

ATTACHMENT 2

CDLP18-02022 FINDINGS COAS BOS – July 13, 2021

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE CDLP18-02022,
AMERESCO KELLER CANYON RNG LLC (APPLICANT) – KELLER CANYON LANDFILL
COMPANY (OWNER)**

FINDINGS

A. Growth Management Performance Standards

1. Traffic. The two employees at the proposed renewable natural gas (RNG) processing facility are projected to generate approximately one peak period peak period vehicle trip and will not significantly increase existing traffic levels in the area. The increase in traffic on Bailey Road due to the project will not significantly affect the operation of the street.

2. Water. The project site is in an area designated for industrial use, infrastructure, and facilities. An on-site water system is available for the project and will not require major modification for the RNG processing facility and pipeline project (RNGPFP). Existing water lines will be extended as needed. An existing water supply tank for landfill operations is located southeast of the RNG processing facility site, as required by Keller Canyon Landfill Land Use Permit 2020-89 (LP89-2020) Condition of Approval (COA) 30.8 (On-Site Water Storage). The total capacity of the water supply tank is approximately 342,300 gallons, with approximately 235,800 gallons (about 69 percent) reserved for firefighting. Thus, the allocation of water to serve the project will not significantly affect existing water resources

3. Sanitary Sewer. Sanitary sewer service at the project site is provided by an on-site septic system. Pursuant to LP89-2020 COA 30.20 (On-site Septic System), a septic system with a leach field was constructed for the existing landfill-gas-to-energy (LFGTE) power plant in 2009 under Contra Costa Environmental Health Permit 07-000-774565. The design capacity of this system is 105 gallons per day (gpd). The applicant will coordinate with Contra Costa Environmental Health on a new wastewater connection to the existing septic system to provide for a new employee restroom for the two employees at the RNG processing facility. The connection will increase the total flows to the existing septic system to approximately 45 gpd. The applicant will be required to acquire a new or amended permit from Contra Costa Environmental Health for the new connection.

4. Fire Protection. The project site is in the service area of the Contra Costa County Fire Protection District (CCCFPD). A number of the LP89-2020 permit conditions

address the requirements of the CCCFPD for on-site fire protection water supply (COA 30.8, On-Site Water Storage), (COA 30.18, Smoking Prohibitions), equipping the landfill facilities with fire extinguishers (COA 30.13, Fire Extinguishers), and maintaining a 60-foot fire break around the perimeter of the landfill and any buildings or structures (COA 30.12, Fire Breaks). The Ameresco RNGPFP will be subject to and will be required to comply with these permit conditions. Further, project plans will be reviewed by the Fire Protection District for compliance with its requirements.

Consistent with LP89-2020 COA 30.5 (Fire Protection Component), two existing fire hydrants are located within 325 feet of the RNG processing facility site for use in a fire event: One hydrant is located adjacent to the water supply tank; a second hydrant is located southwest of the water supply tank alongside the access road near the landfill maintenance building. The applicant will construct a new third fire hydrant in a location near the mid-southeastern boundary of the RNG processing facility enclosure. The precise location and specifications of the new hydrant shall be coordinated with the CCCFPD to ensure compliance with the California Fire Code.

5. Public Protection: Police protection services at Keller Canyon Landfill (KCL) are provided by the landfill operator pursuant existing LP89-2020 permit conditions, including managing KCL in a manner that prevents unauthorized access (COA 27.1, Security Objective), perimeter security fencing (COA 27.2, Security Fencing), 24-hour private security protection (COA 27.3, Security Staffing), and maintenance of security lighting (COA 27.4, Security Lighting). Implementation of the RNGPFP will not significantly impact the provision of security in KCL.

6. Parks and Recreation: The Ameresco RNGPFP project does not include any residential development. The closest public parks to the RNG processing facility are approximately 0.7 mile to 1.0 mile from the project site, including Hillsdale Park, Oak Hills Park, and Ambrose Park. Hillsdale Park and Oak Hills Park are operated by the City of Pittsburg Parks and Recreation Department. Ambrose Park is operated by the Ambrose Recreation and Park District. To the extent that the two future employees of the RNG processing facility choose to move into the Pittsburg area, there will be an incremental increase to the Pittsburg area population. Given the amount of available park space and the project's relatively small indirect addition to the Pittsburg area population, the project will not significantly increase population in the area, and therefore, will not significantly increase the demand for parks or recreational facilities. Further, payment of Mitigation Fee as required by LP89-2020 COA 35.8 offsets general impacts of the KCL on open space, existing and proposed recreational facilities and agriculture.

7. Flood Control and Drainage. The RNG processing facility site is located in the northern portion of the Keller Canyon watershed, which encompasses approximately 573 acres. All of the active KCL landfill area runoff is collected and conveyed to the existing KCL terminal detention basin located approximately 750 lineal feet east of, and down slope, of the proposed RNG processing facility. The terminal detention basin greatly reduces the volume of peak runoff leaving the Keller Canyon watershed. Development of proposed RNG processing facility site will add approximately 84,000 square feet (1.9 acres) to the Keller Canyon watershed. The drainage system for the RNG processing facility will be designed to convey storm runoff to the existing terminal detention basin. During operation, the RNG processing equipment will not generate any form of wastewater. The RNG processing facility is estimated to increase surface runoff by a maximum of approximately 1.2 percent for the 50-year recurrence interval. All runoff from the RNG processing facility will be collected and directed into the existing drainage system of the landfill. The 1.2 percent or lower increase in surface runoff is not a substantial increase in the rate or amount of surface runoff, and will not result in on or off-site flooding.

B. Land Use Permit Findings

The following are required findings for the approval of a land use permit for the Ameresco RNGPFP.

1. The proposed project shall not be detrimental to the health, safety, and general welfare of the county.

Project Finding. The KCL is a Class II waste disposal site operating in accordance with applicable local, State, and federal regulations. KCL is required by permit and regulation to collect and control landfill gas (LFG) to minimize impacts to the community and environment. The gas collection and control system are expanded regularly as KCL continues to dispose of waste, and the volume of LFG generated increases. As required by LP89-2020 COA 31.7 (Methane Recovery), KCL is required to explore use of the LFG as a fuel commodity.

Consistent with LP89-2020 COA 31.7, Ameresco has contracted with the Keller Canyon Landfill Company for the right to utilize the LFG for energy production or other beneficial uses as allowed by regulations. Since 2009, Ameresco has operated a LFGTE power plant that processes the LFG by filtration and drying to create fuel used to fire internal combustion generators to produce electricity. At present, the volume of LFG

generated at KCL exceeds the fuel demands of the LFGTE plant, and the excess LFG is consumed in an enclosed flare facility located adjacent to the LFGTE plant.

The Ameresco RNGPFP will significantly reduce LFG flows to the existing KCL enclosed flare facility. The new RNG processing facility will operate independently of the operation of the existing LFGTE plant and will significantly increase the utilization of LFG for energy, by processing the landfill gas to sufficient quality to allow it to be placed into the regional natural gas network.

The RNG pipeline will carry the RNG from the new processing facility site to the existing PG&E natural gas transmission pipeline network east of the site. The design of the pipeline will meet and/or exceed all regulatory requirements and/or industry standards.

2. The proposed project shall not adversely affect the orderly development within the County or the community.

Project Finding: Construction of the Ameresco RNGPFP will not require construction or improvement of any roadways in the area. There will be less than 20 inbound construction trips per day during the 8 to 12 month construction period. Access to the RNGPFP project area for construction traffic will be from the following locations:

- Bailey Road and internal site roads for construction on KCL property;
- John Henry Johnson Parkway to Ripple Rouge Road (near the Diablo Valley Radio Controllers' miniature airstrip) to connect to a laydown area located on KCL property; and
- Through an existing access gate located near the intersection of Alta Vista Circle and Alta Vista Court to provide access to the PG&E property.

To minimize disruption of local area traffic, the applicant will implement the following construction traffic measures.

- 1 During construction in the east portion of the project site on PG&E property, advance notice shall be given to the City of Pittsburg alerting of the need for potential traffic and parking controls on Alta Vista Circle on days vehicles and equipment are scheduled to access the PG&E property.

- 2 During construction in the mid portion of the project site, advance notice shall be given to the City of Pittsburg and/or property owners to allow for vehicle access via John Henry Johnson Parkway.

Construction will occur on land in the active KCL landfill area, within the Special Buffer Area (SBA), and within the PG&E-owned utility corridor. Construction of the Ameresco RNGPFP at this location is consistent with the intended use of the site and with applicable General Plan policies and General Plan and zoning development standards. The RNG processing facility and RNG transmission pipeline do not produce significant amounts of noise, glare, or vibrations. Thus, the project will not impede future use of surrounding, developable properties.

3. The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the county.

Project Finding: Construction and operation of the Ameresco RNGPFP on land in the active KCL landfill area, within the SBA, and within the PG&E utility corridor, is consistent with the allowable uses of the landfill and open space properties, and thereby, will not affect property values in the area. The RNG processing facility is compatible with the existing industrial character of the KCL landfill area. The underground RNG transmission pipeline is compatible with open space and agricultural uses.

4. The proposed project shall not adversely affect the policy and goals as set by the General Plan.

Project Finding: The Ameresco RNGPFP is consistent with the Landfill and Open Space policies and goals of the General Plan. As discussed above, the RNG processing facility is compatible with the KCL landfill, and the underground RNG transmission pipeline is compatible with open space and agricultural uses on the SBA and PG&E utility corridor. The RNG project is also compatible with the County's Climate Action Plan (CAP) that furthers the overall goal of the General Plan to preserve the quality of life within the County. The RNGPFP is consistent with the CAP by implementing the following CAP goals:

- Goal 2: Renewable Energy, Increase the Production of Renewable Energy from Small-Scale and Commercial-Scale Renewable Energy Installations
 - Measure RE 1: Alternative Energy Installations

- Measure RE 2: Alternative Energy Facilities
- Goal 3: Land Use and Transportation
 - Measure LUT 2: Alternative-Fuel Infrastructure, Expand the Use of Alternative Fuels in Vehicle Travel
- Goal 4: Solid Waste, Reduce Waste Disposal
 - Measure W 2: Landfill Management, Reduce Fugitive Methane Emissions and Other GHG Emissions from Solid Waste Landfills.

The RNGPFP will facilitate County-wide GHG emission reduction goals by substantially reducing the emissions of GHG and will be in conformance with applicable County and State GHG emission reduction strategies.

5. The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The Ameresco RNGPFP, as conditioned, will not create a nuisance and/or enforcement problem. The Conditions of Approval of LP89-2020 as amended by this approval, require the RNGPFP to be maintained in an orderly manner for the life of the project.

6. The proposed project shall not encourage marginal development within the neighborhood.

Project Finding: Approval of the land use permit will not change the established uses in the vicinity. Construction and operation of the RNG processing facility on a portion of the active KCL landfill area will extend existing water lines and install a new wastewater connection to an existing on-site septic system. Installation and operation of the underground RNG transmission pipeline will occur on dedicated open space land in the SBA and the PG&E utility corridor.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The active KCL landfill area has been approved for a landfill operation in Land Use Permit LP89-2020. The Ameresco LFGTE plant is consistent with LP89-2020 COA 31.7 (Methane Recovery) and was approved in Land Use Permit LP01-2115 that

amended LP89-2020. The Ameresco RNGPG is also consistent with LP89-2020 COA 31.7 and further amends LP89-2020. Given the availability of LFG at the landfill, the active KL area is the appropriate location for the new RNG processing facility adjacent to the existing LFGTE plant, and within an area set aside for such use.

PG&E's existing natural gas transmission pipeline, Line 191-1, is located east of the RNG processing facility and is separated from the active KCL landfill area by the SBA. Thus, the Ameresco underground RNG transmission pipeline traverses a natural route from the RNG processing facility to Line 191-1 through the SBA and the PG&E utility corridor. Both the SBA and PG&E utility corridor are dedicated open space areas within the A-4 Agricultural Preserve land use district. After installation, the RNG pipeline alignment will be restored to its pre-construction state and the pipeline and its alignment will not be visible. Thus, the RNG pipeline is consistent with the intended open space and agricultural use of the SBA and PG&E utility corridor and will not disrupt or otherwise affect any adjacent land uses.

C. Environmental Findings

1. A draft Mitigated Negative Declaration/Initial Study (MND) was prepared for the project. The draft MND was published and noticed on October 7, 2020, and re-noticed on November 12, 2020. The public review comment period for the draft MND started on October 7, 2020, and ended on December 23, 2020. Written comments were received from eight commenters during the public review period for the draft MND.
2. A Final MND has been prepared that includes a revised project description, summary responses addressing the project description and potential impacts, the written comments received on the November 2020 re-noticed draft MND, responses to the comments received, and staff-initiated text changes including changes resulting from the preparation of responses to comments received and revised and/or deleted figures.
3. The staff responses and text changes in the Final MND are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and does not alter any findings in the section.
4. On the basis of the whole record before it, including the draft MND and Final MND, the County Planning Commission finds that:
 - There is no substantial evidence that the project with the proposed mitigation

measures will have a significant effect on the environment;

- The MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis;
 - The MND is adequate and complete; and
 - The MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA guidelines.
5. A Mitigation Monitoring Program has been prepared, based on the identified significant environmental impacts and mitigation measures in the MND. The mitigation measures in the Mitigation Monitoring Program are included in the Conditions of Approval.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP18-02022

Approval of Land Use Permit CDLP18-02022

1. This Land Use Permit application is APPROVED for the construction and operation of the Renewable Natural Gas Processing Facility and Pipeline, as described in the Land Use Permit application and documentation submitted to the Department of Conservation and Development, Community Development Division (CDD) on July 24, 2018, as amended by the plans and documentation submitted on June 8, 2021. Any change from the approved plans shall require review and approval by the Board of Supervisors and may require the filing of an application to modify this Land Use Permit.

Keller Canyon Landfill Land Use Permit

2. The Conditions of Approval of the Keller Canyon Landfill Land Use Permit 2020-89, Amendment 3, shall apply to the Renewable Natural Gas Processing Facility and Pipeline.

NOTE: Keller Canyon Landfill Land Use Permit 2020-89, Amendment 3, is attached herein.

MITIGATION MEASURES FROM THE MITIGATION MONITORING PROGRAM FOR RENEWABLE NATURAL GAS PROCESSING FACILITY AND PIPELINE APPLIED AS CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP18-02022

The applicant shall comply with the following Conditions of Approval, which are required to implement and complete the Mitigation Measures identified in the Mitigated Negative Declaration SCH 2020100267 and included in the Mitigation Monitoring Program for Renewable Natural Gas Processing Facility and Pipeline.

These Conditions of Approval are included in Keller Canyon Landfill Land Use Permit 2020-89 (LP89-2020), Amendment 3, and shall be administered as part of the LP89-2020 Permit.

BIOLOGICAL RESOURCES

3. Biology 1: HCP/NCCP Participation. The applicant shall participate in and receive take coverage under the HCP/NCCP and comply with all conditions of the take coverage. Prior to the issuance of grading or building permits, whichever occurs first, the applicant shall submit an HCP/NCCP application and associated fee worksheet to the CDD and the East Contra Costa County Habitat Conservancy (ECCCHC) for review and approval.

The temporary and permanent impacts to grassland habitats, jurisdictional waters and wetland resources shall require both temporary and permanent impact fees as defined by the current HCP/NCCP fee schedule at the time of application. Additionally, avoidance and minimization measures as required by the HCP/NCCP shall be implemented to minimize impacts to covered species and jurisdictional resources. The Certificate of Coverage will be issued to the applicant to confirm the fee has been received, that other HCP/NCCP requirements have been met or will be performed and will authorize take of covered species. Participation in the HCP/NCCP will fully satisfy requirements for addressing impacts to the California red-legged frog and California tiger salamander

4. Biology 2: Burrowing Owl. To avoid and minimize impacts on burrowing owls and potential burrows the following measures shall be implemented.
 - Preconstruction Surveys. Prior to any ground disturbance related to covered activities, a USFWS/CDFW–approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of western

burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1995). Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW.

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys shall take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1– August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

- Avoidance and Minimization and Construction Monitoring. This measure incorporates avoidance and minimization guidelines from CDFW's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995).

If burrowing owls are found during the breeding season (February 1 – August 31), the applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing. All buffers shall be shown on all sets of

construction drawings.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for one week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

5. Biology 3: Golden Eagle. To avoid and minimize impacts on golden eagles the following measures shall be implemented.

- Preconstruction Survey: Prior to commencing with covered activities, a qualified biologist shall conduct a preconstruction survey to establish whether nests of golden eagles are occupied. If nests are occupied, minimization requirements and construction monitoring will be required. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
- Avoidance and Minimization: Covered activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the applicant shall coordinate with CDFW/USFWS to determine the appropriate buffer size.
- Construction Monitoring: Construction Monitoring: Construction monitoring shall focus on ensuring that no covered activities occur within the buffer zone established around an active nest. These measures will include consultation with USFWS and CDFW if an active nest is identified, monitoring conducted by a qualified biologist with stop work authority. Although no known golden eagle nest sites occur within or near the Urban Limit Line (ULL), covered activities inside and outside of the HCP Preserve System designated in the HCP/NCCP have the potential to disturb golden eagle nest sites. The majority of the project activities fall outside of the ULL. Construction monitoring shall ensure that direct effects to

golden eagles are minimized through direct consultation with USFWS and CDFW on appropriate buffer zones and construction monitoring requirements, a qualified biologist will monitor all activities to ensure the buffer zone is maintained and the qualified biologist shall have stop work authority. All buffers shall be shown on all sets of construction drawings.

6. Biology 4: Nesting and Migratory Birds. To avoid and minimize impacts on nesting and migratory birds and to comply with the federal Migratory Bird Treaty Act pre-construction surveys shall be conducted and construction avoidance measures shall be implemented if necessary.
 - Preconstruction Survey. Riparian vegetation, grassland habitats and trees shall be surveyed prior to commencing with covered activities to evaluate nesting bird habitat. If work is scheduled to take place between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist within 14 days of construction, covering a radius of 500 feet for non-listed raptors and 100 feet for non-listed passerines at all locations. Preconstruction surveys will need to be done in phases as work along the alignment will not be occurring concurrently. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
 - Avoidance and Minimization. If an active bird nest is found within these buffers, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. If an active nest is present, a minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.
7. Biology 5: American Badger. To avoid and minimize impacts on American badgers the following measures shall be implemented.

- Preconstruction Survey: Prior to commencing with covered activities, a qualified biologist shall conduct a preconstruction survey, within the limits of proposed temporary and permanent impact in grassland and ruderal habitat, no less than 14 days before the beginning of ground disturbance or any activity likely to affect American badger. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
 - Avoidance and Minimization: If potential dens are present, their disturbance and destruction shall be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, a qualified biologist shall determine if the dens are occupied or were recently occupied using remote cameras or methodology coordinated with CDFW. If unoccupied, the qualified biologist shall collapse these dens by hand or shall request permission from CDFW to temporarily plug the burrow entrance with sandbags to prevent badgers from re-using them during construction. If occupied, the biologist shall consult with CDFW regarding best practices for encouraging the badger(s) to move to alternate dens outside the work areas.
8. Biology 6: San Joaquin Kit Fox. To avoid and minimize impacts on San Joaquin kit fox the following measures shall be implemented.
- Preconstruction Surveys: Prior to any ground disturbance related to covered activities, a USFWS/CDFW–approved biologist shall conduct a preconstruction survey in areas that support suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service 1999). Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW.

Preconstruction surveys shall be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS within five working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.

If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below will be implemented.

- *Avoidance and Minimization Requirements*
 - If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for three days by a USFWS/CDFW–approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
 - Unoccupied dens shall be destroyed immediately to prevent subsequent use.
 - If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.
 - If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal’s normal foraging activities).
- *Construction Monitoring*. If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. A qualified biologist shall monitor all activities to ensure exclusion zones are maintained and the qualified biologist shall have stop work authority. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent

access to the den by kit fox. All exclusion zones shall be shown on all sets of construction drawings.

9. Biology 7: Special Status Bats. To avoid and minimize impacts on roosting bats the following measures shall be implemented:
 - Focused Habitat Assessment. If trees along the access route or within the project site are to be removed a habitat assessment shall be conducted by a qualified bat biologist to determine if the subject trees have potential habitat.
 - Preconstruction Surveys. If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey shall be required to determine whether the sites are occupied immediately prior to construction or whether they show signs of recent previous occupation. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary. Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW. If occupied habitat is determined present and cannot be avoided, consultation with CDFW shall occur in order to determine the appropriate plan for eviction and compensatory mitigation.
 - Avoidance and Minimization. If the species is discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that it minimizes impacts on special status bats. Hibernation sites with evidence of prior occupation shall be sealed before the hibernation season (November–March), and nursery sites shall be sealed before the nursery season (April–August). If the site is occupied, then the action shall occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction shall not take place as long as the site is occupied.
10. Biology 8: Tree Pruning Overseen by Certified Arborist. Prior to any tree pruning and subject to CDD review, the applicant shall hire a Certified arborist to oversee and/or conduct any native-tree pruning required to access, construct, and implement the Project. Proposed removal of existing pepper trees at the proposed RNG Processing Facility shall be mapped and submitted to the CDD for review.
11. Biology 9: Develop Temporary Restoration Plan. Prior to the issuance of grading or building permits, whichever occurs first, the applicant shall develop a Temporary Restoration Plan to ensure the site is restored to pre-project conditions. This may

include measures such as topsoil preservation per station segments and reseeded with native seed mixes. The Temporary Restoration Plan will include updated mapping of current Sensitive Natural Communities, monitoring of topsoil preservation in areas that are directly impacted (California buckeye groves and Gum Plant patches) and monitoring and reporting of SNCs that are to be avoided (rock outcrops and associated California match weed patches). The Temporary Restoration Plan shall be submitted to the CDD and the ECCCHC for review and approval.

12. Biology 10: Aquatic Resources Delineation. In conjunction with Biology 1, the applicant shall submit the Aquatic Resources Delineation to the ECCCHC for review and approval, and as required, to the Army Corps, CDFW, and RWQCB.
13. Biology 11: Implement the Permit Conditions of the Aquatic Resource Agencies. Prior to commencing project construction, the applicant shall obtain required permits from the Army Corps, CDFW, and/or RWQCB. Avoidance, minimization, and compensation will be determined by these agencies. The agencies will set the permit conditions, which are likely to include onsite enhancement and monitoring of seeps and drainages to ensure groundwater and surface water interruptions do not occur as a result of the project. The applicant shall be responsible to implement the permit conditions, subject to oversight by the agencies.

CULTURAL RESOURCES

14. Cultural Resources 1. The following Mitigation Measures shall be implemented during project construction.
 1. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
 2. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

15. Cultural Resources 2. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains

GEOLOGY AND SOILS

16. Geology 1: To mitigate the potential impact of future ground movement/ reactivation of landslide associated with a significant seismic event, implementation of the following measures shall be required:
- A. Avoid crossing the lower elevations of the slide, where down cutting and potential regressive slope failures adjacent to canyon bottoms.
 - B. Cross landslides where topography is relatively gentle.
 - C. Minimize earthwork in the landslide area by orienting the pipeline crossing so that it parallels the topographic contour.
 - D. Implement a ground movement monitoring program that shall include at least bi-annual monitoring (i.e., before and after the rainy season), and after significant earthquake in accordance with the provisions of an "Inspection and Monitoring Program." That program shall specify the qualifications of the inspector, identify the segments of the pipeline to be inspected, and provide an inspection form that shall identify the date of the inspection; name, title and contact information for the inspector; descriptions of the features observed; recommendations of inspector for supplemental/ special geotechnical investigations or other corrective work; and indicate the entity/ staff position that is to receive the inspection for Ameresco Keller Canyon RNG, LLC (or its successor). Copies of all inspection reports shall be kept on file by the operator of the facility and shall be made available for review

by representatives of Contra Costa County (e.g., during routine mitigation monitoring by the County).

- E. Include an automatic shut off valve and other safety measures in the pipeline design.

17. Geology 2: To mitigate the confirm/ modify the preliminary assessment of liquefaction for the RNG processing facility, the following measures shall be implemented:

- A. The project geotechnical engineer shall present an updated evaluation of liquefaction potential of the sand body penetrated by boring B-102 from 15 to 20 feet below the ground surface, based on the methodology and parameters required by the CGS for projects located in the Seismic Hazard Zone (SHZ). The seismic parameters peak used in the analysis shall match those provided by SHZ Report 127; the analysis shall reference the methodology selected by the project geotechnical engineer; provide justification the parameters that were inputs into the computer model run(s); and shall clearly demonstrate the analysis is consistent with the standards required for projects in the SHZ.
- B. The liquefaction analysis presented in response to item 2.A above shall be submitted for review at least 30 days prior to submitting an application for a grading or building permit for the RNG processing facility. That report shall also provide final recommendations for site grading, drainage, and foundation design, including recommendations for reinforced earth, retaining walls, and foundations of proposed structures. It shall also present plan review comments of the project geotechnical engineers, and geologists, outline the recommended observation and testing services during construction.
- C. The report required by items 2.A and 2.B above shall be subject to review by the County Peer Review Geologist, and review/ approval by the CDD.

18. Geology 3: To mitigate the potential impact of future ground movement/ reactivation of landslide associated with a significant seismic event, the Geology 1 mitigation measures shall be implemented. In addition, the following measures are required:

- A. The project engineering geologist shall view where landslide deposits are in contact with colluvium of bedrock. This shall occur prior to placement of any bedding/ backfill in the following segments of the trench to determine if weak soil conditions are encountered that would warrant special engineering at such

interfaces (e.g., over-excavation of any soft material at the slide/ bedrock contact, and replacement with reinforced earth or other special engineering). The findings of the project engineering geologist shall be documented in the final grading report. The project engineering geologist shall view and document exposed conditions in the pipeline trench where it crosses the boundary of landslides QIs #2, QIs #3 and QIs #4.

- B. The project engineering geologist shall view exposed conditions in the immediate area of the trench pipeline crossing of the Kirker Pass fault. The fault is a geologic contact, so there is potential for contrasting engineering properties of the rock units on opposite sides of the fault, along with the engineering properties of the fault zone. The fault zone area is a potentially weak, marginally stable area that can be expected to include highly fractured rock, shear planes, possible gouge zone, and possible seepage zone. These adverse conditions could influence local slope stability. The final grading report shall include mapping of the fault zone and provide an explanation of any special recommendations/ special engineering incorporated into the design.

19. Geology 4: To mitigate the potential for future headward erosion, soil creep, and shallow sloughing to undermine the pipeline, implementation of scour protection measures shall be implemented where the pipeline crosses seasonal water courses.

- A. Where feasible, the pipeline shall be buried below the potential scour depth.
- B. Scour assessment shall be performed by the project geotechnical engineer at locations specified in the project geotechnical engineer's reports. Typical scour protection measures shall be considered for use, including structural and/ or biotechnical erosion control. The selection of the scour protection measures shall be based upon completion of the scour assessment and shall consider environmental constraints.
- C. During construction, the scour assessment shall be determined by the project geotechnical engineer and may include a plan view, typical section(s), and specifications for the proposed stabilization/ erosion control measures.

20. Geology 5: To mitigate the potential impact of expansive and corrosive soils, implementation of the following measures shall be required:

- A. For the RNG processing facility, additional soil expansion and corrosion hazard

testing shall be required for the on-site and any import earth materials by the project geotechnical engineer. The findings of the testing shall be documented in the final grading report, which shall provide specific standards and criteria for the geotechnical aspects of the RNG processing facility.

- B. The final grading report required by Geology 5.A shall be subject to review by the Peer Review Geologist, and review and approval by the CDD.
- C. For the pipeline, a California licensed corrosion engineer shall be retained by the applicant to identify suitable types of piping and necessary protection for underground metal conduits and fittings.
- D. During pipeline construction, the corrosion potential of the on-site soils shall be verified for each encountered soil type
- E. Any import fill materials shall be tested to confirm that their corrosion potential. All import must be approved by the project geotechnical engineer prior to transporting to the project site.
- F. The corrosion engineer shall review available information on the corrosion hazard and may require additional testing. The corrosion engineer shall document the specific long-term corrosion control design recommendations, and any monitoring recommendations, in a wet signed and stamped letter-report. That report shall be submitted to the CDD prior to placing any pipe

NOISE

- 21. Noise 1: The following noise reduction measures shall be implemented during pipeline installation and shall be included on all sets of construction drawings.
 - 1. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
 - 2. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.

3. Additional noise reduction measures shall be implemented during pipeline installation in the PG&E utility corridor:
 - a. Per City of Pittsburg Municipal Ordinance Section 18.82.040 Noise, no construction event or activity occurring on the PG&E property adjoining existing residential uses shall generate loud noises in excess of 65 decibels measured at the property line, except between the hours of 8:00 a.m. and 5:00 p.m.
 - b. Per City of Pittsburg General Plan Noise Element Policy 12-P-9, the applicant shall restrict outdoor construction activities in the PG&E utility corridor to the period from 8:00 a.m. to 5:00 p.m. Monday through Friday.
 - c. In addition to the foregoing, the applicant shall provide notification to occupants of property directly adjacent to the PG&E utility corridor two weeks prior to, and 24-hours prior to, scheduled construction activity in the PG&E utility corridor.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. Seq, the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.

C. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.

D. The applicant must submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.

E. The applicant must comply with the requirements of the Contra Costa Water District.

F. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.

G. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region 11).

H. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, Bay Delta Region (Region 3), 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.

I. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

This Amendment 3 of Land Use Permit 2020-89 adds Section 37 that includes Conditions of Approval that apply to the Landfill Renewable Natural Gas Processing Facility and Pipeline (RNGPFP).

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

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

**Amended 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 Community Development Department of any change in ownership. A change in ownership shall be interpreted to mean the acquisition of 5 percent or more of the value of the Landfill site covered by this Land Use Permit. (It is noted that other permits may not necessarily run with the land.)
- 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 to 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 County Health Services and Community Development Departments. Any indication of an emergency or other serious problem relating to public health and safety shall be reported at once.
- 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 County Health Services Department.
- 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 the County Health Services Department and the County Community Development Department.
- 7.2 Load Covering. The Landfill operator shall spot check all incoming waste-hauling vehicles for proper covering or containerization consistent with the requirements of Section 418-2.008(a) of the County Code. The operator shall identify any waste loads which are susceptible to littering or leakage because of the lack of covering, inadequate covering, or disrepair of screens, covers or containers. Customers delivering any such waste loads shall be required to provide evidence that corrective actions have been taken to effectively cover and contain waste loads (e.g. waste adequately secured with covers and containers in good repair) in order to be eligible to deliver waste loads in the future. Landfill operator shall track and report applicable details about the occurrences and corrective actions taken to the County Department of Conservation and Development annually.

8. ELIGIBLE REFUSE TRANSPORT VEHICLES

- 8.1 Eligible Vehicles. The Landfill operator shall admit only the following refuse transport vehicles:
- a) Transfer station trucks (vans). Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations. Program may be subject to the approval of the Board of Supervisors if deemed necessary for consistency with the Countywide Integrated Waste Management Plan.
 - b) Demolition and construction material trucks hauling debris that would not be recycled or otherwise diverted from disposal if processed at a local Transfer Station. There are waste reduction requirements that apply to such wastes generated by businesses and industries, therefore the operator shall assist the County to help ensure compliance with such requirements or goals through implementation and compliance with Conditions 8.5 – 8.7.

- c) Incinerated sewage sludge-hauling trucks originating at utilities.
- d) Sewage and water treatment plant sludge and other byproduct trucks with loads complying with San Francisco Regional Water Quality Control Boards solids-to-liquid requirements.
- e) Trucks hauling Designated Wastes approved for this landfill by the Regional Water Quality Control Board.
- f) Other specialized waste transport trucks, hauling wastes identified in the Landfill's Solid Waste Facilities Permit which cannot be feasibly processed to increase diversion through a Transfer Station.

8.2 Service Area Restriction. See Section 5.

8.3 Emergency Exemption. See Condition 6.5.

8.4 Reciprocal Use Exemption. See Condition 5.4.



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



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

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

for disposal. Operator shall summarize results of direct haul eligibility screening completed each quarter in the direct haul reports required under Condition 8.7.

- a) Name of company and physical location at which the waste or material was generated.
- b) Complete description of waste including chemical analysis and solids-to-liquid ratio when appropriate.
- c) Description of originator's in-house waste inspection program(s) to ensure screening for hazardous and/or toxic materials or originator's written confirmation that their practices comply with uniform waste inspection program prepared by the Landfill operator.
- d) Description of volume and expected frequency of waste to be hauled and a description of the specialized waste transport vehicle(s) to be utilized.
- e) Description of the waste originator's in-house waste reduction and recycling program(s) or originator's written confirmation that their practices comply with a uniform waste reduction and recycling plan to be prepared by Landfill operator and approved by the Department of Conservation and Development.
- f) Originator's or transporter's affirmation to adhere to County imposed haul route and peak hour hauling restrictions.
- g) Written confirmation by the Landfill operator that the waste or material is not on the approved annual list described in condition 8.5, and
- h) Written waste eligibility determination from Keller Canyon Landfill Company based on a) through g) above.
- i) Requirements of Keller Canyon Landfill Company describing contract for landfill use, rules and regulations of the landfill (e.g. on-site speed limit), prescribed haul route, load inspection program, driver training program, and any other such information as required.
- j) Requirements for proper load covering or containerization and consequences for non-compliance specified in Condition 7.2.
- k) Any other information required by the Director of Conservation and Development, or by the actions of the Board on August 11, 1992, October 27, 1992, November 24, 1992, August 17, 1993 and

December 14, 1993.

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

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

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

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

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

9. OPERATING PARAMETERS

9.1 Hours of Operation. The Landfill operator shall not open the landfill to receive waste loads before 7:00 a.m. or after 7:00 p.m. Refuse shall be covered by 7:30 p.m. at which time working lights shall be extinguished. Entry and security lights shall be dimmed at 7:30 p.m. Other hours of operation, within those parameters, may be specified by the County Health Services

Department or in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by 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 1st 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 the County Department of Health Services 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. The County Health Services Department shall be notified at least 10 days in advance of all meetings. Subjects for consideration at meetings will include, but shall not be limited to safety and emergency procedures, landfill fill-related traffic problems, screening of visual impacts and problems of litter, odor, and noise control. Meeting agenda also may include discussion of reports on the landfill construction, operation and maintenance. The Landfill operator shall provide reasonable access to the landfill arranged through the 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 Community Development Department Director is authorized to interpret these Conditions in the event that any clarification is needed.
- 11.10 Conditions Requiring Franchise. Conditions of Approval 4.2, Operative Date, and 13.4, Franchise Agreement Requirement, require a franchise or agreement to be established by this County. All of the terms of said franchise or agreement shall be subordinate to these Conditions of Approval, and these Conditions of Approval shall control in the case of any conflict unless otherwise provided for pursuant to Condition 2.3. There shall be no need to amend these Conditions of Approval or the franchise in the event of such a conflict.
- 11.11 Regulations Enforced by Other Agencies. Several of these Conditions of Approval relate, paraphrase or summarize laws and regulations which are imposed and enforced by other governmental agencies which have jurisdiction over particular aspects of this project. It is this Board's intent in adopting these Conditions of Approval to provide the applicant and the public with an overview of the scope of regulation applicable to this project and to provide this County with the authority to exercise enforcement power if deemed necessary in response to violations of such laws and regulations enforced by other agencies. Unless specifically stated in the Conditions of Approval, however, it is not this Board's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds that any action or inaction is in compliance with, or violates, any such law or regulation, that finding shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such approval shall be deemed to have been given for purposes of these Conditions of Approval.
- 11.12 Required Expenditures. This Board does not intend, by requiring the

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

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

12. RATE REVIEW

12.1 Rate Approval.

- a) The Board of Supervisors may at its discretion review and approve all rates charged by the landfill operator at the landfill to the extent allowed by the terms of the applicable Franchise Agreement. The rates established by the Board shall be the maximum rates.
- b) The landfill operator shall at all times maintain on file with the County, a current schedule of Base Rates and Gate Rates charged to each customer as required in Section 6.6 of the Landfill Franchise Agreement.
- c) As provided for in Condition 2.3, where there is an inconsistency between the requirement(s) of this or any other rate setting Condition in Section 12 and the terms of the Landfill Franchise Agreement which granted the operator sole discretion over setting the base gate rate charged to customers, the terms of the Landfill Franchise Agreement shall supersede the applicable language in Condition 12.1(a) and 12.2 - 12.6 until such inconsistency no longer exists pursuant to Condition 2.3(d).

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

pursuant to the terms of the Franchise Agreement for the landfill.

- 12.3 Form and Content of Rate Review Application. The landfill operator shall submit its rate application in a form and content as specified by the County. The Landfill operator shall provide any relevant rate and cost information requested by the County. Such application may require the landfill operator to submit the application on forms and/or using computer software provided by or specified by the County. The County shall have the right to inspect and audit all records of the landfill operators which support its rate review application.
- 12.4 Rate Application Guidelines. The rate application shall be designed to ensure reconciliation of rates with audited company financial statements; detailed year-to-year cost comparisons; documented guidelines for allowable expense categories, accounting methodologies, allowable management costs and other cost elements; unit usage and unit cost data on major expense items; calculation and reporting of company productivity statistics by cost category; and full documentation of assumptions and source materials. The rate application process shall also provide for comparative rate surveys with other similar operations.
- 12.5 Financial Statement. The landfill operator shall maintain full and complete accounting records in conformity with generally accepted accounting principals applied on a consistent basis. A financial statement for the proceeding fiscal year, in such form and providing such information as the Board may require, shall be submitted with each rate review application. The financial statement shall be prepared and certified by a Certified Public Accountant currently licensed to practice in the State of California. The County, through a Certified Public Accountant appointed by the County for that purpose, shall at all reasonable times have the right to inspect and audit the records of the landfill operator that supports the financial statements. The County reserves the right to determine which records are relevant.
- 12.6 Scope of Rates. The Board of Supervisors may require that the landfill operator include in its rates collection for purposes other than disposal including but not limited to, charges for funding of inspections, charges relating to origin of waste such as out-of-county waste, franchise or agreement fees, closure and postclosure maintenance of other landfills, solid waste management programs such as general litter pick-up, abandoned vehicle removal, solid waste planning, and any other conditions of approval.

13. FRANCHISE AGREEMENT

- 13.1 Franchise Compliance and Agreement. The Landfill operator shall be

subject to the terms and conditions of any franchise or agreement established by the Board of Supervisors. A draft franchise or agreement shall be submitted with or before the Final Development and Improvements Plan.

- 13.2 Assignment. The landfill operator and the landfill owners shall not assign or subcontract the franchise or agreement, any part of the franchise or agreement or any obligation of the franchise or agreement without written prior consent of the Board of Supervisors. Unless otherwise specified in the franchise agreement, the term "assignment" shall include any dissolution, merger, consolidation or reorganization of the landfill's ownership or the sale or other transfer of the controlling percentage of the owner's stock in the landfill or the sale of 51% of the value of the assets of the landfill's owners.
- 13.3 Contents. The franchise or agreement may contain such provisions as the Board deems necessary, including but not limited to complete indemnification of the County, liability insurance by type and amount, performance bond by type and amount, rights of the County to acquire ownership of the landfill, funding for mitigation and reimbursement of County costs, funding for closure or post-closure costs, franchise or agreement fee fees) rate review and approval procedure and determination of and consequences of breaches of the franchise.
- 13.4 Requirement. Permittee shall not establish, operate or carry on the business of a solid waste facility pursuant to this permit unless and until it has been first granted a franchise (or entered an agreement with the Board of Supervisors).
- 13.5 County Discretion. Notwithstanding any other provision of this Permit, Permittee acknowledges that the County's discretion to grant or deny one or more said exclusive, non-exclusive or otherwise franchises or similar agreements is not limited or abridged in any manner by this Permit; and that this Permit does not require the approval of any such franchise or agreement. County reserves the right as part of the negotiation and entry of any such franchise or agreement to enter a public-private partnership with the Permittee for the project and/or to pursue the rights of the County to acquire ownership of the Landfill.

14. LAND USE PERMIT PLAN CONSTITUENTS

- 14.1 Initial Development and Improvements Plan. The Initial Development and Improvements Plan approved by this Land Use Permit, and modified by these Conditions of Approval, shall consist of the following schematic plans included in the applicant's January 31, 1989 entitlement application, the Keller Canyon Landfill Comprehensive Project Description (February 1989) and addendum (December 1989), and the 3-volume Site Characterization Report (September

1989).

- a) Grading/Excavation Plans with fill limits for each phase.
- b) Layout for Groundwater Collection System.
- c) Liner System Cross-section and Installation Sequence.
- d) Leachate Collection System Layout Plan.
- e) Gas Collection Layout Plans for each phase.
- f) Surface Water Drainage Plan.
- g) Facilities Site Plan for Operations and Maintenance.
- h) Leachate, Landfill, Gas and Water Storage Facility.
- i) Landfill Access Road Plans Profiles, Typical Section.
- j) Bailey Road Plan and Typical Section.
- k) Landscape Facilities Site Plan for Operations and Maintenance.
- l) Landscape Plan for Leachate, Landfill Gas and Water Storage Facilities.
- m) Landscape Plan.

14.2 Regulatory Agency Approvals. Subsequent to the approval of this Land Use Permit, the Landfill Developer shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for building, serving, and operating the Landfill. The approvals shall include, but are not limited to:

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

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 Community Development Department if proposed or adopted Conditions or requirements do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report.

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 Community Development Department and obtain the approval of the Director of Community Development. The Development and Improvements Plan shall be consistent with the project approved by the Land Use Permit, but prepared to a level of detail appropriate for the review of the engineering and construction of the project's on-site and off-site improvements. It shall be internally consistent with the project's Environmental Impact Report findings, these Conditions of Approval, regulatory agencies and others having discretionary approvals over the project, and the Solid Waste Facilities Permit issued by the County Health Services Department. The Community Development Department will coordinate the review of the plan by the Health Services Department, the Public Works Department, and other appropriate units of government. The Landfill developer shall comply with all provisions of the final Developments and Improvements Plan.

The Development and Improvements Plan shall include:

- a) Site Development Plan, as described in the following sections.
- b) A Surface Water Management and Sediment Control Plan, (Section 18).
- c) An Agricultural and Habitat Enhancement Plan, (Section 23).
- d) A Waste Reduction and Resource Recovery Program, (Section 31).
- e) A Landscape (screening) Plan, (Section 22).
- f) A Landfill Gas Management/Air Quality Monitoring/Odor Control Plan, (Section 20).
- g) A Leachate Management Plan, (Section 17).
- h) A Site Services and Utilities Plan (Section 30).
- i) A Traffic/Circulation Plan, (Section 29).

15.2 In approving the Development and Improvements Plan, the Community Development Department Director may allow the Landfill developer to phase construction of landfill modules and other features, except where timing is specified in these conditions. The submittal of the Development and Improvements Plan components may reflect this phasing.

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 Community 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 Community 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 Community 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 Community Development Department and the County Health Services Department 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 the County Health Services Department and the County Community 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 the County Health Services Department.
- 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 the County Health Services Department. If leachate is transported to an off-site disposal/treatment facility, it shall be pretreated on-site to meet all requirements of such facility before transport. If leachate build up becomes a problem, the County Health Services Department may require additional remedial measures, such as the placement of more soil cover, or the installment of a low-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 the County Health Services Department, 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 County Health Services Department and San Francisco Regional Water Quality Control Board approval. Pump tests shall be provided for on-site wells located within 500 feet of any domestic well to evaluate interference between wells.
- 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 the County Health Services Department and the San Francisco Regional Water Quality Control Board. The source of contamination shall be identified and immediately repaired. Remedial measures shall include but are not limited to extraction wells and slurry walls. The Landfill operator may be required to replace the impaired water supply.
- 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. **[RNGPFP – Section 37]**
 - 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. **[RNGPFP – Section 37]**
 - c) Ground Cover. The Landfill developer shall plant ground over on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan. **[RNGPFP – Section 37]**
 - 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. **[RNGPFP – Section 37]**
 - 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 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.

- 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. **[RNGPFP – Section 37]**
- 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 the County Health Services Department, the County Community 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 County Health Services and Community Development Department. The household hazardous waste shall be managed in accordance with the "Waste Minimization Hierarchy" identified in the County Hazardous Waste Management Plan. The operator is encouraged to develop the program in cooperation with other waste management facilities and collection services. The proposed program, along with a schedule of proposed costs and funding sources, shall be submitted to the County departments no later than 6 months prior to the opening of the landfill. The program shall include mechanisms for removing household hazardous waste from the waste stream which arrives at the facility. If the household hazardous waste program (or a version of it) is approved by the County Board of Supervisors, the Landfill operator shall implement it. The Landfill household hazardous waste program shall include a public information and education program approved by the County Health Services Department/County Hazardous Materials Commission for notifying facility users and households in its service area of what constitutes hazardous waste and how such wastes are to be disposed of. The household hazardous waste program shall be amended if required by the County Board of Supervisors in their review of the Land Use Permit.

- 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. **[RNGPFP – Section 37]**

- 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. **[RNGPFP – Section 37]**

- 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 the County Health Services Department. The Health Services Department may require sprinklering more frequently for control of particulates. **[RNGPFP – Section 37]**
- 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. **[RNGPFP – Section 37]**

- 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 Community 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 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.
- 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 the County Health Services Department to monitor for subsurface and surface gas migration. The gas monitoring stations shall be described in the Development and Improvements Plan approved by the County Community Development Department. If gas migration is found, the Landfill operator shall notify the County and take remedial actions. Training of employees for detection of gas migration shall be included in the employee training program.

- 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. **[RNGPFP – Section 37]**

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. **[RNGPFP – Section 37]**

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 the County Health Services Department. Equipment shall be stored, serviced, and repaired in a maintenance area designated in the Development and Improvements Plan and approved by the County Community Development Department. **[RNGPFP – Section 37]**

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. **[RNGPFP – Section 37]**

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. **[RNGPFP – Section 37]**

- 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 County Health Services and Community Development Departments and the Bay Area Air Quality Management District. **[RNGPFP – Section 37]**

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. **[RNGPFP – Section 37]**

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 Community 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 Game, U.S. Fish and Wildlife Service, local Audubon and California Native Plant Society representatives and other environmental organizations. A streambed alteration agreement shall be obtained if determined to be necessary by the CDF&G. A wetland modification permit shall be obtained from the Army Corps of Engineers if necessary. Implementation of the Restoration Plan shall

take place during the initial development phase of the Landfill.

- 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 Community Development Department. The weed control program shall include a list of noxious weeds, periodic monitoring of these species, and a weed control and removal program.
- 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 the County Health Services Department, the Landfill operator shall institute a contingency bird control program. Such a program may consist of monofilament or wire lines suspended in the air at appropriate intervals over and around the active disposal area. The Landfill operator shall retain a biologist during the initial period of operation to (1) assess the effectiveness of the monofilament line for bird control and (2) assess the effect of the line on avian predator species. If necessary, additional corrective measures shall be taken at that time. Such measures may include a reduction in the size of the working face of the landfill, the use of nets over the working face, or the use of a habitat manipulation and modification program.
- 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 the County Health Services Department.

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 the County Health Services Department.
- 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 the County

Health Services Department. The emergency plan shall include the following:

- (a) A fire and explosion component.
- (b) A seismic component.
- (c) A hazardous waste spills and contamination containment component.
- (d) An evacuation component.

- 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 the County Health Services Department.
- 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 the County Health Services Department.
- 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 the County Health Services Department.
- 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 the County Health Services Department.
- 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 the County Health Services Department.
- 26.8 Equipment Maintenance. The Landfill operator shall prepare and implement an equipment maintenance program which shall be approved by the County Health Services Department prior to the commencement of operations. The program shall address transfer vehicles and other refuse-conveying vehicles stored on the site as well as the station's refuse-moving vehicles and mechanical equipment. Vehicles and equipment shall be regularly cleaned to reduce the risk of fires.

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. Should human remains be uncovered during grading,

trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.
[RNGPFP – Section 37]

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 Community Development Department in consultation with the Riverview 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 Community Development Department prior to beginning construction. The Site Services and Utilities Plan shall be included in the Development and Improvements Plan. The final Site Services and Utilities Plan shall include:

- a) A water service component. (see Condition 30.2)
- b) A fire protection component. (see Condition 30.5)

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 Community Development Department and the County Department of Health Services shall be furnished pumping test information which shall be submitted with the Development and Improvement Plan.

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 County Health Services and Community Development Departments.

- 30.5 Fire Protection Component. The Landfill operator shall develop and implement a Fire Protection Component meeting the requirements of the Riverview Fire Protection District to contain and extinguish fires originating on the landfill property and off-site fires caused by Landfill operations. It shall include training for all employees. The program shall be subject to the approval of the County Health Services Department.
- 30.6 Fire District Programs. The Landfill developer shall participate in the Riverview 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 the County Health Services Department and the County Community Development Department. Water may be transported onto the site during construction activities, but trucked water shall not be used for ongoing landfill activities.
- 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 the County Health Services Department in cooperation with the Riverview 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 Riverview 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 the County Health Services Department and the Riverview 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 Community 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 Riverview 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 the County Health Services Department.
- 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. **[RNGPFP – Section 37]**

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 Community Development Department a resource recovery and recycling program for the service area covering the period from 1996-2000. This shall be consistent with the 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. **[RNGPFP – Section 37]**

- 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 Community Development Department at

the time of the landfill's periodic reviews. If there is an economic use found for recovered methane, and if the County subsequently includes the use in its Integrated Waste Management Plan, the Landfill operator shall implement a methane recovery program.

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. **[RNGPFP – Section 37]**

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. **[RNGPFP – Section 37]**

- 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. **[RNGPFP – Section 37]**

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 Integrated Waste Management Board, and the County Health Services Department a plan for the closure and the postclosure maintenance of the landfill as required by State law, but no later than upon application for a Solid Waste Facilities Permit. A copy of the closure and postclosure maintenance plan shall be submitted to the County Community 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 the County Health Services Department, 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 Community 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 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 Community 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_x), 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 Community Development Department immediately of any plant upset or accidental leakage or release of landfill gas. A written report of the cause of any plant upset and the corrective measures taken by the facility operator, shall be provided to the Community Development Department within 72 hours after resolving an emergency.
- 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 Community 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 Community 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 Community 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.

37. LANDFILL RENEWABLE NATURAL GAS PROCESSING FACILITY AND PIPELINE (RNGPFP)

- 37.1 Land Use Permit. This land use permit is APPROVED for the design, construction, operation, and maintenance of the Renewable Natural Gas Processing Facility and Pipeline (RNGPFP), as described in the Land Use Permit application and documentation submitted to the Department of Conservation and Development, Community Development Division (CDD) on July 24, 2018, as amended by the plans and documentation submitted on June 8, 2021. Any change from the approved plans shall require review and approval by the Board of Supervisors and may require the filing of an application to modify this Land Use Permit.
- 37.2 Keller Canyon Land Use Permit. The Conditions of Approval of Keller Canyon Landfill Land Use Permit 2020-89, Amendment 3 shall apply to the Renewable Natural Gas Processing Facility and Pipeline.
- 37.3 COA Compliance Review. At least 45 days prior to issuance of a grading or building permit, whichever occurs first, the RNGPFP operator shall submit an application for condition of approval (COA) Compliance Review, and a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application is a deposit of \$1,500.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each conditions followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions of approval may be obtained from the CDD.

- 37.4 Application Costs. The Land Use Permit application was subject to an initial deposit of \$49,838.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid at the time of submittal of a grading or building permit application, or within 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

- 37.5 Indemnity. The Applicant shall enter into an Indemnification Agreement with the County, and the Applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the Project, the Applicant's application for a land use permit, the County's discretionary approvals for the Project, including but not limited to the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the Project, regardless of whether those Liabilities accrue before or after Project approval.

RNGPFP DESIGN

- 37.6 Design of the RNGPF. The RNGPF shall be designed to meet the most stringent design and safety standards in accordance with federal and State regulations.
- a. The RNGPF operator shall submit building plans for the RNGPF to the Building Inspection Division and Contra Costa County Fire Protection District and comply with requirements issued by both agencies.
 - b. In accordance with LP89-2020 COA 36.6 (Equipment and System Monitoring), the plant process shall be automatically controlled by a plant-wide programmable logic controller (PLC) control system to operate, monitor, and maintain the RNG process under normal conditions. The control logic includes alarms and shutdowns to safely shut down the process if process conditions are outside the design basis. Any potential waste gas process streams shall be combusted in the RNGPF thermal oxidizer and/or process enclosed flare.
 - c. A new automated notification system shall be installed for monitoring the proposed RNGPFP. The system shall notify the RNGPF operator of an abnormal condition during both attended and non-attended operation and shall provide visual and audible warnings to assist operator response.
 - d. On loss of power or instrument air or other plant upset, the following safety and design measures shall be implemented:
 - Fail-Safe mode of operation shall shut down the RNGPF;

- Emergency stop-push buttons shall be strategically located at the RNGPF entrance/exit to allow shutdown of the facility;
 - Hazardous gas detectors shall be strategically located in the process area to detect gas leaks from the facility; and
 - Seismic sensors shall be installed and in the event of a large earthquake the RNG processing equipment shall be shut down and pipeline valves shall be closed.
- e. A fire detection system shall be provided in accordance with LP89-2020 COA 36.5 (System Safety) and shall include manual pull stations, smoke detectors and rate of rise detectors in electric/control room, methane detectors, and alarm strobes/horns.
- f. In the event of planned maintenance, process upset or other event, the RNGPF shall be either manually or automatically shut down and LFG shall be redirected to the existing landfill flares as necessary.
- g. Acoustic shrouding shall be installed and maintained on RNG processing equipment such as compressors and feed blowers.
- 37.7 Design of RNG Pipeline. The RNG pipeline shall be designed to meet the most stringent design, pipeline class, and safety standards of Class 4 requirements in accordance with Title 49 of the Code of Federal Regulations Part 192 (49 CFR Part 192).
- a. The RNGPF operator shall obtain design approval from PG&E for tie-in of the RNG pipeline into existing PG&E Line 191-1, as required by agreement and the California Public Utilities Commission (CPUC).
- b. The pipe itself shall be designed to operate at less than 10 percent Specified Minimum Yield Strength (SMYS). The actual percent SMYS for the other system components will be determined after facility requirements have been specified. If flanges and/or flanged assemblies are required, they may be the pressure limiting factors of the system. The design shall ensure that the flanged systems and any other appurtenances meet the design requirements.
- c. The system shall be designed to handle a Maximum Allowable Operating Pressure (MAOP) of 400 psi. Pressure and flow shall be monitored and any change outside of normal operating parameters shall shut off the RNG pipeline and when necessary shut down the RNGPF.

- d. The system shall be designed to operate under ambient temperature conditions of – 20 ° F to 150 ° F.
- e. The pipeline shall be buried to a minimum of four feet below grade. This exceeds the three feet depth specified in regulations. The pipeline shall have at least five feet between adjacent structures/facilities.
- f. The pipe to be used shall be 4.5” outside diameter, 0.237” nominal wall thickness, Grade B, or as required by federal regulations, with a MAOP of 400 psig.
- g. Emergency shut-off valves, pressure monitoring devices and other control equipment shall be incorporated into the design of the RNG pipeline. The system shall include devices required by 49 CFR 192 and as deemed appropriate by the RNGPFP operator. These devices shall be installed on the pipeline at locations and distance intervals specified in federal regulations.
- h. The location of the RNG pipeline throughout its route shall be marked by required above-ground signage and other notification at locations and distance intervals specified in federal regulations.
- i. An appropriate cathodic protection system shall be designed and installed on the RNG pipeline. The cathodic protection system shall protect the RNG pipeline from corrosion, foreign currents, etc. All system components including pipeline crossings, electrical systems in the area, and isolation requirements shall be considered and included in the design and installation. The cathodic protection system shall be monitored by personnel trained to make adjustments to cathodic protection as needed based on future readings taken in the field.

CULTURAL RESOURCES

37.8 Cultural Resources. The following measures shall be implemented during project construction.

- a) A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
- b) If archaeological materials are uncovered during grading, trenching, or other on-site excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the

Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

37. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains. Updated COA #28.3

37.9 The following Mitigation Measures shall be implemented during project construction.

- a) A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
- b) If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

CULTURAL-1

37.10 Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code

Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains. **CULTURAL-2**

CONSTRUCTION ACTIVITIES

37.11 Construction. All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

- a) The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- b) The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- c) The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- d) A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.
- e) Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- f) All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For details on the actual date the state and federal holidays occur, please visit the following websites:

Federal Holidays: www.federalreserve.gov/aboutthefed/k8.htm

California Holidays: www.sos.ca.gov/holidays.htm

37.12 Construction Traffic Control. During construction in the east portion of the project site on PG&E property, advance notice shall be given to the City of Pittsburg alerting of the need for potential traffic and parking controls on Alta Vista Circle on days vehicles and equipment are scheduled to access the PG&E property.

37.13 During construction in the mid portion of the project site and PG&E valve lot, advance notice shall be given to the City of Pittsburg and/or property owners to allow for vehicle access through the John Henry Johnson Parkway and Golf Course Road, respectively.

AIR QUALITY PROTECTION

37.14 Air Quality Best Management Practices. To protect air quality during construction, the following best management practices shall be implemented.

- a. Diesel-powered construction equipment (e.g. graders, scrapers, compactors) shall be specified to use cleaner Tier IV diesel engines.
- b. Clear signage shall be provided for construction workers at all access

points.

- c. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- d. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- f. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- g. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Equipment pads will be installed as soon as possible after grading.
- h. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- i. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

EROSION AND SEDIMENTATION CONTROL

37.15 Hydroseed or non-toxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for ten days or more).

37.16 Sandbags or other erosion control measures shall be installed to prevent

silt runoff to public roadways.

- 37.17 Vegetation in disturbed areas shall be replanted as quickly as possible.
- 37.18 Wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas shall be planted where feasible.
- 37.19 Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- 37.20 The total area subject to excavation, grading and other construction activity shall be limited at any one time.

PUBLIC HEALTH AND SAFETY

- 37.21 Notification of Plant Upset or Accidental Release. In accordance with LP89-2020, Section 36 Landfill Gas Power Plant, COA 36.10 (Notification of Plant Upset or Accidental Release) pertaining to the existing LFGTE power plant, the RNGPF operator shall notify the DCD immediately of any RNG processing facility upset that result in accidental leakage or release of processed gas to the atmosphere. A written report of the cause of any plant upset and the corrective measures taken by the facility operator, shall be provided to the DCD within 72 hours after resolving an emergency.
- 37.22 System Safety. In accordance with LP89-2020 COA 36.6 (Equipment and System Monitoring), the plant process shall be automatically controlled by a plant-wide programmable logic controller (PLC) control system to operate, monitor, and maintain the RNG process under normal conditions. The control logic includes alarms and shutdowns to safely shut down the process if process conditions are outside the design basis. Any potential waste gas process streams shall be combusted in the RNGPF thermal oxidizer and/or process enclosed flare.
- 37.23 Operator Safety. Operators in the RNG processing facility shall be required to wear appropriate hearing protection devices in conformance with OSHA requirements.
- 37.24 Emergency Response Plan. The existing Emergency Response Plan for the LFGTE power plant shall be updated in accordance with LP89-2020 COA 36.9 (Emergency Response) to include the proposed RNGPF equipment, potential hazardous materials, and appropriate response procedures.

SURFACE WATER PROTECTION

37.25 Drainage Control. The RNGPFP shall be consistent with local plans and policies related to surface water protection and drainage. Drainage control measures that the RNGPFP operator shall incorporate into the design, construction, and operation of the RNGPFP include the following.

- a. For the RNGPF site, a new central stormwater drainage system shall be designed and constructed to convey surface runoff safely and efficiently from the project site to the existing KCL terminal detention basin. Prior to issuance of building permits, the RNGPF operator shall provide drainage information confirming the adequacy of the existing system to handle the additional impervious area generated by the RNGPF.
- b. For the RNGPF project site and RNG pipeline, components of the Surface Water Management and Sediment Control Plan as described in LP89-2020 COA 18.4 shall be implemented as appropriate. Components will include a Stability Analysis of proposed cut and fill slopes, and implementation of Best Management Practices (BMPs) designed to prevent substantial erosion on slopes on the project site and reduce the amounts of water-borne materials from reaching surface waters. BMPs to be implemented that are in accordance with those identified in COA 18.4 shall include the following.
 - Primary grading for the RNGPF building site, and the construction of site slopes shall be performed during the April through October low rainfall season.
 - If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the RNGPF operator shall take corrective actions for temporary flow restriction, which may include the installation of ground cloth or the placement of hay bales.
 - The RNGPF operator shall plant ground cover on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Keller Canyon Landfill Landscaping Plan.
 - Ditches and swales for conveying surface runoff shall be lined or planted to limit erosion.
 - Erosion to ditches or gullies used to convey runoff shall be corrected by use of appropriate measures such as energy dissipators or rip rap.

- For the RNGPF project site and RNG pipeline, applicable measures from WDR Order No. 01-040 and NPDES Permit #2-75006887 as amended shall be incorporated into construction documents and the KCL SWPPP.

37.26 Stormwater Pollution Protection Plan. The requirements of the Keller Canyon Landfill Stormwater Pollution Prevention Plan (SWPPP) shall be implemented in accordance with LP89-2020 COA 36.11 (Stormwater Pollution Prevention Plan) for water resources protection in the event of a spill of coolant, lubricant, or other products or by-products of the RNGPF.

HAZARDOUS MATERIALS

37.27 The RNGPF operator shall coordinate with the Contra Costa Health Services Department on compliance with applicable regulations and/or programs pertaining to identification, use, disposal of hazardous materials, emergency response, and notification. These include regulations and programs prescribed by County Code Chapter 450-8 Risk Management; County Code Chapter 84-63 Land Use Permits for Development Projects Involving Hazardous Waste or Material; the Contra Costa County Hazardous Materials Area Plan (May 2016); and documents approved by the Contra Costa Health Services Hazardous Materials Program.

37.28 The existing LFGTE plant includes a hazardous management business plan prepared in accordance with LP89-2020 COA 36.10 (Notification of Plant Upset or Accidental Release). The plan shall be updated to address new aspects of the RNGPF equipment and operation.

VISUAL QUALITY

37.29 Aesthetics. The RNGPF operator shall apply an earth tone color scheme for the RNGPF equipment to ensure compatibility with the project site and surrounding landscape colors. A standard Department of Conservation and Development (DCD) requirement is for all exposed surfaces to be painted with a non-reflective finish (less than 55 percent reflectance). At the time of application for a building permit, the RNGPFP operator shall submit construction drawings that include earth tone, non-reflective paint on all exposed surfaces for review and approval by the Contra Costa County Department of Conservation and Development, Community Development Division (CDD).

37.30 Visual Screening with Tree Planting. The RNGPF operator shall plant coast

redwoods (*Sequoia sempervirens*) on the KCL property to screen the view from residences located to the north, subject to review and approval by the DCD. The RINGPFP operator shall coordinate with a landscape designer specializing in visual screening. Minimum height of the planted redwoods shall be 10 feet to 12 feet, at a tree spacing of 15 feet to 25 feet on-center, with 13 to 21 trees, with final numbers and locations to be determined.

- 37.31 Nighttime Effects. The RINGPFP operator 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. Security and entrance lighting shall be dimmed at 7:30 p.m.

SITE SERVICES AND UTILITIES PLAN

- 37.32 Fire Hydrant. The RINGPFP operator shall construct a new fire hydrant in a location near the mid-southeastern boundary of the RINGPFP enclosure. The precise location and specifications of the new hydrant shall be coordinated with the CCCFPD to ensure compliance with the California Fire Code.

BIOLOGICAL RESOURCES

- 37.33 Construction of a series of bio-engineered improvements (e.g. log drop-structures) to trap sediment and protect the grade downstream of the road. The type, number, and precise location of these bio-engineered improvements would be determined by the project biologist in coordination with County and State resource agencies. The combination of exclusionary fencing, and bio-engineered solutions would be designed to endure over the projected 20-year lifespan of the proposed project.
- 37.34 HCP/NCCP Participation. The RINGPFP operator shall participate in and receive take coverage under the HCP/NCCP and comply with all conditions of the take coverage. Prior to the issuance of grading or building permits, whichever occurs first, the RINGPFP operator shall submit an HCP/NCCP application and associated fee worksheet to the CDD and the East Contra Costa County Habitat Conservancy (ECCCHC) for review and approval.

The temporary and permanent impacts to grassland habitats, jurisdictional waters and wetland resources shall require both temporary and permanent impact fees as defined by the current HCP/NCCP fee schedule at the time of application. Additionally, avoidance and minimization measures as required by the HCP/NCCP shall be implemented to minimize impacts to covered species and jurisdictional resources. The Certificate of Coverage

will be issued to the RNGPFP operator to confirm the fee has been received, that other HCP/NCCP requirements have been met or will be performed and will authorize take of covered species. Participation in the HCP/NCCP will fully satisfy requirements for addressing impacts to the California red-legged frog and California tiger salamander.

BIOLOGY-1

37.35 Burrowing Owl. To avoid and minimize impacts on burrowing owls and potential burrows the following measures shall be implemented.

- Preconstruction Surveys: Prior to any ground disturbance related to covered activities, a USFWS/CDFW–approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1995). Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW.

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys shall take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1– August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

- Avoidance and Minimization and Construction Monitoring: This measure incorporates avoidance and minimization guidelines from CDFW’s Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995).

If burrowing owls are found during the breeding season (February 1 – August 31), the RNGPFP operator shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone

(described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the RNGPFP operator shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing. All buffers shall be shown on all sets of construction drawings.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for one week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. **BIOLOGY-2**

37.36 Golden Eagle. To avoid and minimize impacts on golden eagles the following measures shall be implemented.

- Preconstruction Survey: Prior to commencing with covered activities, a qualified biologist shall conduct a preconstruction survey to establish whether nests of golden eagles are occupied. If nests are occupied, minimization requirements and construction monitoring will be required. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
- Avoidance and Minimization: Covered activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be

implemented, the RNGPFP operator shall coordinate with CDFW/USFWS to determine the appropriate buffer size.

- Construction Monitoring: Construction Monitoring: Construction monitoring shall focus on ensuring that no covered activities occur within the buffer zone established around an active nest. These measures will include consultation with USFWS and CDFW if an active nest is identified, monitoring conducted by a qualified biologist with stop work authority. Although no known golden eagle nest sites occur within or near the Urban Limit Line (ULL), covered activities inside and outside of the HCP Preserve System designated in the HCP/NCCP have the potential to disturb golden eagle nest sites. The majority of the project activities fall outside of the ULL. Construction monitoring shall ensure that direct effects to golden eagles are minimized through direct consultation with USFWS and CDFW on appropriate buffer zones and construction monitoring requirements, a qualified biologist will monitor all activities to ensure the buffer zone is maintained and the qualified biologist shall have stop work authority. All buffers shall be shown on all sets of construction drawings. **BIOLOGY-3**

37.37 Nesting and Migratory Birds. To avoid and minimize impacts on nesting and migratory birds and to comply with the federal Migratory Bird Treaty Act pre-construction surveys shall be conducted and construction avoidance measures shall be implemented if necessary.

- Preconstruction Survey: Riparian vegetation, grassland habitats and trees shall be surveyed prior to commencing with covered activities to evaluate nesting bird habitat. If work is scheduled to take place between February 1 and August 31, a pre-construction nesting bird survey shall be conducted by a qualified biologist within 14 days of construction, covering a radius of 500 feet for non-listed raptors and 100 feet for non-listed passerines at all locations. Preconstruction surveys will need to be done in phases as work along the alignment will not be occurring concurrently. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
- Avoidance and Minimization: If an active bird nest is found within these buffers, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. If an active nest is present, a minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are

present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings. **BIOLOGY-4**

37.38 American Badger. To avoid and minimize impacts on American badgers the following measures shall be implemented.

- Preconstruction Survey: Prior to commencing with covered activities, a qualified biologist shall conduct a preconstruction survey, within the limits of proposed temporary and permanent impact in grassland and ruderal habitat, no less than 14 days before the beginning of ground disturbance or any activity likely to affect American badger. Copies of the preconstruction survey shall be submitted to the CDD, the ECCCHC, and CDFW.
- Avoidance and Minimization: If potential dens are present, their disturbance and destruction shall be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, a qualified biologist shall determine if the dens are occupied or were recently occupied using remote cameras or methodology coordinated with CDFW. If unoccupied, the qualified biologist shall collapse these dens by hand or shall request permission from CDFW to temporarily plug the burrow entrance with sandbags to prevent badgers from re-using them during construction. If occupied, the biologist shall consult with CDFW regarding best practices for encouraging the badger(s) to move to alternate dens outside the work areas. **BIOLOGY-5**

37.39 San Joaquin Kit Fox. To avoid and minimize impacts on San Joaquin kit fox the following measures shall be implemented.

- Preconstruction Surveys: Prior to any ground disturbance related to covered activities, a USFWS/CDFW–approved biologist shall conduct a preconstruction survey in areas that support suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service 1999). Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW.

Preconstruction surveys shall be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist

shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS within five working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.

If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below will be implemented.

- Avoidance and Minimization Requirements
 - If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for three days by a USFWS/CDFW–approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
 - Unoccupied dens shall be destroyed immediately to prevent subsequent use.
 - If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.
 - If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal’s normal foraging activities).
- Construction Monitoring: If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward

from the den entrance(s). No covered activities shall occur within the exclusion zones. A qualified biologist shall monitor all activities to ensure exclusion zones are maintained and the qualified biologist shall have stop work authority. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox. All exclusion zones shall be shown on all sets of construction drawings.

BIOLOGY-6

37.40 Special Status Bats. To avoid and minimize impacts on roosting bats the following measures shall be implemented:

- Focused Habitat Assessment: If trees along the access route or within the project site are to be removed a habitat assessment shall be conducted by a qualified bat biologist to determine if the subject trees have potential habitat.
- Preconstruction Surveys: If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey shall be required to determine whether the sites are occupied immediately prior to construction or whether they show signs of recent previous occupation. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary. Copies of the preconstruction surveys shall be submitted to the CDD, the ECCCHC, and CDFW. If occupied habitat is determined present and cannot be avoided, consultation with CDFW shall occur in order to determine the appropriate plan for eviction and compensatory mitigation.
- Avoidance and Minimization: If the species is discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that it minimizes impacts on special status bats. Hibernation sites with evidence of prior occupation shall be sealed before the hibernation season (November–March), and nursery sites shall be sealed before the nursery season (April–August). If the site is occupied, then the action shall occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction shall not take place as long as the site is occupied. **BIOLOGY-7**

37.41 Tree Pruning Overseen by Certified Arborist. Prior to any tree pruning and subject to CDD review, the RNGPFP operator shall hire a Certified arborist

to oversee and/or conduct any native-tree pruning required to access, construct, and implement the Project. Proposed removal of existing pepper trees at the proposed RNG Processing Facility shall be mapped and submitted to the CDD for review. **BIOLOGY-8**

37.42 Develop Temporary Restoration Plan. Prior to the issuance of grading or building permits, whichever occurs first, the RNGPFP operator shall develop a Temporary Restoration Plan to ensure the site is restored to pre-project conditions. This may include measures such as topsoil preservation per station segments and reseedling with native seed mixes. The Temporary Restoration Plan will include updated mapping of current Sensitive Natural Communities, monitoring of topsoil preservation in areas that are directly impacted (California buckeye groves and Gum Plant patches) and monitoring and reporting of SNCs that are to be avoided (rock outcrops and associated California match weed patches). The Temporary Restoration Plan shall be submitted to the CDD and the ECCCHC for review and approval. **BIOLOGY-9**

37.43 Aquatic Resources Delineation. In conjunction with Biology 1, the RNGPFP operator shall submit the Aquatic Resources Delineation to the ECCCHC for review and approval, and as required, to the Army Corps, CDFW, and RWQCB. **BIOLOGY-10**

37.44 Implement the Permit Conditions of the Aquatic Resource Agencies. Prior to commencing project construction, the RNGPFP operator shall obtain required permits from the Army Corps, CDFW, and/or RWQCB. Avoidance, minimization, and compensation will be determined by these agencies. The agencies will set the permit conditions, which are likely to include onsite enhancement and monitoring of seeps and drainages to ensure groundwater and surface water interruptions do not occur as a result of the project. The RNGPFP operator shall be responsible to implement the permit conditions, subject to oversight by the agencies. **BIOLOGY-11**

SLOPE AND SEISMIC STABILITY

37.45 Geology. To mitigate the potential impact of future ground movement/reactivation of landslide associated with a significant seismic event, implementation of the following measures shall be required:

- a) Avoid crossing the lower elevations of the slide, where down cutting and potential regressive slope failures adjacent to canyon bottoms.
- b) Cross landslides where topography is relatively gentle.

- c) Minimize earthwork in the landslide area by orienting the pipeline crossing so that it parallels the topographic contour.
- d) Implement a ground movement monitoring program that shall include at least bi-annual monitoring (i.e., before and after the rainy season), and after significant earthquake in accordance with the provisions of an "Inspection and Monitoring Program." That program shall specify the qualifications of the inspector, identify the segments of the pipeline to be inspected, and provide an inspection form that shall identify the date of the inspection; name, title and contact information for the inspector; descriptions of the features observed; recommendations of inspector for supplemental/ special geotechnical investigations or other corrective work; and indicate the entity/ staff position that is to receive the inspection for Ameresco Keller Canyon RNG, LLC (or its successor). Copies of all inspection reports shall be kept on file by the operator of the facility and shall be made available for review by representatives of Contra Costa County (e.g., during routine mitigation monitoring by the County).
- e) Include an automatic shut off valve and other safety measures in the pipeline design. **GEOLOGY-1**

37.46 Liquefaction. To mitigate the confirm/ modify the preliminary assessment of liquefaction for the RNG processing facility, the following measures shall be implemented:

- a) The project geotechnical engineer shall present an updated evaluation of liquefaction potential of the sand body penetrated by boring B-102 from 15 to 20 feet below the ground surface, based on the methodology and parameters required by the CGS for projects located in the Seismic Hazard Zone (SHZ). The seismic parameters peak used in the analysis shall match those provided by SHZ Report 127; the analysis shall reference the methodology selected by the project geotechnical engineer; provide justification the parameters that were inputs into the computer model run(s); and shall clearly demonstrate the analysis is consistent with the standards required for projects in the SHZ.
- b) The liquefaction analysis presented in response to item 2.A above shall be submitted for review at least 30 days prior to submitting an application for a grading or building permit for the RNG processing facility. That report shall also provide final recommendations for site grading, drainage, and foundation design, including recommendations for reinforced earth, retaining walls, and foundations of proposed structures. It shall also present plan review

comments of the project geotechnical engineers, and geologists, outline the recommended observation and testing services during construction.

- c) The report required by items 2.A and 2.B above shall be subject to review by the County Peer Review Geologist, and review/ approval by the CDD. **GEOLOGY-2**

37.47 Seismicity. To mitigate the potential impact of future ground movement/ reactivation of landslide associated with a significant seismic event, the Geology 1 mitigation measures shall be implemented. In addition, the following measures are required:

- a) The project engineering geologist shall view where landslide deposits are in contact with colluvium of bedrock. This shall occur prior to placement of any bedding/ backfill in the following segments of the trench to determine if weak soil conditions are encountered that would warrant special engineering at such interfaces (e.g., over-excavation of any soft material at the slide/ bedrock contact, and replacement with reinforced earth or other special engineering). The findings of the project engineering geologist shall be documented in the final grading report. The project engineering geologist shall view and document exposed conditions in the pipeline trench where it crosses the boundary of landslides QIs #2, QIs #3 and QIs #4.
- b) The project engineering geologist shall view exposed conditions in the immediate area of the trench pipeline crossing of the Kirker Pass fault. The fault is a geologic contact, so there is potential for contrasting engineering properties of the rock units on opposite sides of the fault, along with the engineering properties of the fault zone. The fault zone area is a potentially weak, marginally stable area that can be expected to include highly fractured rock, shear planes, possible gouge zone, and possible seepage zone. These adverse conditions could influence local slope stability. The final grading report shall include mapping of the fault zone and provide an explanation of any special recommendations/ special engineering incorporated into the design. **GEOLOGY-3**

37.48 Scour. To mitigate the potential for future headward erosion, soil creep, and shallow sloughing to undermine the pipeline, implementation of scour protection measures shall be implemented where the pipeline crosses seasonal water courses.

- a) Where feasible, the pipeline shall be buried below the potential scour depth.

- b) Scour assessment shall be performed by the project geotechnical engineer at locations specified in the project geotechnical engineer's reports. Typical scour protection measures shall be considered for use, including structural and/ or biotechnical erosion control. The selection of the scour protection measures shall be based upon completion of the scour assessment and shall consider environmental constraints.
- c) During construction, the scour assessment shall be determined by the project geotechnical engineer and may include a plan view, typical section(s), and specifications for the proposed stabilization/ erosion control measures. **GEOLOGY-4**

37.49 Expansive and Corrosive Soils. To mitigate the potential impact of expansive and corrosive soils, implementation of the following measures shall be required:

- a) For the RNG processing facility, additional soil expansion and corrosion hazard testing shall be required for the on-site and any import earth materials by the project geotechnical engineer. The findings of the testing shall be documented in the final grading report, which shall provide specific standards and criteria for the geotechnical aspects of the RNG processing facility.
- b) The final grading report required by Geology 5.A shall be subject to review by the Peer Review Geologist, and review and approval by the CDD.
- c) For the pipeline, a California licensed corrosion engineer shall be retained by the RNGPFP operator to identify suitable types of piping and necessary protection for underground metal conduits and fittings.
- d) During pipeline construction, the corrosion potential of the on-site soils shall be verified for each encountered soil type.
- e) Any import fill materials shall be tested to confirm that their corrosion potential. All import must be approved by the project geotechnical engineer prior to transporting to the project site.
- f) The corrosion engineer shall review available information on the corrosion hazard and may require additional testing. The corrosion engineer shall document the specific long-term corrosion control design recommendations, and any monitoring recommendations, in

a wet signed and stamped letter-report. That report shall be submitted to the CDD prior to placing any pipe. **GEOLOGY-5**

NOISE CONTROL

37.50 General Construction. Pile driving, blasting, and helicopters shall not be used as methods of construction.

RNG Pipeline Construction. The following noise reduction measures shall be implemented during pipeline installation and shall be included on all sets of construction drawings.

- a) The RNGPFP operator shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- b) A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.
- c) Additional noise reduction measures shall be implemented during pipeline installation in the PG&E utility corridor:
 - Per City of Pittsburg Municipal Ordinance Section 18.82.040 Noise, no construction event or activity occurring on the PG&E property adjoining existing residential uses shall generate loud noises in excess of 65 decibels measured at the property line, except between the hours of 8:00 a.m. and 5:00 p.m.
 - Per City of Pittsburg General Plan Noise Element Policy 12-P-9, the RNGPFP operator shall restrict outdoor construction activities in the PG&E utility corridor to the period from 8:00 a.m. to 5:00 p.m. Monday through Friday.
 - In addition to the foregoing, the RNGPFP operator shall provide notification to occupants of property directly adjacent to the PG&E utility corridor two weeks prior to, and 24-hours prior to, scheduled construction activity in the PG&E utility corridor.

NOISE -1

WASTE REDUCTION AND RECOVERY

37.51 Construction solid waste generated by the construction of the RNGPFP shall be accounted for in the State reporting system. The RNGPFP operator shall implement the following measures for job site debris.

- a. Consistent with LP89-2020 COA 31.4 (Materials Recovery) and in accordance with the 2019 California Green Building Standards Code (CalGreen) as amended in Contra Costa County Code, at least 65 percent by weight of the job site debris generated by the RNGPFP shall be recycled, reused, or otherwise diverted from landfill disposal. A Construction Waste Management (CalGreen) Plan shall be submitted for review and approval by the County Building Inspection Department (BID) prior to commencing construction.
- b. Consistent with LP89-2020 COA 31.4 (Materials Recovery) and in accordance with the CalGreen as amended in Contra Costa County Code, plans and reports with verifiable post-project documentation shall be submitted to the BID to demonstrate that at least 65 percent of the nonhazardous construction and demolition (C&D) debris generated on the job site was salvaged for reuse, recycled or otherwise diverted. A Construction Waste Management (CalGreen) Report shall be submitted to the BID prior to final inspection.
- c. Pursuant to LP89-2020 COA 31.1 (Waste Reduction and Resource Recovery Objective), a Supplemental Land Clearing Debris and Universal Waste Report for CalGreen shall be submitted to the BID along with the CalGreen Report above outlining the extent and quantity of land clearing and excavation debris recycled for materials such as plants, trees, soil, sand, and rock.

37.52 Surcharge. A surcharge, as established by the County Board of Supervisors, shall be paid to the County, by the RNGPFP operator, related to the sale of processed landfill gas.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE RNGPFP OPERATOR OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the RNGPFP operator that pursuant to Government Code Section 66000, et. Seq, the RNGPFP operator has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

- B. The RNGPFP operator shall coordinate with the Contra Costa Health Services Department on compliance with applicable regulations and/or programs pertaining to identification, use, disposal of hazardous materials, emergency response, and notification. These include regulations and programs prescribed by County Code Chapter 450-8 Risk Management; County Code Chapter 84-63 Land Use Permits for Development Projects Involving Hazardous Waste or Material; the Contra Costa County Hazardous Materials Area Plan (May 2016); and documents approved by the Contra Costa Health Services Hazardous Materials Program.
- C. The RNGPFP operator shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- D. The RNGPFP operator is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- E. The RNGPFP operator must submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The RNGPFP operator is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.
- F. The RNGPFP operator must comply with the requirements of the Contra Costa Water District.
- G. The RNGPFP operator is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and

permits.

- H. The RNGPFP operator shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region 11).
- I. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the RNGPFP operator's responsibility to notify the Department of Fish and Wildlife, Bay Delta Region (Region 3), 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- J. This project may be subject to the requirements of the Army Corps of Engineers. It is the RNGPFP operator's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

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 numerous conditions and added conditions 2.3, 8.5, 8.6, 8.7 and 8.6)

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