# 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)**
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## TABLE OF CONTENTS


**1. SHORT TITLE ..... 9**
1.1 Short Title ..... 9

**2. RESPONSIBILITY ..... 9**
2.1 Ultimate Responsibility ..... 9
2.2 Transfer of Ownership ..... 9

**3. COMPLIANCE ..... 9**
3.1 Compliance Objective ..... 9
3.2 Design Standard ..... 9
3.3 State Minimum Standards ..... 9
3.4 Land Use Permits ..... 9
3.5 Solid Waste Facilities Permit ..... 10
3.6 Subchapter 15 ..... 10
3.7 Other Regulatory Agencies' Requirements ..... 10
3.8 Utilities, Service Districts, and Government Agencies' Requirements ..... 10
3.9 Notice Coordination ..... 10
3.10 Monitoring and Inspection ..... 10
3.11 Master Chart ..... 10

**4. VALIDITY PERIOD ..... 10**
4.1 Validity Period ..... 10
4.2 Operative Date ..... 11

**5. SERVICE AREA ..... 11**
5.1 Area of Origin ..... 11
5.2 Out-of-County Wastes ..... 11
5.3 Sub-County Service Area ..... 11
5.4 Reciprocal Capacity Agreement ..... 11
5.5 Pre-Requisite Curbside Recycling Program ..... 11

**6. ELIGIBLE AND INELIGIBLE WASTES ..... 12**
6.1 Eligible Wastes ..... 12
6.2 Designated Wastes ..... 12
6.3 Infectious Wastes ..... 12
6.4 Ineligible Wastes ..... 12
6.5 Emergency Use ..... 13
6.6 Hazardous Waste Screening and Management ..... 13
6.7 Area of Origin Restrictions ..... 13

**7. LOAD INSPECTION ..... 13**
7.1 Eligible Vehicles and Loads ..... 13
7.2 Load Covering ..... 13

**8. ELIGIBLE REFUSE TRANSPORT VEHICLES ..... 13**
8.1 Eligible Vehicles ..... 13

8.2 Service Area Restriction ....14
8.3 Emergency Exemption ....14
8.4 Reciprocal Use Exemption ....14

**9. OPERATING PARAMETERS ....14**
9.1 Hours of Operation ....14
9.2 Operating Days ....15
9.3 Maximum Daily Tonnage ....15
9.4 Minimum Buffer Zone ....15
9.5 Special Buffer Area ....15
9.6 Dedication of Special Buffer Area ....15

**10. WASTE MEASUREMENT AND CHARACTERIZATION ....16**
10.1 Volume Estimation ....16
10.2 Scales ....16
10.3 Waste Characterization ....16

**11. ADMINISTRATION ....16**
11.1 Permit Review ....16
11.2 Local Advisory Com ....16
11.3 Insurance and/or Bonding ....17
11.4 Notification Program ....17
11.5 Development Coordinator ....17
11.6 Compliance and Mitigation Monitoring Program ....17
11.7 Pre-Annexation Notification ....18
11.8 Fee and Surcharge Identification ....18
11.9 Interpretation of Conditions ....18
11.10 Conditions Requiring Franchise ....18
11.11 Regulations Enforced by Other Agencies ....18
11.12 Required Expenditures ....19
11.13 Designation of Authority ....19

**12. RATE REVIEW ....19**
12.1 Rate Approval ....19
12.2 Rate Review ....19
12.3 Form and Content of Rate Review Application ....19
12.4 Rate Application Guidelines ....20
12.5 Financial Statement ....20
12.6 Scope of Rates ....20

**13. FRANCHISE AGREEMENT ....20**
13.1 Franchise Compliance and Agreement ....20
13.2 Assignment ....20
13.3 Contents ....21
13.4 Requirement ....21
13.5 County Discretion ....21

**14. LAND USE PERMIT PLAN CONSTITUENTS ....21**
14.1 Initial Development and Improvements Plan ....21
14.2 Regulatory Agency Approvals ....22

14.3 Improvements Requirements ....22

**15. DEVELOPMENT AND IMPROVEMENTS PLAN ....22**
15.1 Final Development and Improvements Plan ....22
15.2 In approving the Development and Improvements Plan ....23

**16. SLOPE AND SEISMIC STABILITY ....23**
16.1 Landfill Slopes Objective ....23
16.2 Seismic Design ....23
16.3 Landslide Study ....24
16.4 Geotechnical Inspector ....24
16.5 Landfill Design Stability ....24
16.6 Slope Monitoring ....24
16.7 Settlement Program ....24
16.8 Post-Earthquake Program ....24
16.9 Settlement Pond Embankment Design ....25
16.10 Settlement Pond(s) Monitoring Program ....25
16.11 Stockpile Stability ....25
16.12 Unstable Areas ....25

**17. GROUNDWATER PROTECTION ....25**
17.1 Groundwater Protection Objective ....25
17.2 Landfill Liner ....25
17.3 Leachate Collection System ....25
17.4 Surface Drainage System ....26
17.5 Groundwater Monitoring ....26
17.6 Downstream Well Monitoring ....26
17.7 Baseline Water Characterization ....26
17.8 Liquid Waste Disposal ....26
17.9 Drainage Grading ....27
17.10 Leachate Management ....27
17.11 Water Balance Calculations ....27
17.12 Leachate Holding Tanks ....27
17.13 On-Site Water Supply Wells ....27
17.14 Off-Site Water Well Contamination ....27
17.15 Liner Installation Inspection ....28
17.16 Secondary Containment ....28
17.17 Working Face ....28

**18. SURFACE WATER PROTECTION ....28**
18.1 Surface Water Protection Objective ....28
18.2 Surface Drainage System ....28
18.3 Creek Protection ....28
18.4 Surface Water Management and Sediment Control Plan ....28
18.5 Monitoring ....30

**19. HAZARDOUS WASTE ....30**
19.1 Hazardous Waste Ineligible ....30
19.2 Load Inspection ....30
19.3 Household Hazardous Waste Program ....30

19.4 Transfer Station Pre-screening ....31
19.5 Regulatory Agency Approvals ....31

**20. AIR QUALITY PROTECTION ....31**
20.1 Prevention of Air Quality Deterioration ....31
20.3 Cover Frequency. ....31
20.4 Odoriferous Loads ....32
20.5 Dust Suppressants ....32
20.6 Area of Operations ....32
20.7 Air Flow Monitoring ....32
20.8 Contingency Program ....32
20.9 Revegetation ....32
20.10 Tree and Shrub Planting ....32
20.11 Gas Control and Collection ....33
20.12 Landfill Gas Processing ....33
20.13 Methane Recovery ....33
20.14 Gas Monitoring ....33
20.15 Lateral Gas Barriers ....33
20.16 Settlement Protection ....34
20.17 Landfill Gas Testing ....34
20.18 Leachate Disposal ....34
20.19 Cell Re-Opening ....34
20.20 Fissure Repair ....34
20.21 Permanent Road Paving ....34
20.22 Temporary Road Paving ....34
20.23 Speed Limits ....34
20.24 Equipment Maintenance ....34

**21. NOISE CONTROL ....35**
21.1 Noise Control Objective ....35
21.2 Noise Monitoring Program ....35
21.3 Toe Berm ....35
21.4 Mitigation/Lift-Level Berms ....35
21.5 Construction Hours ....35
21.6 Truck Noise Suppression ....35
21.7 Landfill Vehicles ....35
21.8 Gas Flare Muffling ....36

**22. VISUAL QUALITY ....36**
22.1 Visual Quality Objective ....36
22.2 Landscape Plan ....36
22.3 Toe Berm ....36
22.4 Mitigation Berms ....36
22.5 Lawlor Creek Corridor Plan ....36
22.6 Entrance Screening ....37
22.7 Jacqueline Drive Terminus ....37
22.8 Auxiliary Facilities Screening ....37
22.9 Architectural Treatment ....37
22.10 Area of Operations ....37
22.11 Interim Revegetation ....37

22.12 Water Tank Screening ....37
22.13 Final Cover ....37
22.14 Lighting ....37

**23. AGRICULTURAL AND BIOTIC RESOURCES ....38**
23.1 Biotics Protection Objectives ....38
23.2 Range Management Plan ....38
23.3 Lawlor Creek Corridor Restoration Plan ....38
23.4 Sandstone Outcrop Area ....39
23.5 Weed Control Program ....39
23.6 Phased Construction ....39
23.7 Vegetation Protection ....39
23.8 Wildlife Exclusion and Vector Control ....40
23.9 Supplemental Wildlife Surveys ....40

**24. BIRD AND VECTOR CONTROL ....40**
24.1 Bird and Vector Control Objective ....40
24.2 Soil Cover Frequency ....40
24.3 Working Face ....40
24.4 Bird Control ....40
24.5 Rodent Control ....41
24.6 Mosquito Control ....41
24.7 Fly Control ....41

**25. LITTER CONTROL ....41**
25.1 Litter Control Objective ....41
25.2 Load Covering ....41
25.3 Load Cover Enforcement ....41
25.4 Contingency Litter Control ....42
25.5 Portable Litter Fences ....42
25.6 Permanent Litter Fence ....42
25.7 On-Site Liter Policing ....42
25.8 Off-Site Litter Policing ....42
25.9 Littering Signs ....42
25.10 Clean-Up Bond ....42
25.11 Public access ....42

**26. PUBLIC HEALTH AND SAFETY ....43**
26.1 Safety Objective ....43
26.2 Emergency Plan ....43
26.3 Employee Safety Equipment ....43
26.4 Employee Training ....43
26.5 First Aid Equipment ....43
26.6 Emergency Communications ....43
26.7 Emergency Eye Baths and Showers ....43
26.8 Equipment Maintenance ....44
26.9 Gas Migration Monitoring ....44
26.10 Refuse Cover ....44
26.11 Load Inspection ....44

**27. SITE SECURITY ..... 44**
27.1 Security Objective ..... 44
27.2 Security Fencing ..... 44
27.3 Security Staffing ..... 44
27.4 Security Lighting ..... 44

**28. CULTURAL RESOURCES ..... 44**
28.1 Cultural Resource Preservation Objective ..... 44
28.2 Employee Access ..... 45
28.3 Archaeology ..... 45

**29. TRANSPORTATION AND CIRCULATION ..... 45**
29.1 Traffic Objective ..... 45
29.2 Access Route ..... 45
29.3 Landfill Access Road ..... 45
29.4 Landfill Entrance ..... 46
29.5 Bailey Road, Pittsburg city limits to the Landfill Entrance ..... 46
29.6 Bailey Road Pavement Study ..... 46
29.7 Road Maintenance ..... 46
29.8 Highway 4/Bailey Road Interchange ..... 47
29.9 Peak Period Traffic Management ..... 47
29.10 Bicycle and Pedestrian Improvements ..... 47

**30. SITE SERVICES AND UTILITIES PLAN ..... 47**
30.1 Final Site Services and Utilities Plan ..... 48
30.2 Water Service Component ..... 48
30.3 On-site Water Wells ..... 48
30.4 Public Water Supply Option ..... 48
30.5 Fire Protection Component ..... 48
30.6 Fire District Programs ..... 49
30.7 Construction Timing ..... 49
30.8 On-Site Water Storage ..... 49
30.9 Fire Fighting Water Main ..... 49
30.10 Fire Cover ..... 49
30.11 Fire Fighting Appliance ..... 49
30.12 Fire Breaks ..... 49
30.13 Fire Extinguishers ..... 49
30.14 Use of Reclaimed Water for Landscaping ..... 50
30.15 Equipment and Cleaning ..... 50
30.16 Smoldering Loads ..... 50
30.17 Emergency Equipment Access ..... 50
30.18 Smoking Prohibitions ..... 50
30.19 Toilets ..... 50
30.20 On-site Septic System ..... 50
30.21 Sewer Line ..... 50

**31. WASTE REDUCTION AND RESOURCE RECOVERY ..... 50**
31.1 Waste Reduction and Resource Recovery Objective ..... 50
31.2 1990-1995 Resource Recovery Program ..... 51

31.3 1996-2000 Resource Recovery Program ....51
31.4 Materials Recovery ....51
31.5 Composting Project ....51
31.6 Wood Chipping ....51
31.7 Methane Recovery ....52
31.8 Equipment Maintenance ....52
31.9 County Resource Recovery Management Program ....52
31.10 Fund Recovery ....52

**32. CONSTRUCTION ACTIVITIES AND CONDITIONS ....52**
32.1 Hours of Construction ....52
32.2 Exemption ....52
32.3 Access Roads ....52
32.4 Phasing Plan ....53
32.5 Unstable areas ....53
32.6 Dust Suppression ....53

**33. CLOSURE AND POSTCLOSURE MAINTENANCE ....53**
33.1 Submittal of Plan ....53
33.2 Funding of Closure and Postclosure Maintenance Plan ....53
33.3 Revision to Plan and Cost Estimates ....54
33.4 Staged Closure of the Landfill ....54
33.5 Use of Landfill Following Closure ....54
33.6 Postclosure Maintenance ....54

**34. ABANDONED VEHICLE STORAGE ....54**
34.1 Storage Requirement ....54
34.2 Off-site Storage Option ....54

**35. SPECIAL CONDITIONS OF APPROVAL ....55**
35.1 Transportation System Impact Fee ....55
35.2 Open Space and Agricultural Preservation Fee ....55
35.3 Property Value Compensation Program ....55
35.4 Resource Recovery Program Fee ....55
35.5 Violation of Prescribed Haul Route ....56
35.6 Direct Property Acquisition Study ....56
35.7 Adjoining Sites ....56
35.8 Mitigation Fee ....56

**36. LANDFILL GAS POWER PLANT ....57**
36.1 Power Plant Design ....57
36.2 Ultimate Responsibility ....57
36.3 Keller Canyon Landfill Land Use Permit ....57
36.4 Violation/Revocation ....57
36.5 System Safety ....57
36.6 Equipment and System Monitoring ....57
36.7 Engines ....58
36.8 Hazardous Materials ....58
36.9 Emergency Response ....58
36.10 Notification of Plant Upset or Accidental Release ....58

36.11 Stormwater Pollution Prevention Plan (SWPPP).....58
36.12 Facility Design .....58
36.13 Power Plant Landscape Plan .....58
36.14 Construction .....58
36.15 Material Recycling. .....58
36.16 Implementation & Compliance Monitoring.....59
36.17 Surcharge.....59

## 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.)

## 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.

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 Administrative Code, Title 14, Division 7, Chapter 3).

3.4 Land Use Permits. The Landfill developer and operator shall at all times comply with the provisions and requirements of this Land Use Permit. A violation of any of these conditions is cause for revocation of the Land Use Permit.

3.5 Solid Waste Facilities Permit. The Landfill operator shall conform with all provisions and requirements of the Landfill's Solid Waste Facilities Permit, which is based on the guidelines of the California Integrated Waste Management Board.

3.6 Subchapter 15. The Landfill operator shall at all times comply with the provisions and requirements of Subchapter 15 of Chapter 3 of Title 23 of the California Administrative Code ("Subchapter 15") for a Class II waste disposal facility.

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. Copies (or originals) of all reports to other agencies concerning the design, operation, and maintenance of the Landfill facility shall be sent by mail or hand-delivery, to the Community Development Department, 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095.

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 area of origin of all waste hauling vehicles admitted to the landfill, shall be Contra Costa County. The Landfill operator shall not refuse to receive eligible wastes which originate in Contra Costa County provided such wastes are delivered to the facility in accordance with these Conditions of Approval and the landfill's Solid Waste Facilities Permit, and provided that appropriate disposal fees are paid.

5.2 Out-of-County Wastes. The Landfill operator shall not receive wastes from outside Contra Costa County unless such imports of waste are specifically approved by the Board of Supervisors. This condition shall not apply to wastes which may be temporarily received under the Emergency Use provisions of Condition 6.5 or the Reciprocal Capacity Agreement of Condition 5.4.

5.3 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 or dispose of waste loads from communities which do not have in operation a

curbside recycling, or equivalent, program approved by the Board of Supervisors. Board of Supervisors approval may be interpreted as a consistency with a Board of Supervisors-approved Countywide Integrated Waste Management Plan. The Board of Supervisors may determine the eligibility of a community's program.

## 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, administered by the County Health Services Department, and consistent with the Board of Supervisors' policies 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 by Section 2522 of Article 2 of Subchapter 15, of Title 23, of the California Administrative Code) approved for this facility by the San Francisco Regional Water Quality Control Board, and shall be consistent with the Solid Waste Facilities Permit to be admitted for disposal. The Board of Supervisors may designate special rates for this waste.

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 Health Services Department may allow legal waste originating in areas of Contra Costa County, other than those stipulated in Section 5, to have access to the landfill for periods up to 180 days on an emergency basis. The department 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 a period up to two years.

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. The operator shall not admit waste loads which are susceptible to littering or leakage because of the lack of covering, inadequate covering, or disrepair of screens or containers.

## 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) from a transfer station located in Contra Costa County. Transfer stations shall have a Waste Management Program, which includes hazardous waste screening and resource recovery operations, approved by the Board of Supervisors.

b) Demolition and construction material trucks originating in Contra

Costa County. If the Board of Supervisors has established waste reduction goals for the businesses and industries generating such wastes, the generators shall comply with such goals.

c) Incinerated sewage sludge-hauling trucks originating at utilities located in Contra Costa County, or other utilities serving Contra Costa County.

d) Sewage and water treatment plant sludge trucks originating in Contra Costa County, 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. The wastes shall originate in Contra Costa County.

f) Other specialized waste transport trucks, hauling wastes originating in Contra Costa County and identified in the Landfill's Solid Waste Facilities Permit.

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.

## 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 7:30 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 in the Landfill's Solid Waste Facilities Permit. Special loads may be received at other times in accordance with procedures established by the County Health Services Department.

The Director of Community Development may administratively shorten or extend the hours of operations prescribed above after consultation with the Landfill operator, the County Health Services Department, and the Local Advisory Committee, after holding a public hearing to obtain the comments of other interested parties. To shorten the hours of operation, the Director of Community Development shall find that the changes are needed to mitigate substantial noise, traffic, or similar impacts arising from the operation of the Landfill which were not known when this Land Use Permit was adopted. To extend the hours of operation, the Director of Community 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.

9.2 Operating Days: The landfill shall remain open for operation six days a week. It shall close on Sundays.

9.3 Maximum Daily Tonnage. The landfill may accept for disposal a maximum of 3,500 tons of refuse per day through the year 2005. The Board of Supervisors shall review and revise, if necessary, the maximum allowable tonnages per day, prior to the year 2005. If the Board establishes sub-County service areas, maximum tonnages for each landfill shall 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.

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 submit topographic maps of the landfill and a report of capacity absorption and fill rates to the Community Development Department every two years on the anniversary date of the landfill's opening. The Landfill operator shall also submit an initial topographic map prior to receiving wastes.

10.2 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 program to characterize incoming wastes by type, amount, and originating community and perform detailed load inspections on vehicles according to a program specified by the County Community Development Department and County Health Services Department. Reports shall be submitted to the County on a quarterly basis.

## 11. ADMINISTRATION

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

11.2 Local Advisory Committee. The Community Development Department shall organize, and the Landfill developer shall participate in a local advisory committee, consisting of elected representatives of local residents and neighborhood associations, to comment and advise on the development of the landfill and its operations. The Board of Supervisors may sanction the Local Advisory Committee as an official County committee. The committee

shall be established as soon as reasonably possible after the Board of Supervisors' approval of this Land Use Permit, if such approval is forthcoming. Meetings shall be initiated following the approval of a Land Use Permit and shall be held at least quarterly through the first two years of landfill operation. Subsequently, meetings may be held annually, but with the provision for meetings on call by the chair or the written request of 3 or more members. The County Health Services Department shall be notified at least 10 days in advance of all meetings. Subjects for consideration at meetings will include, but shall not be limited to safety and emergency procedures, landfill fill-related traffic problems, screening of visual impacts and problems of litter, odor, and noise control. Meeting agenda also may include discussion of reports on the landfill construction, operation and maintenance. The Landfill operator shall provide reasonable access to the landfill arranged through the Community 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. Subjects will include, but not be limited to, continuity of landfill operation, non-compliance, emergency measures, construction performance, landscaping and closure.

11.4 Notification Program. The Landfill operator shall prepare and implement a program to notify potential users of the landfill of its opening and closing times, and the conditions of its use, including waste reduction and recycling requirements, site access regulations, and a detailed list of prohibited hazardous wastes and alternative disposal options. The program should be prepared in conjunction with the operator(s) of the transfer station(s) serving the landfill. It shall be approved by the County Community Development Department.

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 provide a fund to support County staff monitoring of compliance with Condi-

tions of Approval and mitigation monitoring programs, as designed and implemented by the County Community Development and Health Services Departments.

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 Nos. 4.2 and 13.4 require a franchise or agreement to be established by this County. All of these Conditions of Approval shall be subordinate to the terms of said franchise or agreement, and the terms of said franchise or agreement shall control in the case of any conflict. There shall be no need to amend these Conditions of Approval 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 enforcement power if such laws and regulations enforced by other agencies are violated. Unless specifically stated in the Conditions of Approval, however, it is not this Board's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds that any action or inaction is in compliance with, or violates, any such law or regulation, that finding shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such

approval shall be deemed to have been given for purposes of these Conditions of Approval.

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

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

## 12. RATE REVIEW

12.1 Rate Approval. The Board of Supervisors shall approve all rates charged by the landfill operator at the landfill. The rates established by the Board will be not only maximum rates but also minimum rates.

12.2 Rate Review. The Board of Supervisors shall review and approve rates annually in accordance with an approved rate application procedure. 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.

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. 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 Permitee-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. 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. Permitee 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 Permitee 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 Community Development Department if proposed or adopted conditions or requirements of regulatory agencies do not appear to be consistent with this Land Use Permit or the Landfill's Environmental Impact Report.

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 the Maximum Credible Earthquake (MCE) and a 0.65g acceleration rate. The Landfill developer shall utilize a MCE (design earthquake) specified by the County Community Development Department and the San Francisco Regional Water Quality Control Board. The Landfill developer shall provide substantiation in the Final Development and Improvements Plan that the Landfill design will withstand the MCE.

16.3 Landslide Study. The Landfill developer shall employ a licensed geo-technical consultant to conduct a supplementary study of landslides and slope stability in areas of the site affected by Landfill and improvements grading. The study shall be performed by a licensed geotechnical professional. The study shall be subject to the approval of the County and the San Francisco Regional Water Quality Control Board. The Landfill developer shall incorporate the results of the study into the site grading program and the designs of overlying structures, which shall be included in the Development and Improvements Plan.

16.4 Geotechnical Inspector. The Landfill operator shall contract with the County, or through the County, for an independent geotechnical consultant, who shall be selected by and be responsible to the County. The consultant shall inspect regularly the installation and condition of liners, leachate control facilities and other installations, identified by the County, as they are installed. 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 slope monitoring stakes on landslides and sensitive slopes which could affect an operating Landfill. The monitoring program shall be approved by the County Community Development Department.

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 Post-Earthquake Program. The Landfill operator shall prepare and implement an emergency program for inspecting the Landfill facility, dealing with failures and providing refuse handling for implementation following a substantial earthquake. The program shall be subject to the approval of the

County Community Development Department and the County Health Services Department.

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 and the County Health Services Department. The Landfill operator shall sample and analyze water from these wells on a quarterly basis. 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-permeabiity 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 County Health Services Department, 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.

## 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 a Landfill surface drainage system which shall be designed to meet State Class II standards. It shall accommodate a 1,000-year, 24-hour design storm, as specified by the County Public Works Department and the San Francisco Regional Water Quality Control Board (SFRWQCB). The drainage system shall convey surface water around the active fill area without contacting the working face or any solid waste. The surface drainage system shall be approved by the SFRWQCB and the County Community Development Department 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

Community Development Department. The plan shall include a Stability Analysis of proposed cut and fill slopes, and shall prevent substantial erosion on slopes on the project site and reduce the amounts of water-borne materials from reaching surface waters. It shall include the components listed below, and it shall be included in the Final Improvements and Development Plan.

(a) Primary Grading. The Landfill developer shall perform primary grading for the project's fill modules, cover, roads, paved areas, building sites, and the construction of site slopes during the April through October low rainfall season.

(b) Temporary Flow Restriction. If grading must be done during rainy periods, or if erosion is occurring on previously graded areas, the Landfill developer shall take corrective actions, which may include the installation of ground cloth or the placement of hay bales.

(c) Ground Cover. The Landfill developer shall plant ground over on graded areas which are not to be developed within 90 days. The ground cover shall be consistent with the Landscaping Plan.

(d) Ditch/Swale Liners. The Landfill developer shall line any ditches and swales for conveying surface runoff across sanitary Landfill areas to limit water infiltration. Drainage-ways across other areas shall be lined or planted to limit erosion.

(e) Sedimentation Ponds. The Landfill developer shall install 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 program shall be subject to approval from the County Community Development, Health Services, and Public Works Departments, and the San Francisco Regional Water Quality Control Board. The efficacy of the Landfill surface water control system in reducing downstream flooding shall be addressed in the annual and triennial reviews required by Condition 11.1.

f) Runoff Conveyance. Erosion to ditches or gullys used to convey runoff shall be corrected by use of appropriate measures such as

energy dissipators or rip rap.

g) Equalization Basin. Water in contact with the working face area of the landfill shall be discharged into an equalization basin, monitored, and treated if necessary.

18.5 Monitoring. The Landfill developer shall prepare and implement a surface water monitoring program to check for possible contamination of off-site surface water drainage facilities. Baseline water quality shall be determined prior to project implementation. Sedimentation pond outflow shall be monitored. The monitoring program shall be subject to approval of 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 Transfer Station Pre-screening. The Household Hazardous Waste Program shall include pre-screening at transfer stations for identification and separation of hazardous materials. In addition, landfill entrance load screening procedures and a manual check program during unloading operations shall be included. Landfill operators shall be instructed to investigate suspicious containers for hazardous materials during bulldozing and other activities. Any hazardous materials found shall be set aside for proper collection and disposal.

19.5 Regulatory Agency Approvals. The collection and storage of toxic and hazardous wastes pursuant to this section shall be subject to County Health Services Department, State Department of Health Services, and other regulatory agency approvals.

## 20. AIR QUALITY PROTECTION

20.1 Prevention of Air Quality Deterioration. The Landfill operator shall manage the facility in a manner that does not result in the significant deterioration of air quality in the vicinity of the site or in the Bay Area. The condition shall be interpreted as a requirement that the Landfill comply with terms of the Authority to Construct Permit to Operate permits issued by the Bay Area Air Quality Management District.

20.2 Odor Containment. The Landfill operator shall operate the Landfill in a manner that prevents odors from being detected off-site, pursuant to Regulations 7-101 and 7-102 of the Bay Area Air Quality Management District. If odors are reported to the County Health Services Department, or reports are relayed from the Bay Area Air Quality Management District, the Health Services Department may require additional physical improvements or management practices as necessary to alleviate the problem. The Health Services Department shall have the authority to cease disposal at a particular area of the Landfill, to control odors. A small daily working face (3 acres or less) shall be maintained. The leachate treatment system shall be enclosed 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. If odors are detected in surrounding areas, complaints shall be logged by a landfill operator. The source of the odor shall be identified and corrected. A response to the person lodging the complaint shall be made within 48 hours, detailing the problem and remedial action taken.

20.3 Cover Frequency. The Landfill operator shall cover newly disposed refuse with compacted soil cover meeting the requirements of the State of California (currently, a minimum of 6 inches of daily cover). All working faces of the Landfill shall be covered by the end of the working day.

Intermediate cover, meeting the requirements of the State (currently a minimum of 12 inches) shall be applied over each layer of cells ("lift"). The frequency of cover shall increase in order to control odor, litter or birds, if necessary, or if required by the Landfill's Solid Waste Facilities Permit.

20.4 Odoriferous Loads. The Landfill operator shall cover extremely odoriferous 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.

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, on-site air flows, and temperature. After the Landfill is in operation, data shall be used to correlate odor, dust, or litter management with meteorological conditions. Air flow monitoring reports shall be submitted to the County Health Services and Community Development Departments.

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 local advisory committee and consult with the Bay Area Air Quality Management District and the Regional Water Quality Control Board. The program shall be approved by the County Health Services Department, and it may be revised from time to time.

20.9 Revegetation. The Landfill operator shall revegetate completed Landfill areas immediately. Revegetation shall in be accordance with the Development and Improvements Plan and shall be consistent with the County policy on landscaping and water conservation. Intermediate and final cover areas shall be revegetated immediately. Excavations shall be revegetated 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.

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 and the County Health Services and Community Development Departments. The Landfill operator shall provide the results to the County Community Development Department and Health Services Departments on a quarterly 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-covered cells shall not be reopened without permission from the County Health Services Department.

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. This activity shall be included in the employee training program.

20.21 Permanent Road Paving. The Landfill developer shall pave and maintain permanent access roads to control dust. A road used for one year or longer shall be considered to be a permanent road. Road construction shall be described in the Development and Improvements Plan.

20.22 Temporary Road Paving. The Landfill developer shall pave and maintain temporary road with gravel or crushed aggregate. Temporary roads shall be wetted or chemically treated when necessary to control dust. Road construction shall be described in the Development and Improvements Plan.

20.23 Speed Limits. The Landfill operator shall enforce speed limits set by the County Health Services Department on internal site roads. The Landfill operator shall install appropriate signs and speed control devices. The maximum internal on-site speed limit shall be 20 mph.

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.

## 21. NOISE CONTROL

21.1 Noise Control Objective. The Landfill operator shall manage the facility in a manner that minimizes noise impacts to area residents.

21.2 Noise Monitoring Program. The Landfill operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the County Community Development Department and Health Services Departments. The program shall monitor noise levels at sensitive receptor locations, one West of Bailey Road and South of West Leland Road, one near Bailey north of West Leland, and another in the Jacqueline Drive area south of West Leland Road. The Director of Community Development may specify other monitoring locations. If the monitoring noise levels at the Landfill boundary line or other monitored location exceed 60 dBA during daylight hours, or 50 bDA during the evening or at night, the County may require the operator to institute additional noise reduction measures to bring noise emanating from the Landfill to the forementioned levels or less.

21.3 Toe Berm. See Condition 22.3.

21.4 Mitigation/Lift-Level Berms. See Condition 22.4

21.5 Construction Hours. See Condition 32.1.

21.6 Truck Noise Suppression. The Landfill operator shall require transfer trucks and other waste hauling vehicles using the facility to be equipped with factory approved noise suppression equipment, including engine compartment insulation. The Landfill operator shall request the California Highway Patrol actively enforce muffler and vehicle noise standards as required in the California Vehicle Code if, for any reason, noise from heavy trucks becomes a source of complaints in the project area, whether project-related or not. Transfer trucks and other waste hauling vehicles with faulty mufflers shall be denied access to the landfill after one warning by a landfill operator at the landfill entrance.

21.7 Landfill Vehicles. The Landfill operator shall provide Landfill equipment with the best available noise suppressing equipment to minimize sound generation.

21.8 Gas Flare Muffling. If flaring is used to dispose of Landfill gas, the flares shall be contained in noise and glare-reducing housing. The housing shall be subject to the approval of the County Health Services and Community Development Departments and the Bay Area Air Quality Management District.

## 22. VISUAL QUALITY

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

22.2 Landscape Plan. The Landfill developer shall prepare and implement a site Landscaping Plan. The plan shall enhance the site's visual values as open space and its functional values as wildlife habitat. It shall minimize the visual impacts of the landfill operations and appurtenant facilities through revegetation and landscape screening. The plan shall show the plant species, size, and locations to be used to blend in with the existing natural vegetation. Natural, drought tolerant species shall be used, in accordance with County Policy on Water Conservation Landscaping. A landscape maintenance program shall be part of the plan. A Weed Monitoring and Control Program shall be included, containing a listing of noxious weeds, a monitoring program, and abatement measure options. A Landscape Plan shall be included in the Development and Improvements Plan. The Landscape Plan shall assure no visual impact on the Cities of Concord and Clayton consistent with the Environmental Impact Report.

22.3 Toe Berm. The Landfill developer shall install the first phase of the toe berm prior to other landfill construction and development of the Landfill. Other sections of the toe berm shall be installed in stages (see condition 32.4). The toe berm shall be contoured to blend with existing topography. It shall be designed to screen the landfill access road. It shall be revegetated immediately with native grasses and other vegetation to blend in with the surrounding area.

22.4 Mitigation Berms. The Landfill developer shall install landscaped mitigation berms (lift-level peripheral berms) at the face of each lift in areas visible off the Landfill site, before beginning refuse disposal on the lift. The berms shall be landscaped to blend with existing terrain. Specific heights for the initial toe berm and each of its phases shall be established in the Final Development and Improvements Plan (Condition 15.1).

22.5 Lawlor Creek Corridor Plan. See Condition 23.3.

22.6 Entrance Screening. The Landfill developer shall install landscaping at the entrance of the landfill to screen the entrance facilities from Bailey Road users. Olive trees shall not be included as part of the entrance landscape plan.

22.7 Jacqueline Drive Terminus. The north terminus of Jacqueline Drive shall be landscaped, with native species, to shield near-views of the toe berm. Planting of the terminus area shall begin as soon as practicable. The outside access road berm shall be a minimum of 15 feet high to shield transfer truck traffic and noise from nearby residences.

22.8 Auxiliary Facilities Screening. The landscaping plan shall provide for the screening of auxiliary areas, such as the administrative buildings, parking lots, maintenance facilities, and screening of facilities shall occur during the first year of development. Enhancement of Lawlor Creek shall occur during the first year, to aid in screening facilities from Bailey Road users.

22.9 Architectural Treatment. Plans for buildings and other structures shall include architectural sections showing design and materials to be used. Buildings shall be designed to blend into the rural agricultural setting.

22.10 Area of Operations. Except during construction of modules and other major installations, the Landfill operator shall limit unvegetated working areas of the landfill, including the daily working face, to 25 acres for appearance and to control dust and erosion. The restriction shall not apply to grading for foundations, cover, site roads, berms and other construction, providing these are carried out expeditiously.

22.11 Interim Revegetation. Interim revegetation shall be required on all areas that will be inactive for more than 90 days. Revegetation shall include native grasses, shrubs and trees to lend more variety and natural appearance to the finished landfill.

22.12 Water Tank Screening. The Landfill developer shall provide landscaping to screen the facility's water tanks. Where possible, the landscaping shall be installed prior to the installation of the tank. Consideration shall be given to subsurface or partially buried tanks, and to painting the structures with earth-tone colors.

22.13 Final Cover. Final cover shall be contoured and landscaped to blend with existing topography.

22.14 Lighting. The Landfill developer shall design and locate the lighting system to reduce glare and reduce impact to area residents. Focused directional security and operational lighting shall be installed. Operation lighting on the working face shall be turned off by 7:30 p.m. Security and entrance lighting

shall be dimmed at 7:30 p.m.

## 23. AGRICULTURAL AND BIOTIC RESOURCES

23.1 Biotics Protection Objectives.

a) The Landfill developer shall construct and operate the facility in such a manner that ensures, through protection and enhancement measures, that there is no net loss of significant habitat, wetland, woodland, or agricultural production.

b) The Landfill developer shall provide at least twice the amount of mitigation wetland for significant wetland lost to the project (2-to-1 mitigation). A minimum of six acres of mitigation wetland shall be provided. Wetland loss shall be mitigated through the enhancement of stock ponds and sedimentation basins, or the creation of new wetlands.

23.2 Range Management Plan. The Landfill operator shall design and develop a Range Management Plan in order to provide for continued grazing on portions of the site. The Special Buffer Area shall remain as Agricultural Preserve, and development rights shall be conveyed to the County. The buffer area and other site rangelands of the Primary Project Area not exempted for habitat protection and not in active landfill use shall be enhanced as grassland/oak woodland, and shall provide grazing for at least 270 head of cattle, approximately the same number of cattle which presently graze on the site. Stock watering ponds shall be enhanced through planting of trees and shrubs. Grazing shall be restricted for a 1 to 2 year period in order for grasses to get reestablished. It shall provide for adequate grazing range, and for native tree species such as oaks to be planted for animal protection and to replace trees removed during landfill construction, while controlling soil erosion. The plan shall be prepared in consultation with the Contra Costa County Resource Conservation District and the Agricultural Extension Service. It shall be coordinated with the Landscape Plan, the Habitat Preservation Plan, and the Erosion and Sediment Control Plan developed for the landfill facility. It shall be subject to the approval of the County 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. If a mosquito problem persists, the County Health Services Department 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 to exclude uncovered loads from arriving at the Landfill. The program shall be subject to the approval of the County Health Services Department.

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 soil 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 County Health Services Department 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 Liter Policing. The Landfill operator shall remove litter from the litter fences and planting screens at least once each day. On-site roads shall be policed at least daily. The County Health Services Department may require more frequent policing to control the accumulation of litter.

25.8 Off-Site Litter Policing. The Landfill operator shall provide weekly (or more frequent) litter clean-up from West Leland Road to at least 500 feet south of the site entrance during the Landfill's first year of operations. Based on experience, the County Health Services Department may modify frequency of clean-up and/or area of coverage. If wind-blown litter from the landfill reaches other properties, the Director of Health Services may require the Landfill operator to remove the litter and the Director 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.

## 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 shall be monitored. The monitoring program shall be approved by the County Health Services Department.

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.

27.4 Security Lighting. The Landfill developer shall install and operate adequate lights at the entrance area to the Landfill. The lighting shall be provided in a manner which minimizes glare to nearby residents and road users. The security lighting shall be covered in the Development and Improvements Plan.

## 28. CULTURAL RESOURCES

28.1 Cultural Resource Preservation Objective. The Landfill developer shall construct the facility in such a manner that preserves important archaeological or historic sites.

28.2 Employee Access. Employee access to the buffer area, the Lawlor Creek area, or the sandstone outcrop area shall be limited to duties associated with landfill maintenance. Artifact collection or vandalism in these areas shall be strictly prohibited.

28.3 Archaeology. The Landfill operator shall cease work in the immediate area if buried human remains or archaeological features (e.g., petroglyphs) are uncovered during construction or operation. Work in the immediate area shall cease until a qualified archaeologist is consulted and approves resumption of work. Should human remains which may be of Native American origin be encountered during the project, the County Coroner's Office shall be contracted pursuant to the procedures set forth in the Health and Safety Code. The County Community Development Department shall also be notified.

## 29. TRANSPORTATION AND CIRCULATION

29.1 Traffic Objective. The Landfill operator shall manage the facility in such a manner that provides safe, efficient transport of solid waste, while minimizing impacts to County residents.

29.2 Access Route. Access to the landfill facility shall be via State Highway 4, and Bailey Road. No waste-hauling traffic shall be allowed entrance to the landfill from Bailey Road south of the site. The Landfill operator shall specify use of the prescribed route in all user contracts and shall notify non-contract users of the requirement. At the request of the Board of Supervisors, the Landfill Operator shall reimburse the County for the cost of enforcement of this Condition on the access route. The Board of Supervisors may also request the Landfill operator to reimburse the City of Concord for an access control police inspection stop on Bailey Road should it become necessary to enforce this access route condition.

29.3 Landfill Access Road. The Landfill developer shall install a paved, two-lane access road between Bailey Road and the edge of the current working lift of the landfill. A facility parking lot, a bridge across Lawlor Creek, a 12-foot turnaround lane, and parking/turn-off lanes shall be provided. the traffic lanes shall be built to a suitable Traffic Index (between 10.0 and 10.5). The roadway shall be constructed of all-weather driving surfaces of not less than 20 feet of unobstructed width, and not less than 13'-6" of vertical clearance, to all landfill areas within the site. The road shall not exceed 20% grade, shall have a minimum centerline turning radius of 30 feet, and must be capable of supporting the imposed loads of fire apparatus (20 tons). The access road shall be operational when the landfill opens. All costs shall be borne by the Landfill developer. The design and specifications of the

roadway shall be approved by the County Public Works and 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 up-grading 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 transfer station 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 Community Development Department and shall be provided to the County Community Development Department with the Development and Improvements Plan. The Director of Community Development shall specify peak period traffic restrictions. The Landfill operator shall comply with such restrictions, and shall require compliance in contracts with Landfill users.

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

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.

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 program for recovering recyclable materials from refuse loads brought directly to the landfill. The operator shall coordinate the material recovery program with the operator(s) of a transfer station(s) serving the Landfill. The program shall be consistent with the Countywide Integrated Waste Management Plan and shall be subject to the approval of the County Community Development Department.

31.5 Composting Project. The Landfill operator shall develop and implement a pilot program for composting organic material at the landfill site. The program may occur off-site, and shall be approved by the County Health Services and Community Development Department. The compost shall be used for landfill landscaping, cover material or other approved uses. The purpose of the pilot project shall be to determine the feasibility of large-scale on-site composting. The composting operations shall meet the State Department of Health Services' regulations on land application, if applicable. The pilot project shall be in operation within six months of the opening of the Landfill. Its results shall be considered at the second Land Use Permit review.

31.6 Wood Chipping. The Landfill operator shall establish a program to encourage landscape services and construction/demolition material haulers to segregate wood material for chipping. The program shall be approved by the County Community Development Department and shall be placed in operation within six months of the landfill's opening.

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. When directed by the County, the Landfill operator shall impose a tonnage surcharge adequate to support a County Resource Recovery Management Program consisting of the Office of Resource Recovery Management and its program. The cost of the program to be supported by the surcharge shall not exceed $100,000 at 1987 levels. If other solid waste disposal facilities are subject to this or a similar condition, the County may pro-rate the cost of the program among them according to a formula approved by the Board of Supervisors.

31.10 Fund Recovery. The Landfill owner may recover funds provided to the County in advance of the opening of the Landfill through subsequent rate adjustments or surcharges approved by the County. The County may pro-rate the cost of the program among other waste disposal facilities it approves which are subject to similar conditions.

## 32. CONSTRUCTION ACTIVITIES AND CONDITIONS

32.1 Hours of Construction. The Landfill developer shall restrict outdoor construction activities to the period from 8:00 a.m. to 6:00 p.m. Monday through Saturday.

32.2 Exemption. The Landfill developer may request, in writing, and the Director of Community Development may grant, exemptions to Condition .1 for specific times for cause. An example is the placing of concrete.

32.3 Access Roads. Before commencing landfilling operations, the Landfill developer shall install and pave the site access road from Bailey Road to the Phase I excavation area (see Initial Facilities Site Plan drawing of the Initial Development and Improvements Plan, Condition 16.1). This installation shall include the new bridge over Lawlor Creek and the turnaround lane. An area which can be used by the California Highway Patrol for vehicle inspection/weighing shall also be constructed.

32.4 Phasing Plan. The Landfill developer shall design a Phasing Plan setting forth a schedule of construction activities and projects, with detailed information provided on sensitive installations such as the landfill liner and the leachate collection and gas management systems. Sensitive installation projects shall be subject to inspection by the Geotechnical Inspector (Condition 23.6). The necessary installations of the Surface Drainage System (Condition 18.2) and Soil Erosion and Control Plan (Condition 18.4) shall be in place before major excavations commence in order to ensure controlled surface water runoff. Sediment in the sedimentation pond shall be monitored to control quality of runoff. Construction activities shall be timed to coincide with the dry season and low surface water flows.

32.5 Unstable areas. Areas determined to be unstable by the Stability Analysis performed for the landfill (condition 18.4) shall be excavated or retaining walls installed under the supervision of a Certified Engineering Geologist or a Registered Geotechnical Engineer.

32.6 Dust Suppression. The developer shall sprinkle or chemically treat graded areas, borrow sites, stock piles, and temporary pavements to control dust, as determined necessary by the County Health Services Department.

## 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 and California Integrated Waste Management Board evidence of financial ability to provide for the cost of closure and postclosure maintenance in an amount not less than the estimated cost of closure and 15 years of postclosure maintenance as contained in the submitted closure and postclosure maintenance plan. 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 or an equivalent financial arrangement acceptable to the Board of Supervisors and the California Integrated Waste Management Board. 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. 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.

35.5 Violation of Prescribed Haul Route. Upon a determination of the County that a user of the Landfill has violated Condition of Approval Section 29 by using a prohibited access route, and upon a written direction by the County, the Landfill operator shall impose on that user the sanction that is directed by the County. Such sanction may include a surcharge on the tipping fee, prohibition against accepting waste from that user for a designated period of time, revocation of County refuse-hauling license, or other sanction directed by the County. A system for reporting alleged violation and for monitoring enforcement data shall be established by the County and 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 (NOx), 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.

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)*
*3/23/2009 – Expanded the Table of Contents and added titles for COA 11.10 – 11.14*

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