



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 3, 2015

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

### **RECOMMENDATION(S):**

1. RECEIVE additional testimony on proposed new and modified conditions of approval for the Keller Canyon Landfill land use permit, and CLOSE the public hearing.
2. ACCEPT the resolution on the Permit Review hearing conducted by the County Planning Commission, presented in Exhibit A.
3. CONSIDER and SELECT Option A or B as the Selected Version of the new and modified conditions of approval for the Keller Canyon Landfill land use permit;
  - **Option A:** proposed conditions that were originally presented to the Board of Supervisors on December 16, 2014, as recommended by the County Planning Commission (Exhibit B), OR
  - **Option B:** proposed conditions that allow limited direct haul subject to on-site material recovery requirements (Exhibit C).
4. FIND that the Selected Version of the proposed new and modified land use permit conditions are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), as the new and modified permit conditions will

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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

Clerks Notes:

### **VOTE OF SUPERVISORS**

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

ATTESTED: March 3, 2015

Contact: David  
Brockbank, (925) 674-7794

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

By: , Deputy

cc:

not have any significant effects on the environment, and DIRECT Department of Conservation and Development (DCD) staff to file a Notice of Exemption.

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

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

## FISCAL IMPACT:

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

## BACKGROUND:

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

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

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

The County's C&D ordinance which had applied to covered projects (over 5,000 square

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

<u>Adopted local C &amp; D ordinance</u>	<u>No local C&amp;D ordinance adopted</u>
Antioch	El Cerrito
Brentwood	Hercules
Clayton	Pinole
Concord	Pittsburg
Danville	Richmond
Lafayette	San Pablo
Martinez	
Moraga	
Oakley	
Orinda	
Pleasant Hill	
San Ramon	
Walnut Creek	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPTION A - Staff's estimates do not assume any of the C & D originating outside the county would be diverted because the amount of speculation required makes any diversion assumptions quite arbitrary. The worst case scenario assumption would be that all of the loads of C & D material previously direct hauled to KCL would bypass

in-County transfer stations and instead be disposed of at out-of-county landfills (0% diversion). If only those loads originating within Contra Costa County ended up going to the local transfer stations nearest each jurisdiction (63% diversion) and the out-of-county loads were disposed of in other landfills (0% diversion), it would result in a total combined diversion rate of 48.5%. If all C & D loads instead went to one of the three in-County transfer stations, staff estimates that approximately 60% of the C & D material would be diverted.

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

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

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

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

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

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

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

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

***Directive 4. Obtain the information needed from Republic in order to estimate the time frame necessary to complete permitting and the CEQA processes that would allow on-site processing of C & D at Keller Canyon.***

The landfill operator provided DCD staff with an outline (Exhibit E) describing key characteristics of the on-site C & D processing operation initially proposed in the letter dated December 16, 2014 and submitted to the Board by Scott Gordon, attorney for KCL (Exhibit F). The site and operational changes proposed to recover some of the C & D

materials that would otherwise be disposed of in the landfill are relatively minor in nature. The proposal does not include any new buildings or stationary sorting or grinding equipment. The landfill operator has indicated that the proposed changes could be implemented within three to six months of securing the required approvals. Changes proposed at KCL in order to implement on-site recovery of C & D materials include:

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

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

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

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

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

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

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

Since a new version of new and modified conditions has since been developed containing revisions prompted by the requested changes submitted by the landfill operator (Option B), staff has also identified the CEQA implications related to that option to be fully responsive to this Board directive. In Option B, staff revised the two conditions noted above (8.1 and 8.6) as well as conditions related to Direct Haul (8.5), the Notification

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

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

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

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

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

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

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

#### CONSEQUENCE OF NEGATIVE ACTION:

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

#### CHILDREN'S IMPACT STATEMENT:

Not Applicable.

#### CLERK'S ADDENDUM

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

#### ATTACHMENTS

Exhibit A: County Planning Resolution

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

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

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

Exhibit E: Draft C&D Processing Proposal

Exhibit F: December 16, 2014 Letter from Scott Gordon

Exhibit G: January 28, 2015 Letter from Environmental Health

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

Exhibit I: Direct Haul C & D Statistics and Assumptions