landfill gas collected for air pollution reduction as a fuel commodity. The operator shall report findings to the 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.</p>	Completed	<p><b>UPDATE: More methane is being generated than is needed to operating the existing landfill gas power plant at maximum capacity, therefore some methane is being sent to the enclosed flare on-site. The landfill gas power plant operator is exploring options for increasing the amount of methane recovered to generate power.</b></p> <p>A landfill gas power plant was determined by the landfill operator to be feasible in August 1998. The LFGTE power plant became operational in 2009 and is addressed in Section 36. Landfill Gas Plant of this LUP. See Condition 20.13.</p>
31.8	<p><b>Equipment Maintenance.</b> The Landfill operator shall maintain motorized landfill equipment to assure maximum fuel efficiency.</p>	In Compliance. On-Going	<p>Equipment maintenance is performed according to manufacturer specifications and at required intervals. Maintenance records are maintained by the operator and available for review by County agencies. See LUP Condition 20.24</p>
31.9	<p><b>County Resource Recovery Management Program.</b>                      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).</p>	In Compliance. On-Going	<p>In 1994, the Board of Supervisors approved the First Amended Landfill Franchise Agreement which included a provision specifying that the Franchise Surcharge to be paid by the operator would cover the cost of all current County programs (required or authorized by the Use Permit or the Agreement) except the LEA and AB939 Fees.</p>
31.10	<p><b>Fund Recovery.</b> The Landfill owner may recover funds provided to the County in advance of the opening of the Landfill through subsequent rate adjustments or surcharges approved by the County. The County may pro-rate the cost of the program among other waste disposal facilities it approves which are subject to similar conditions.</p>	No Longer Applicable	<p>Condition Acknowledged.</p>

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

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Condition	Condition Description	Compliance Status	Comments
33.1	<p><b>Submittal of Plan.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: On September 6, 2016, CalRecycle issued letter approval of the Preliminary Closure and Postclosure Maintenance Plans submitted as part of the Joint Technical Document. The San Francisco Bay Regional Water Quality Control Board approved the plans in an email dated August 23, 2016. CCEH deferred recommendation for approval of the plans to CalRecycle in a letter dated August 25, 2016.</b></p> <p>Initial plans submitted September 30, 1994; Approved by RWQCB on November 28, 1994 (See RWQCB Letter from R. McMurtry to S. Mann (CIWMB) dated 11/28/1994). A Preliminary Closure and Post-Closure Maintenance Plan have been submitted pursuant to Title 27 CCR 21780.</p> <p>See Health Services Department Memo from C. Nicholson to C. Zahn (CDD) dated 3/10/1992.</p>
33.2	<p><b>Funding of Closure and Postclosure Maintenance Plan.</b> 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.</p>	Completed. Updated As Needed	<p><b>UPDATE: The landfill operator fulfilled financial assurance requirements for closure and post-closure funding for 2015, 2016, and 2017. A Financial Assurance Letter and surety bonds were submitted to meet the requirements of Title 27, California Code of Regulations, Section 22244 (a) and (c).</b></p> <p>KCLC provided evidence of financial ability to SFRWQCB &amp; HSD in a letter and supporting documentation dated October 24, 1991.</p> <p>Landfill facility bonds for closure, post-closure, and corrective action are updated annually according to inflation rates set by CalRecycle. CalRecycle issues letters after reviewing bonds submitted to confirm if they adequately satisfy regulatory requirements. These details are noted in the annual Activities Reports now regularly being submitted by the operator, along with copies of the surety bonds submitted to CalRecycle..</p> <p>See Health Services Department Memo, C. Nicholson to C. Zahn (CDD), dated 10/24/1991, and Community Development Department Memo, V. Conklin to C. Zahn, dated 10/15/1991, and as updated through 10/25/1991.</p>
33.3	<p><b>Revision to Plan and Cost Estimates.</b> Should State law or regulation regarding the closure and postclosures maintenance plan or funding of the plan change at any time, the owner of the landfill shall submit any required changes to the closure and postclosure maintenance plan and/or evidence of financial ability to the Board at the same time as submittal to the applicable state or regional agency.</p>	Completed. Updated As Needed	<p>CCR Title 27 now requires that landfill operators update financial assurances (bonds) for closure and post-closure annually, according to inflation rates set by CalRecycle. Copies are included as attachments to the annual Activities Report submitted to the County.</p>
33.4	<p><b>Staged Closure of the Landfill.</b> The landfill owner or operator shall close the landfill in stages if compatible with the filling sequence and the overall closure plan.</p>	Not Yet Required	Condition acknowledged.
33.5	<p><b>Use of Landfill Following Closure.</b> After active landfill operations have ceased, the site shall be utilized for grazing purposes. The Board may require the owner of the landfill to deed all development rights for the landfill site to the County to ensure fulfillment of this condition.</p>	Not Yet Required	Landfill lifespan is projected to continue for an additional 30 to 35 years or more depending on operating assumptions.

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Condition	Condition Description	Compliance Status	Comments
33.6	<p><b>Postclosure Maintenance.</b> The Landfill operator shall institute a postclosure maintenance program to ensure that containment and monitoring facilities retain their integrity. If damaged areas are found, the operator shall notify the County and take remedial actions to prevent odor and landfill gas problems.</p>	Not Yet Required	<p>The JTD for Keller Canyon Landfill was updated in May 2016 and filed with Contra Costa Environmental Health, CalRecycle and County DCD.</p> <p>The Preliminary Closure and Post-Closure Maintenance Plans are presented in May 2016 Draft JTD, Volume 1, and were prepared in accordance with 27 CCR, Sections 21769(b) and 21790.</p>
34.1	<p><b>Storage Requirement.</b> The Landfill operator shall provide a minimum 10-acre area on the landfill site for the storage of abandoned vehicles awaiting salvaging, if required by the Board of Supervisors. The storage site operator shall accept only vehicles directed to the site by a law enforcement agency operating in Contra Costa County, which shall be responsible for the vehicle until its title is conveyed to a salvager. The site would provide storage only; operations of disposing, salvaging, and security of abandoned vehicles shall not be the 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.</p>	Not Yet Required	<p>Implementation of this condition is not yet required due to a lack of demand. The County Sheriff's Department coordinates storage of abandoned vehicles at other facilities prior to final demolition and transport. Operator does not propose to store abandoned vehicles at the landfill without authorization from the County.</p>
34.2	<p><b>Off-site Storage Option.</b> The Landfill operator may establish the abandoned vehicle storage area at another location, which shall be subject to the approval of the County Conservation and Development Department.</p>	Not Yet Required	<p>Implementation of this condition is not yet required. No requests have been received from the County Sheriff's Department for the Operator to establish an off-site abandoned vehicle storage area.</p>
35.1	<p><b>Transportation System Impact Fee:</b> The Landfill operator shall pay to the County of Contra Costa a Transportation Impact Fee of \$2.00 per ton of waste received at the Landfill to mitigate the general impacts of the Landfill-generated traffic on the County's road system. The operator shall deposit the fee monies quarterly in a segregated account established by the County. The fee shall be considered to be a pass-through business cost for the purposes of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.</p>	Cross-Reference	<p>This condition cross-references another LUP condition, in effect it has been superceded by Condition 35.8. The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of this Condition as long as the <u>new</u> Condition 35.8 remains in full force and operation.</p> <p>Mitigation fees have been paid to the County since the landfill opened on May 7, 1992.</p>
35.2	<p><b>Open Space and Agricultural Preservation Fee.</b> The Landfill operator shall pay to the County of Contra Costa an Open Space and Agricultural Preservation Fee of \$2.00 per ton on solid wastes received at the Landfill to mitigate the general impacts of the Landfill on open space, existing and proposed recreational facilities, and agriculture. The operator shall deposit the fee monies quarterly in a segregated account established by the County. The fee shall be considered to be a pass-through business cost for the purposes of rate setting. The fee shall be adjusted annually to reflect the current Consumer Price Index.</p>	Cross-Reference	<p>This condition cross-references another LUP condition, in effect it has been superceded by Condition 35.8. The Board of Supervisors approved Amendment 1 to Land Use Permit 2020-89 on November 1, 1994 which stayed the operation of this Condition as long as the <u>new</u> Condition 35.8 remains in full force and operation.</p> <p>Mitigation fees have been paid to the County since the landfill opened on May 7, 1992.</p>



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Condition	Condition Description	Compliance Status	Comments
35.3	<p><b>Property Value Compensation Program.</b> The Landfill operator shall provide funding for the preparation of a property value compensation program study when requested by the County of Contra Costa. The study will address the means of determining the extent of property value losses or reductions attributable to Landfill impacts, such as aesthetics, noise, traffic, or pollution, and the means of compensating property owners for said losses or reductions. When a compensation program is adopted by the Board of Supervisors, the Landfill developer shall fund it in the manner specified by the Board. If the Board of Supervisors determines that progress on the implementation of a compensation program is not proceeding in a timely manner, the Board may require the use of a facilitator and/or an arbitrator. The fee shall be considered to be a pass-through business cost for the purposes of rate setting.</p>	Completed	The County issued payments totaling approximately \$476,400 to property owners near the Keller Canyon Landfill as part of the Keller Canyon Landfill Property Valuation Mitigation Claim Process adopted by the Board of Supervisors. The Board approved the program in 1997 after several studies and multiple hearings related to LUP condition of approval 35.3.
35.4	<p><b>Resource Recovery Program Fee.</b>                      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).</p>	No Longer Applicable	In 1994, the Board of Supervisors approved the First Amended Landfill Franchise Agreement which included a provision specifying that the Franchise Surcharge to be paid by the operator would cover the cost of all current County programs (required or authorized by the Use Permit or the Agreement) except the LEA and AB939 Fees.
35.5	<p><b>Violation of Prescribed Haul Route.</b> 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.</p>	In Compliance. On-Going	<p><b>UPDATE: There have been no violations of the prescribed haul route in 2015, 2016, and 2017 to-date.</b></p> <p>The facility is in compliance with this condition. No sanctions have been imposed for violation of the prescribed haul route.</p>
35.6	<p><b>Direct Property Acquisition Study.</b> The Landfill operator shall study the appropriateness of direct acquisition of properties immediately adjacent to the project, and shall fund any acquisition program ordered by the Board of Supervisors. The study shall be consistent with the Environmental Impact Report and shall be completed prior to the issuance of a franchise agreement.</p>	Not Yet Required	Condition Acknowledged. No acquisition program has been ordered by the Board of Supervisors.

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Condition	Condition Description	Compliance Status	Comments
35.7	<p><b>Adjoining Sites.</b> This permit authorizes the use of the Keller Canyon Landfill site only for its specified waste disposal uses as set forth in these Conditions of Approval, and for no other uses. In particular, during the effective and operative periods of this Permit, the Keller Canyon site covered by this Permit shall not be used to provide access to, or to accommodate in any way the use of, any adjoining property for landfill purposes, unless the County has approved the use of such adjoining property for landfill purposes.</p>	Informational	Condition Acknowledged. KCL site has not been proposed or used to provide access to or accommodate use of adjoining property for landfill purposes.
35.8	<p><b>Mitigation Fee.</b> The Landfill operator shall pay to the County of Contra Costa a fee, the amount of which may be set by the Board of Supervisors by a Board Order from time to time, which amount shall not be less than \$3.00 per ton and shall not be more than \$4.00 per ton, on solid waste received at the Landfill. The fee shall be used as directed by the Board in its sole discretion: 1) to mitigate general impacts of the Landfill-generated traffic on the County's road system, 2) to mitigate the general impacts of the Landfill on open space, existing and proposed recreational facilities, and agriculture, or 3) to mitigate any general impacts of the Landfill upon the surrounding community. Conditions 35.1 and 35.2 of Land Use Permit 2020-89 are hereby stayed in their operation as long as Condition 35.8 remains in full force and operation. Should Condition 35.8 (or any portion of it) for any reason be set aside or stayed in its operation, then Conditions 35.1 and 35.2 shall be in full force and operation.</p>	In Compliance. On-Going	This Condition was added by Amendment 1 to Land Use Permit 2020-89 which the Board of Supervisors approved on November 1, 1994. A fee of \$3.00 per ton has been collected since landfill opening, of which \$1.75 per ton is allocated to the County, and \$1.25 per ton is allocated to the City of Pittsburg. The County Board of Supervisors awards grants from the Keller Canyon Landfill Mitigation Fund to County agencies and community-based organizations in the Bay Point and Pittsburg communities. Grants totaling \$1,292, 081 were awarded in the 2013-2014 fiscal year.
36.1	<p><b>Power Plant Design.</b> The design of the Landfill Gas Power Plant project as approved is generally shown on the plans submitted to the Conservation and Development Department on October 16, 2001.</p>	Informational	Condition Acknowledged.
36.2	<p><b>Ultimate Responsibility.</b> These conditions of approval identify the Landfill Gas Power Plant operator as the party primarily responsible for implementing conditions involving the design, construction, improvements, maintenance and management of the power plant. However, ultimate responsibility for compliance with these conditions lies with the owner of the landfill.</p>	Informational	Condition Acknowledged. Landfill Gas Power Plant (building and equipment) is owned and operated by Ameresco Keller Canyon L.L.C.
36.3	<p><b>Keller Canyon Landfill Land Use Permit.</b> The construction and operation of the Landfill Gas Power Plant is also subject to all other conditions in Land Use Permit 2020-89 for the Keller Canyon Landfill, as appropriate.</p>	Informational	Condition Acknowledged.
36.4	<p><b>Violation/Revocation.</b> The Landfill Gas Power Plant owner and operator shall at all times comply with the provisions and requirements of these Conditions of Approval. A repeated violation of any of these Conditions as a result of the construction or operation of the Power Plant is cause for revocation of the Land Use Permit for the power plant.</p>	In Compliance. On-Going	There have been no violations of conditions of approval in Section 36. Landfill Gas Power Plant
36.5	<p><b>System Safety.</b> Risk of fire (from gas, oil, or electrical sources) shall be controlled through the use of flame sensors, ultraviolet (UV) radiation and methane detectors, and fire extinguishers. These components shall be installed at a minimum, in the power modules, exhaust and cooling packages, and other locations as required by Code.</p>	In Compliance. On-Going	Facility Safety System was designed and installed in accordance with this LUP condition and other requirements of the County Building Inspection Department and Riverview Fire Protection District.
36.6	<p><b>Equipment and System Monitoring.</b> Instrumentation shall be provided for all power plant equipment and systems which provide for a fully automated monitoring and warning system. This will include an automated switch to combustion flare if necessary. Additionally, routine monitoring of the gas extraction system and power plant facility shall be performed during normal business hours by at least one on-site operator.</p>	Completed. On-Going	Equipment and System Monitoring was designed and installed in accordance with this LUP condition and other requirements of the County Building Inspection Department and County Fire Protection District.

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
36.7	<b>Engines.</b> Power plant facilities shall use lean burn internal combustion engines to meet BAAQMD regulations for oxides of nitrogen (NOx), carbon monoxide (CO) and volatile organic compounds (VOC).	Completed. On-Going	Engines meeting the requirements of this condition were installed in accordance with requirements of the BAAQMD.
36.8	<b>Hazardous Materials.</b> Landfill Gas Power Plant operator shall prepare and submit a Hazardous Materials Business Plan for the Power Plant in compliance with requirements of the Hazardous Materials Division of Contra Costa County's Health Services Department.	Completed. On-Going	Ameresco Keller Canyon LLC submitted the Hazardous Materials Business Plan to the County DCD and HSD-Hazardous Materials Division in October 2009.
36.9	<b>Emergency Response.</b> Landfill Gas Power Plant operator shall submit a facility specific Emergency Response Plan and then implement and update as needed, said Plan.	Completed. On-Going	Ameresco Keller Canyon LLC submitted the Emergency Response Plan to the County DCD and Contra Costa Environmental Health in October 2009.
36.10	<b>Notification of Plant Upset or Accidental Release.</b> Landfill Gas Power Plant operator shall notify the 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.	Not Yet Required	Condition Acknowledged. To date there have been no incidents of plant upset or accidental leakage or release of landfill gas.
36.11	<b>Stormwater Pollution Prevention Plan (SWPPP).</b> Landfill Gas Power Plant operator shall implement the Keller Canyon SWPPP (prepared in 1996 and as may be amended from time to time), for water resources protection measures in case of spill of coolant, oil, or other lubricant.	In Compliance. On-Going	The landfill operator complies with the current SWPPP for the site. Any stormwater from the landfill gas power plant is included in the site drainage system in accordance with the WDRs and SWPPP. The landfill gas power plant processes do not use or discharge water, and a SWPPP specifically for the landfill gas power plant does not exist. For addressing potential spills of operating fluids, the landfill gas power plant operator submits annual plans and reports to Contra Costa Health Services in compliance with the California Environmental Reporting System (CERS). The plant's CERS ID for CCEH's California Accidental Release Prevention Program (CUPA) is 10479961. See AMERESCO (Keller Canyon, LLC) Industrial Storm Water Pollution Prevention Plan dated October 2009.
36.12	<b>Facility Design.</b> Power Plant facilities shall be painted Bronze Olive or other suitable color as approved by the Conservation and Development Department. Power Plant operator shall install a perimeter security fence to enclose the power plant.	Completed	Building color was approved by the County and a perimeter fence was constructed.
36.13	<b>Power Plant Landscape Plan.</b> A Landscape Plan for the Power Plant site shall be submitted subject to the approval of the Conservation and Development Department. The location and types of landscaping proposed along the security fence shall be specified.	In Compliance. On-Going	<b>UPDATE: A Landscape Plan was submitted to DCD staff on December 9, 2016 per this condition. The landscape plan has not yet been implemented. The power plant site and immediately adjacent operations areas are currently the subject of feasibility studies for upgrade of the landfill gas collection and processing infrastructure, and potential modifications to other landfill infrastructure. Construction in the adjacent operations areas could result in the destruction and removal of any landscaping installed under the December 2016 plan.</b>  Landscaping Plan initially submitted in 2006 and again along with other plans/drawings submitted in order to have the Building Permit(s) issued in 2007. The original landscaping that was installed to meet this condition died as a result of California's drought conditions. Although the view of the proposed power plant and the other landfill environmental management facilities from neighboring residences is obstructed by topography.

**EXHIBIT D - Compliance Status Table: Keller Canyon Landfill Land Use Permit 2020-89 Conditions of Approval**

Condition	Condition Description	Compliance Status	Comments
36.14	<b>Construction.</b> Upon completion of construction, all construction materials, including packaging materials, worker facilities, and debris will be removed from the site. Additionally during construction all excess materials shall be removed periodically, as needed.	Completed	Construction materials were removed from the site upon completion of construction per this condition.
36.15	<b>Material Recycling.</b> Whenever feasible, all oils, lubricants, and coolant shall be recycled rather than disposed. Prior to issuance of a building permit, the applicant shall submit a Debris Recovery Plan. Upon completion of construction, the applicant shall submit a Debris Recovery Report.	Completed	A Debris Recovery Plan was submitted to the Community Development Department on January 11, 2007 and approved by the department on January 12, 2007 (CDD Letter from L. Thompson to Ameresco). All oils, lubricants, and coolants are recycled. Final inspection hold was released at the time the Debris Recovery Report was submitted, however staff has been unable to locate hardcopy documentation.
36.16	<b>Implementation &amp; Compliance Monitoring.</b> 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.	In Compliance. On-Going	Landfill gas power plant operator has issued any payments required for DCD monitoring costs.
36.17	<b>Surcharge.</b> A surcharge, if established by the County Board of Supervisors, shall be paid to the County, by the operator, related to the sale of landfill gas or the sale of electricity produced by burning said gas.	In Compliance. On-Going	The County Board of Supervisors established a 1.5% surcharge at the time the Landfill Gas Power Plant was approved which began operation in 2009. This 1.5% surcharge of gross revenue is for the period of year one through ten of the project operations and raised to two percent 2% of gross revenue during year eleven through the life of the project. Landfill gas power plant operator has routinely issued payment as required by this condition.