



Cold Canyon Landfill Appeal Hearing - Supplemental Letter

Lacy Ballard

to:

aramirez

10/25/2012 04:55 PM

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From: "Lacy Ballard" <LacyB@WasteConnections.com>

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1 Attachment



Cold Canyon Landfill - Appeal Letter (10-25-2012).pdf

Annette,

I am not sure if you are the correct person for this so excuse me if your not. Attached is supplemental letter in regards to the Cold Canyon Landfill expansion appeal hearing scheduled for 11/20/2012 (DRC2005-00170). Please distribute to the Board Of Supervisors and upload to the agenda website.

Thanks

Lacy Ballard

Site Manager Cold Canyon Landfill

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ITEM #25
MEETING DATE: NOVEMBER 20, 2012
PRESENTED BY: LACY BALLARD
RECEIVED PRIOR TO MEETING
POSTED ON: NOVEMBER 15, 2012

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ENVIRONMENTAL, LAND USE
PUBLIC AGENCY PRACTICE

REPLY TO: WALNUT CREEK

925-295-3133
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October 24, 2012

Via E-mail and Hand Delivery

The Hon. James R. Patterson, Chairman
And Members of the Board
San Luis Obispo County Board of Supervisors
County of San Luis Obispo
Room D-430, County Government Center
San Luis Obispo, California 93408

Re: Cold Canyon Landfill Expansion Project
County File No. DRC2005-00170
Supplemental Statement on Appeal

Dear Chair Patterson and Members of the Board:

The undersigned represents Appellants Corral de Piedra Land Company and Cold Canyon Landfill, Inc. ("Appellants") in connection with the August 16, 2012 action of the San Luis Obispo County Planning Commission to approve a conditional use permit in County File No. DRC2005-00170 ("Permit"). The appeal was filed in accordance with County Code section 22.70.050, whereby Appellant appealed the Commission's approval of the Permit, as follows:

1. The conditions of approval are not supported by substantial evidence in the administrative record. The conditions of approval unduly limit or restrict operation(s) of the landfill, the materials recovery operation as well as ancillary site operations and maintenance activities.
2. The conditions of approval -- which impose restrictions, limitations, prohibitions and required actions -- are not supported by substantial evidence in the administrative record as noted above, and lack the required constitutional or statutory nexus between the interests sought to be protected or addressed by the Planning Commission, and the site operations being conditioned, prohibited or restricted by the conditions of approval.
3. The conditions require the permittee/Appellant to undertake an unreasonable expense and commitment of resources relative to the

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stated rationale or putative basis for imposing the condition(s), which rationale and bases are not supported by substantial evidence in the administrative record. The actions of the Planning Commission in imposing such conditions are consequently arbitrary, capricious, and beyond the scope of the Commission's statutory authority.

The specific Conditions appealed include, without limitation: COA 1, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 27, 30, 31, 32, 34, 38, 40, 41, 52, 53, 56, 63, 72, 75, 76, 77, 82, 83, 84, 86, 87, 88, 105, 116, 117, 119, 120; together with all Conditions identified in the Planning Commission's final approval document with the symbol " θ ", whether or not included in the above listing of conditions.

The purpose of this letter is to supplement the Applicant's pending appeal in the interests of focusing and narrowing the issues for the Board's consideration. Specifically, the Applicant has prepared a modified version of the Permit Conditions of Approval ("Modified Conditions") in red-line strikeout format, attached hereto as Exhibit "A", and a clean version (Exhibit "B") for the Board's consideration. The changes, which include modified text, deleted text, inserted text and moved text, reflect the Appellant's position on each of the affected Conditions and why the changes are necessary. The Exhibit A & B Modified Conditions are essentially grouped as follows:

1. Conditions which have been either deleted or modified because they adversely affect Appellant's daily operations and/or increase the costs of operation without a corresponding benefit based on the lack of substantial evidence in the record or the required nexus to impose the condition; and
2. Conditions modified by removing the symbol " θ " trigger, to reflect a more appropriate timing of implementation to later planned implementation dates based on the Project's development, and not based upon an artificial construct of the initial notice to proceed. The acceleration of the condition implementation was not based on potential impacts of the Project as identified in the Project EIR and places an unreasonable cost and resource burden to the Applicant to implement the conditions without a basis or corresponding benefit; and
3. Conditions which have been consolidated in order to reduce the number of conditions and improve ease of Permit administration and oversight, but without changing the substantive requirements of the language which has been consolidated into one or more existing conditions.

For each of the Modified Conditions, Exhibit A provides a margin or end comment for every change, highlighting the specific change/deletion and noting the rationale and argument for the change or deletion, or the reason for the consolidation of language, as appropriate. Exhibit B is

Chair Patterson and Members
San Luis Obispo County Board of Supervisors
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a clean version with all changes reflected. Our Project environmental consultant has undertaken a thorough review of the Modified Conditions, and based on his review and analysis the modifications presented in this Supplemental Statement on Appeal are compliant with the California Environmental Quality Act (CEQA) and the Environmental Impact Report documents prepared pursuant to CEQA for the Project.

Thank you for your consideration of these matters. We look forward to the appeal hearing in this matter.

Sincerely,



Scott W. Gordon

SWG:omt

Encls. Exhibits A & B

cc: Tom Martin, WCN Division Vice President
Lacy Ballard, Cold Canyon Landfill, Inc.
Whitney McDonald, Deputy County Counsel
Murry Wilson, Environmental Resource Specialist

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EXHIBIT A

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EXHIBIT A – FINDINGS
As adopted by the Planning Commission on 8-9-12

Environmental Determination

A. The Environmental Coordinator, after completion of the Initial Study, finds that there is evidence that the project may have a significant effect on the environment, and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000, et seq., and California Administrative Code Section 15000, et seq.) for the proposed project. Impacts were identified and mitigation measures have been proposed for: Aesthetic Resources, Agricultural Resources, Air Quality, Biological Resources, Climate Change/Green House Gas Emissions, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportations and Circulation, and Water Resources. Overriding considerations were determined to be necessary based on significant and unavoidable impacts associated with Aesthetics, Agricultural, Climate Change/GHG, Hazards/Hazardous Materials, and Noise. See Exhibit C for CEQA Findings and Overriding Considerations.

Conditional Use Permit

B. The proposed project and use of the project site as a regional landfill is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Agriculture land use category subject to Conditional Use Permit approval, and as conditioned is consistent with the General Plan objectives and policies.

The project is consistent with Agriculture Policy 24 for the following reasons:

- The feasibility of agricultural production on the proposed expansion site is currently limited due to two primary factors: 1) the Materials Recovery Facility (permitted by the County in 1997) is located over approximately 12 acres of the southeast corner of the site, and 2) the existing Landfill is located adjacent to and along two-thirds of the northern boundary of the proposed expansion parcel that contains agricultural soils.
- Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses including the existing regional landfill to the north and scattered residential development on the other adjacent lands.
- The conversion to non-agricultural uses would not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture because of the mitigation measures that are applied to the project including but not limited to noise, dust, lights, and disease vector controls.
- Based on the analysis contained in the Agricultural Resources and Water Resources section of the FEIR, there is an overriding public need for the conversion of the land that outweighs the need to protect the land for long-term agricultural use due to a surplus of agricultural soils vs. available ground water supply in the basin. Additionally, the analysis concluded that the project would not result in significant impacts to groundwater resources or groundwater recharge with inclusion of the water detention/retention elements.

- C. As conditioned, the proposed project and use of the project site as a regional landfill satisfies all applicable provisions of Title 22 of the County Code subject to the adjustments and modifications discussed in findings G and H below.
- D. The establishment and subsequent operation or conduct of the use as a regional landfill will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because, as conditioned, during construction and on-going operations at the Landfill, numerous mitigation measures will be in place related to safety, environmental protection, and neighborhood compatibility. These measures address project related impacts and compatibility issues associated with Aesthetic Resources, Agricultural Resources, Air Quality, Biological Resources, Climate Change/Greenhouse Gas Emissions, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportations and Circulation, and Water Resources. The project is also subject to the Land Use Ordinance and Building Codes designed to address health, safety, and welfare concerns.
- E. The proposed project and use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed expansion of the landfill is located immediately adjacent to the existing landfill and with inclusion of the recommended mitigation measures, impacts associated with the proposed expansion will be mitigated to the extent feasible.
- F. The proposed project and use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Highway 227, a State Highway constructed to a level able to handle any additional traffic associated with the project. Caltrans has reviewed the proposed location of the new entry, reviewed the traffic reports prepared for the project, and determined that the identified project improvements are adequate to serve the proposed project and that existing State facilities can accommodate the increased traffic generated by the proposed project. The Public Works Department has also reviewed and provided comments on the proposed project and determined that County facilities in the vicinity are adequate to serve the proposal.

Modifications/Adjustments

- G. The height of 40 feet associated with the Materials Recovery Facility (MRF) will not exceed the lifesaving equipment capabilities of Cal Fire (County Fire) because Cal Fire has reviewed the proposed project and prepared a Fire Safety Plan that indicates their ability to respond to fire and life safety emergencies at the proposed facility (including the proposed 40 foot structure). With inclusion of the mitigation measures that require visual screening of the proposed structure, the adjustment of the maximum allowable height limitation of 35 feet in the Agriculture land use category, as established by Land Use Ordinance Section 22.10.090, will not result in substantial detrimental effects on the enjoyment and use of adjoining properties with inclusion of the requested modification.
- H. The standards of the Noise Element have been considered, the project related noise impacts have been evaluated, and all feasible mitigation measures have been recommended to minimize the impacts associated with the proposed Landfill and noise generating uses at the Landfill site to the maximum extent feasible. Mitigation measures NS/mm-3 has been determined to be infeasible because the adjacent properties are not

owned by the applicant, noise barriers placed on individual properties would not ensure compliance with applicable noise thresholds at the property line, and the noise barriers would be located outside the operational control of the Landfill. With the inclusion of mitigation measures recommended for the project, consideration of the record as a whole, and a review of the benefits the project provides for the County and the region; the adjustment to the stationary noise sources and outdoor activity area thresholds will allow the County to provide a cost effective, long-term waste disposal and diversion facility while helping local communities meet state-mandated waste diversion goals as well as meeting local, state, and federal standards to minimize impacts of waste diversion and disposal activities.

**EXHIBIT B – CONDITIONS OF APPROVAL
As adopted by the Planning Commission on 8-9-12**

~~Note: Conditions of approval that are applicable to the project once this approval becomes final are shown with this symbol:~~



~~All other conditions of approval are applicable as specified herein~~

Final Project Approval - The permit is considered final upon expiration of the appeal period or upon approval by the Board of Supervisors if an appeal is taken.

Approved Development

1. This approval authorizes:

A. Phase 1 – Existing Operations:

- i. ~~⊗~~ On-going landfill operations, as approved by D860156D, and pursuant to the conditions herein; and on-going activities associated with the Materials Recovery Facility (Sort Facility), as approved by D960087D, and pursuant to the conditions herein;

Component	Time	Ancillary Activities
Landfill/Disposal Area*		
Commercial Haulers	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
General Public	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
Material Recovery Facility**		
Waste Receipt, Processing, and Shipping	8:00 a.m. to 4:30 p.m.	N/A
Resource Recovery Park*		
Resource Recovery	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
Hazardous Waste*		
Household, Universal and Electronic Hazardous Waste	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
* Monday through Sunday		
** Monday through Friday with no weekend operations. However, if a holiday occurs within the week, operations area allowed on Saturday only within the same hours.		

- ii. ~~Any existing operational plans that are currently in effect for the existing operation shall remain in effect until such time as expressly replaced or rescinded by the applicable agency.~~

B. Phase 2 – New Operations:

Comment [D1]: All applicable conditions have been revised to trigger upon issuance of the initial Notice of Proceed. Therefore, the symbol "⊗" has been deleted throughout this document. The specific conditions on which the symbol "⊗" has been deleted include the following: Conditions 1, 6, 10, 13, 14, 17, 18, 21, 22, 24, 82, 83, 90, 92, 93, 94, 95, 96, 100, 101, 102, 104, 105, 111, 113, 114, 115, 117, 118, and 119. The Conditions including this symbol that have been entirely deleted are not listed here.

Comment [D2]: Condition 122 incorporated here.

- i. Expanding the disposal area footprint by approximately 46 acres including the acceptance of nonhazardous and inert refuse as defined by California Code of Regulations (CCR) Title 23, Division 3, Subchapter 15, (Sections 2523 et. seq.);
- ii. Increasing the total facility allowable tonnage limit from 1,620 to 2,050 tons per day;
- iii. Expanding and relocating the Resource Recovery Park to the eastern corner of the site;
- iv. Expanding and enhancing the Materials Recovery Facility (68,800 square feet);
- v. Constructing a new scale-house and entrance approximately one-half mile south of the existing entrance on Highway 227;
- vi. Increasing the operating hours for waste acceptance at the Landfill and the Resource Recovery Park (7:00 a.m. to 5:00 p.m.) and the Materials Recovery Facility (7:00 a.m. to 10 p.m., processing only after 5 p.m.) seven days a week, including additional time decreasing time at the beginning of the day and increasing time at the end of the day for ancillary activities, as follows:

Comment [D3]: The timing for ancillary activities has been revised consistent with the request during the July 12, 2012 Planning Commission hearing in order to provide adequate time for daily closure activities.

Component	Time	Ancillary Activities
Landfill/Disposal Area		
Commercial Haulers	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 5:30 <u>6:00</u> p.m.
General Public	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 5:30 <u>6:00</u> p.m.
Material Recovery Facility		
Waste Receipt	7:00 a.m. to 5:00 p.m.	N/A
Processing	7:00 a.m. to 10:00 p.m.*	N/A
Resource Recovery Park		
Resource Recovery	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 5:30 <u>6:00</u> p.m.
Hazardous Waste		
Household, Universal and Electronic Hazardous Waste	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 5:30 <u>6:00</u> p.m.
* Doors must be closed in the Materials Recovery Facility between 5 p.m. and 10 p.m.		

- vii. Increasing the staffing levels from 75 to 114; and
- viii. Other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building).
- ix. A maximum heights for various Landfill components, as follows:

Landform/Structure	Allowed/Required	Proposed
Landfill:	500 feet above sea level (asl) Note: Top deck maximum elevation taken from previous permit	Top deck will remain at 500 feet above sea level for existing and new disposal areas
*Temporary Earthen Berm:	None at this time <i>Proposed new height limit of 525 feet (asl)</i>	Variable height berm between 10 and 25 feet (max. 525 asl)
Materials Recovery Facility (MRF):	35 feet	40 feet Note: Allowed by modification procedure
Resource Recovery Park (RRP):	35 feet	35 feet

** Upon closure of the Landfill, the "Temporary Earthen Berm" shall be removed or blended into the existing Landfill. If removal of the earthen berm is proposed, the maximum elevation shall not exceed 500 feet above sea level (asl). If blending of the earthen berm is proposed, the maximum elevation of the Landfill shall not exceed 510 feet asl and the final contours shall utilize contour grading and slope rounding to eliminate sharp earthwork angles.*

- x. A total of three signs including two 20 square foot identification signs (40 square feet combined) and one freestanding informational sign measuring approximately 24 square feet (6' x 4') for a maximum total sign area of 65 square feet. Additional informational and safety signage within the landfill facility (outside of public views) are not subject to these limitations.
- xi. This Conditional Use Permit (DRC2005-00170) shall expire and become void when the designated fill elevations, as approved, are reached and the use including landfill closure, post-closure maintenance and monitoring, and resource recovery activities are completed; or the use is abandoned or discontinued for a period greater than twelve (12) months pursuant to Land Use Ordinance Section 22.64.120. Expiration of this permit shall mean the termination of acceptance of solid waste pursuant to this land use permit and closure and postclosure activities as required by state law and/or CalRecycle.

Site Development

- 2. **Prior to issuance of the Notice to Proceed and/or at the time of application for construction permits**, the applicant shall submit a revised site/grading plan for the Landfill disposal area; and if applicable, submit floor plan and architectural elevations for all proposed structures to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings; and if applicable, submit landscape/screening plans to the Department of Planning and Building for review and approval. The revised plan shall indicate how the proposed Landfill disposal areas and proposed structures will be consistent with all conditions of approval contained herein (Exhibit B – Conditions of Approval).
- 3. **(AES/mm-1) Prior to initiation of any components of Phase 2 of the proposed project**, the applicant shall receive an initial Notice to Proceed from the County Department of Planning and Building. The Notice shall not be issued until all relevant aesthetic resource mitigation measures and conditions of approval have been met. An additional Notice to Proceed shall be required prior to initiation of each module.
- 4. **Prior to issuance of each Notice to Proceed**, the applicant shall submit evidence that the following agencies have either issued required permits, amended existing permits, or do not have a permit requirement:
 - a. Army Corps of Engineers (Section 404)
 - b. California Department of Fish and Game (Section 1603)
 - c. SLO Air Pollution Control District (Permit to Construct, Authority to Operate)
 - d. Regional Water Quality Control Board (WDRs, Section 401, SWPPP)
 - e. CalRecycle (Solid Waste Facility Permit)
 - f. Caltrans (Encroachment Permit)

Comment [D4]: Text revised to distinguish between landfill disposal and building construction activities.

Comment [D5]: Mitigation measure AES/mm-1 is specifically related to aesthetic resource impacts; therefore, this condition should only be applicable to aesthetic resource mitigation measures. .

Comment [D6]: The issuance of additional Notices to Proceed prior to the initiation of each module is unnecessary because the Environmental Monitor will be ensuring, on an ongoing basis, the facility's compliance with all applicable conditions.

Nothing herein shall be interpreted or construed to authorize or require the County to enforce the terms and conditions of permits and entitlements issued by other agencies. It is the obligation of the issuing agency to administer and enforce the requirements within that agency's statutory and regulatory jurisdiction.

- 5. **(HAZ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall notify all customers and residences in the service area of the changes at the Landfill, through a combination of mail updates, the phone system, the Landfill website, and through on-site signage, which materials may be accepted at the new facility, and when the new facility will be open to accept them. Updates shall be provided periodically as project components are relocated or expanded.
- 6. **E (HAZ/mm-2) Prior to issuance of the initial Notice to Proceed Within 60 days of final project approval**, the applicant shall submit to the Department of Planning and Building, an updated Litter Control Plan. The plan shall be approved by the Department of Planning and Building and be posted on the Landfill website. The plan shall be updated at minimum every five-ten years, and include at a minimum:
 - a. Descriptions of current litter control practices.
 - b. Provisions for semi-monthly (twice a month) trash pick-up on neighboring properties. Residents within one mile of the Landfill shall be contacted annually and provided the dates of scheduled fugitive trash pick-up for the coming year.

Comment [D7]: See Comment #1.

Comment [D8]: The technology and approach to litter control is not anticipated to substantially change over a five-year timeframe and any necessary changes due to changing litter conditions at the site would be required to be implemented by the Environmental Monitor. Therefore, revising the litter control plan every five years is unnecessary.

The phone number of the litter control staff at the Landfill shall be provided to the neighbors, and permanently posted at the project entrance at a location that is easily visible from the closed gate. Neighbors within a mile of the landfill shall be able to contact the Landfill ~~within one week of the scheduled date~~ to request pick-up of fugitive trash on their property.

Comment [D9]: Residents that want trash pickup on their properties have the opportunity to regularly contact the landfill while those that are not interested in this service will not be bothered.

- c. Requirements for litter control fences to be installed around the downwind perimeter of the Landfill (i.e., southeast and southwest property lines) that are a minimum of six feet tall. Aesthetics shall be considered when selecting litter control fences.
- d. Requirements for portable litter control screens installed near working faces to be a minimum of ten feet tall.
- e. Descriptions of the litter barrier proposal (permanent and temporary) for construction of each proposed new module. Barriers shall be oriented to address prevailing winds.
- f. Contact information so that the public can reach agency staff (CalRecycle, County Code Enforcement, CHP, Sheriff) in the event that the Landfill does not comply with control measures or to report illegal dumping.
- g. Requirements for fencing along the drainage that restrict trash from entering the drainage swale from the Landfill and entrance road, but allow for the passage of wildlife, as necessary.
- h. The Landfill litter control phone number shall also be available to receive calls relating to ~~Landfill and truck operator based and/or~~ illegally dumped refuse that is found along the primary truck haul routes (CA 227, Price Canyon, and Noyes Road) within three linear miles of the Landfill entrance. Such calls complaints shall be investigated within one week of receiving the call, including any special pick-up of refuse found, unless Caltrans or County Public Works identifies the need for special measures to address traffic safety issues.
- i. ~~The applicant shall inspect adjacent surrounding properties each day, and if litter is discovered to have migrated off-site, the Landfill shall remove the litter as soon as possible (considering wind conditions), if the permission of the property owner is granted. If deemed necessary by the Mitigation Monitor or the LEA, litter removal shall continue whenever landfill activities are ongoing.~~
- j. ~~Observations shall be kept regarding the sources of windblown litter if a problem develops. These sources shall be controlled as needed as may be proposed by the applicant and/or Planning Director.~~
- i. The applicant agrees to continue to participate in the "Adopt a Highway" program as long as the proposed use is in operation, or as long as the "Adopt a Highway" program exists. The program shall include both sides of State Highway 227, at least one mile in each direction from the site entrance. The applicant shall provide to the Department of Planning and Building a letter from Caltrans indicating the applicant's participation on the "Adopt a Highway" program, prior to issuance of the first Notice to Proceed.

Comment [D10]: The project applicant will be required by the Litter Control Plan to pick up litter on neighboring properties and along roadways through the Adopt-a-Highway program. The litter control phone number is intended as a means for residents to notify the landfill operator about illegally dumped refuse along the primary haul routes.

Comment [D11]: The landfill operator is required by CCR Title 27, Section 20830 to routinely collect, control and properly dispose of litter. Windblown materials are required to be controlled to prevent injury to the public and personnel. Specifically, the controls are required to prevent the accumulation or off-site migration of litter in quantities that create a nuisance or cause other problems. In addition, the requirements of Section 20830 are incorporated into Condition 95.

Comment [D12]: Observations are continually made by landfill personnel regarding the sources of wind-blown litter during windy conditions and landfill staff focus their efforts on controlling these sources. Requiring landfill personnel to document the sources would not contribute to their control.

Comment [D13]: Condition 106 incorporated here.

Note: All measures required by this plan shall be implemented ~~within 180 days of final project approval~~ upon issuance of the initial Notice to Proceed.

Comment [D14]: See Comment #1.

- 7. ~~(HAZ/mm 4) Prior to issuance of each Notice to Proceed for each module, the applicant shall provide verification that birdstrikes for approaching airplanes (those most~~

Comment [D15]: This condition doesn't provide mitigation for the identified impact, it is just an unnecessary reporting requirement.

~~likely to be affected by birds attracted to the Landfill) at the San Luis Obispo County Airport have not increased due to the operations at the Landfill. Verifying evidence shall include available birdstrike information compiled by the San Luis Obispo County Regional Airport, and include the location of strikes and the type of bird involved (if available).~~

8. **(HAZ/mm-5) Prior to issuance of the initial Notice to Proceed**, the applicant shall provide verification that a Fire Prevention, Control, and Mitigation Plan has been developed/amended to the satisfaction of CAL FIRE.

9. **(HAZ/mm-6) Prior to issuance of the initial Notice to Proceed**, the applicant shall develop and ~~distribute~~ **display** educational materials regarding Sudden Oak Death (SOD) and Light Brown Apple Moth (LBAM) for public and private customers dropping off green waste at the Landfill. The information shall include descriptions of the distribution of the diseases, how to identify them, management practices for dealing with infected trees, and disposal guidelines. Material shall be produced in coordination with the County Department of Agriculture unless the Department of Agriculture already has suitable education materials for this purpose. This information shall also be posted on the Landfill website directly or by a link to another site.

Comment [D16]: Changed to display due to the logistical challenges of distributing continuously changing education materials to multiple green-waste haulers.

10. **(NS/mm-1) Within 90 days of final project approval**, the applicant shall submit for review and approval, a Noise Mitigation Plan addressing identified potential noise impacts on the southeastern property line through construction of an earthen berm (along the southeastern property line) and use of back-up warning devices on all applicable onsite heavy equipment that use ambient noise technology and/or are set to the lowest possible levels while still ensuring public and worker safety. The plan shall be prepared by a qualified acoustical consultant.

Comment [D17]: See Comment #1.

The berm shall be located at the property line or south of the proposed access road, based on recommendations from a qualified noise consultant in consultation with the County, to effectively reduce impacts. Any berms located at the property line shall be landscaped in accordance with the proposed landscape plan and Aesthetic Resources mitigation measures.

The Plan shall include a schedule of when these measures would be installed prior to commencement of any related expansion improvements. The plan shall be implemented during the initial excavation of the first module authorized by this approval. In addition, the plan shall specify that noise monitoring shall be required after installation by a County-approved expert on noise measurement ~~(and periodically monitored throughout life of project)~~ to determine the effectiveness of the installed measure(s), and if additional measures need to be installed to reduce noise a minimum of 5dB and up to 15 dB (FEIR, pg V-226). Any additional measures identified will be installed by the applicant as quickly as feasible (with a goal of 60 days) from when they are determined necessary.

Comment [D18]: Once the berm along the southeastern property line is in place, it's noise attenuation capabilities are not anticipated to change over the life of the project; thus, periodic noise monitoring is unwarranted.

11. **(NS/mm-2) Prior to initiation of proposed activities associated with Phase 2, including the relocation of the entrance, module excavation, etc.**, the applicant shall have completely implemented applicable components of the Noise Mitigation Plan.

12. **(NS/mm-4) Prior to issuance of the initial Notice to Proceed**, in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile 4 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles 1 and 3 cannot accommodate all of the material, the remaining material shall be located in a new location as far away from the property line(s) as feasible, potentially adjacent to existing Module 8 and proposed Module 11. **Should proposed stockpile 4 be used in its proposed location, the applicant shall limit its use to construction and final cover activities (non-operational activities) to the maximum extent feasible. The stockpile/berm shall be designed to shield stockpiling activities from the southern property line and stockpiling activities shall incorporate all measures to reduce noise, dust, and liter. The visual and noise screening qualities associated with the berm portion of the stockpile/berm (i.e., adjacent to Patchett Road) shall not be affected by ongoing stockpiling activities. Placement and removal of stockpiled material shall be conducted in a manner where the equipment and earth moving operations occur north and below the top elevation of the stockpile / berm to the maximum extent feasible.**

Comment [D19]: Condition 120 incorporated here.

13. ~~13. **(NS/mm-5) Prior to issuance of the initial Notice to Proceed) Within 180 days of final project approval**~~, to reduce noise from the tub grinder, the applicant shall design and construct an effective noise barrier around the grinder (acoustic material used could be earth, concrete, straw bales, or some other acoustically dense material). The barrier design and location shall be approved by a qualified acoustical consultant and reviewed by the County. This measure shall be re-applied whenever the tub grinder is moved from one pre-approved location to another. Exterior color and/or material shall blend with the existing backdrop.

Comment [D20]: See Comment #1.

14. ~~14. **(NS/mm-6 and -7) Within 30 days of implementation of NS/mm-5**~~, the applicant shall have a qualified acoustical monitor identify noise levels at the property line resulting from the processing of green and wood waste (including tub grinder) at all locations that green and wood waste processing may occur. If the Leq is still above 50 dBA and after implementation of NS/mm-5, within three months from the confirmation of noise levels the applicant shall implement the following measure:

Comment [D21]: See Comment #1.

- a. Enclose the tub grinder based on the results of the monitoring efforts and recommendations. The enclosure design shall be reviewed by a qualified acoustic consultant. The applicant shall provide verification that the proposed enclosure would reduce noise levels such that the 50 dBA threshold can be achieved.

During Green and Wood Waste Processing. Within 30 days after implementation of NS/mm-6, the applicant shall provide verification that the noise levels produced by green and wood waste processing are less than the 50 dBA at the property lines. If acceptable noise levels are not achieved additional measures shall be developed to reduce noise to acceptable levels.

Comment [D22]: Condition 91 incorporated here.

15. **(NS/mm-8) Prior to issuance of building and/or grading permits for the Resource Recovery Park (RRP)**, to reduce noise levels at the property lines resulting from the RRP, the applicant shall submit a noise mitigation plan specific to the relocated RRP. This plan shall include RRP site lay-out and design details and noise analysis information specific to that portion of the site at the time of relocation. The plan shall

include, if the applicant deems feasible, enclosure of the elevated C&D sort line within the MRF building, enclosure of just the C&D sort line, enclosure of other individual RRP components, and any other applicable noise reduction strategies. If the applicant cannot demonstrate through submittal of the RRP Noise Reduction Plan that noise levels would be reduced to below 62 dBA at the southeastern property line and to the maximum extent feasible at the northeastern property line, the applicant shall re-design the facility so that it is covered and enclosed on all sides, with the exception of the southwestern side. Walls and ceilings shall be acoustically treated, as necessary, and metal roll-off bins will be lined to the extent feasible to achieve acceptable noise levels at property boundaries. The acoustical treatment may also need to be applied to any nearby permanent reflecting surfaces, such as the MRF building. The southwestern side may be left open to facilitate delivery and sorting of materials. Once installed and in full operation, a qualified noise expert shall take measurements to verify compliance. To show compliance with this mitigation measure, the applicant must demonstrate that the use will not exceed 62 dBA at the southeast property line.

Comment [D23]: Minor directional clarification.

16. **(AES/mm-3 and -10) Prior to issuance of the initial Notice to Proceed**, and upon submittal to the Department of Planning and Building, the grading plans for the proposed project shall include the following:

- a. All final refuse and soil stockpile slopes constructed by the project shall be contour-graded to reduce the uniform appearance of the embankments. Contour grading and slope rounding and variation could be done on the exterior of the refuse modules to avoid loss of module capacity, to the extent feasible.
- a. ~~Slope rounding shall be used on all access roads and slope benches to eliminate sharp earthwork angles.~~
- b. All interim (five years or more) and finished slopes shall emphasize native shrubs and naturalized grasses in the erosion control seeding mix, to the extent feasible. Native shrubs shall include at least three different species and shall be the type found in the surrounding natural landscape. Plant species used shall be shallow rooted to avoid damage to the landfill cover.
- c. ~~All concrete lined drainage ditches used on slope benches and access roads shall be colored dark brown grey.~~

Comment [D24]: Conditions 16 and 19 consolidated.

Comment [D25]: The concrete drainage channels are installed below surrounding grades and are not visible from Highway 227. Therefore, this condition would not mitigate the project's visual impacts and would require an unnecessary expense.

17. **~~E~~ (AES/mm-4) Prior to issuance of the initial Notice to Proceed**, the applicant shall show the following on the landfill grading plans:

- a. An earthen berm around the edges of the "top deck" to screen equipment, including but not limited to trucks associated with the green waste storage, chipping, and loading operations and vehicle storage.
- b. The berm shall be contour-graded, use slope-rounding, be continuous, and include a variable height profile ranging from ten to 25 feet above the adjacent grade of the top deck.

Comment [D26]: See Comment #1.

~~**Note: If grinding, storage, and/or stockpiling activities continue to occur on the top deck, this measure shall be implemented within 60 days of final project approval.**~~

Comment [D27]: See Comment #1.

18. **~~E~~ (AES/mm-5) Within one year of issuance of the initial Notice to Proceed (or incrementally as portions of the top deck are completed)**, the berm required by

Comment [D28]: See Comment #1.

AES/mm-4 shall be constructed. If the applicant avoids using the top deck for grinding, storage, and stockpiling activities, the berm would not be required. Stockpiling activities can also be designed to co-function as a noise/aesthetic mitigation berm upon verification by the Department of Planning and Building.

Note: If grinding, storage, and/or stockpiling activities continue to occur on the top deck, this measure shall be implemented within 180 days of approval of the plan required by AES/mm-4, unless weather conditions reduce the ability to perform operation on the top deck, the applicant would then be allowed one year from the time of approval of the plan required by AES/mm-4.

19. ~~(AES/mm-10) Prior to issuance of the initial Notice to Proceed, the applicant shall show the following on the landfill grading plans:~~

Comment [D29]: Addressed in Condition 16.

- a. ~~The new stockpile 4 and any additions to existing stockpiles shall be contour graded and shall include variable slope angles to reduce the uniform appearance of the embankments.~~
- b. ~~Slopes shall employ mechanical erosion control methods such as erosion control blanket as necessary to prevent erosion on contour graded slopes.~~
- c. ~~Slope rounding shall be used on all access roads and slope benches to eliminate sharp earthwork angles.~~
- d. ~~All interim and finished slopes shall include 50 percent native shrubs in the erosion control seeding mix.~~

20. ~~Prior to issuance of the initial Notice to Proceed, the applicant shall construct and maintain a holding area for hazardous waste materials that may be detected during the load checking process or otherwise found on-site as a result of normal operations. The holding area shall be designed and constructed to safely store materials for a maximum of 90 days as provided by Title 22 of the Code of California Regulations. The design and operation of the holding area shall be reviewed and approved by the Environmental Health Department and shall meet the requirements of Condition of Approval 58.~~

Comment [D30]: This condition doesn't relate to a specific environmental impact identified in the EIR and is handled at the site's existing HHW facility.

21. ~~E~~ ~~Prior to issuance of the initial Notice to Proceed~~~~Within 30 days of final project approval,~~ the applicant shall designate a responsible party or parties available 24 hours a day with the authority to receive and respond to any notification of permit violation and respond to emergencies. The permit violation shall be corrected ~~within 24 hours as soon as reasonably possible~~ or ~~within~~ a time that is determined to be appropriate by the responsible agency (e.g. APCD, RWQCB, etc). A telephone number shall be supplied to the Department of Environmental Health and the Department of Planning and Building by which the responsible party may be contacted.

Comment [D31]: See Comment #1.

Comment [D32]: Correcting potential permit violations cannot always be accomplished within 24 hours, particularly when consultation may be necessary with the responsible agency on the best approach to resolving the violation.

22. ~~E~~ ~~(AES/mm-2) Prior to issuance of the initial Notice to Proceed~~~~Within 30 days of County selection of the County Environmental Monitor,~~ the applicant shall provide funding for an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures for the life of the project. The environmental monitor shall be under contract to the County of San Luis Obispo. The monitor shall prepare a construction/operations monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations and County Conditions of Approval; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with daily and weekly reporting of

Comment [D33]: See Comment #1.

complaints (as needed); (4) construction crew training regarding environmental sensitivities; (5) authority to stop work associated with the specific construction or operational activity (e.g. tub grinder exceeds the identified noise threshold) after consultation with the Environmental Coordinator; and (6) action to be taken in the event of non-compliance. In the event the County is reinstated as a Local Enforcement Agency (LEA), this measure would be superseded by the enforcement powers of the LEA. A phone number contact for the environmental monitor shall be provided to the surrounding neighbors and/or provided on the Cold Canyon website.

Condition of approval 4 requires that prior to the issuance of each Notice to Proceed, the applicant shall submit evidence that specified agencies have either issued required permits, amended existing permits or do not have a permit requirement. Nothing herein shall be interpreted or construed to authorize or require the Environmental Monitor to enforce the terms and conditions of permits and entitlements issued by other agencies. It is the obligation of the issuing agency to administer and enforce its requirements within that agency's statutory and regulatory jurisdiction.

23. **Prior to issuance of the initial Notice to Proceed**, the Mitigation Monitoring Plan shall be revised to reflect the final conditions adopted for the project by the Lead Agency and all Responsible Agencies. The Environmental Coordinator's Office is responsible for administering the Mitigation Monitoring Plan as required by AB 3180, and will act as the clearinghouse for all reports pursuant to the Mitigation Monitoring Plan.

24. ~~E~~ **Prior to issuance of the initial Notice to Proceed** ~~Within 30 days of final project approval~~, the proposed informational sign at the entrance to the facility shall include language stating that all open-bed trucks that enter the site must be covered to prevent litter from blowing onto public roadways.

Comment [D34]: See Comment #1.

25. ~~Prior to issuance of the initial Notice to Proceed, the applicant shall provide verification to the Department of Planning and Building that the following facilities/activities exist or will be incorporated into the proposed project at the applicable stage of project development:~~

Comment [D35]: These facility requirements were achieved with construction of the MRF and are no longer applicable.

- ~~a. Employees shall be provided with a lunch area including microwave and refrigerator to reduce off-site trips generated as a result of "commuting to lunch".~~
- ~~b. The addition to the sort facility structure shall incorporate double-pane windows and energy efficient lighting.~~
- ~~c. Insulation of the sort facility office, employee rest area, and educational room exterior walls beyond Title 24 requirements. In addition, insulation of hot water heaters and hot water pipes.~~
- ~~d. Provide verification that the applicant previously replaced or repowered at least one existing onsite mobile equipment (i.e. fork lifts, etc.) with electric or CNG powered equivalents associated with the previous approvals.~~

26. **Prior to issuance of the initial Notice to Proceed and at the time of application for construction permits for individual structures**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated May 26, 2006 or any updated requirements determined necessary by Cal

Fire/County Fire Department. To ensure compliance with this condition of approval, the applicant shall submit a fire clearance letter issued by the Cal Fire/County Fire Department to the Department of Planning and Building stating that all requirements of the Fire Safety Plan have been met.

- 27. **(GEO/mm-2)** Prior to issuance of the initial Notice to Proceed and each subsequent module, the applicant shall submit a revised grading plan, a drainage plan, and an erosion and sedimentation control plan for the expanded disposal area (consistent with all Conditions of Approval contained in Exhibit B – Conditions of Approval). These plans shall be submitted to the Department of Public Works and the Department of Planning and Building for final review and approval. The drainage plan shall be prepared consistent with Section 22.52.110. All up-gradient runoff shall be channeled around the landfill to prevent run-on and possible leachate generation and shall be reflected on the drainage and grading plans.

Comment [D36]: Mitigation reference from Condition 45 inserted here.

At the time of application for construction permits for all structures and grading permits for all grading activities outside of the Landfill disposal activities, revised grading and drainage plans shall be submitted to the Department of Public Works for review of the drainage plan and the Department of Planning and Building for final review and approval.

Comment [D37]: Condition 54 incorporated here.

The required grading and drainage plan shall include Best Management Practices (BMP), to the extent feasible, to be utilized in the design, construction, and operation of the project. BMPs may include but are not necessarily limited to those found in the Regional Water Quality Control Board's BMP Guidelines or other appropriate BMP design manuals. Additionally, the proposed detention basins and other drainage improvements shall be designed to retain stormwater for use on-site as dust control, to the extent feasible.

Comment [D38]: Condition 55 incorporated here.

The sedimentation and erosion control plans shall address erosion control during all phases of grading. Drainage shall discharge in a non-erosive manner away from improvements and, where slopes are present, away from the toes of the slopes. The applicant shall also provide verification of continued compliance with NPDES requirements, and provide a copy of the submitted SWPPP (General Construction and General Industrial), as applicable. Revised SWPPPs shall include provisions for vehicle tire washes and incorporate Low Impact Development. Areas of high erosion potential shall be protected by water bars, jute netting, straw matting, sand bags, straw bales, or other approved measures as necessary. These features shall be shown on the drainage plan and erosion and sedimentation control plan. All sediment laden runoff shall be passed through an approved sedimentation, and/or retention and/or detention basin, and shall be shown on the drainage plan.

Comment [D39]: Condition 45 incorporated here.

- 28. ~~Prior to issuance of the initial Notice to Proceed, a landfill gas control and extraction system shall be designed for the proposed expansion area as required by the APCD and/or CalRecycle. The design shall be implemented and installed in the landfill expansion area as required by the APCD and/or CalRecycle.~~

Comment [D40]: Required by APCD/Cal Recycle and incorporated into Condition 95.

- 29. ~~Prior to issuance of the initial Notice to Proceed, a leachate collection and removal system (LCRS) shall be designed for the proposed expansion area unless equivalent measures are approved in writing by the Regional Water Quality Control Board. The~~

Comment [D41]: Required by RWQCB and incorporated into Condition 95.

~~LCRS or equivalent measures shall be implemented and installed in the landfill expansion area as required by the Regional Water Quality Control Board.~~

30. **(AQ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a Construction Activities Management Plan for review and approval by the SLOAPCD. This plan shall include, but not be limited to, the following Best Available Control Technology for diesel-fueled construction equipment, to the extent feasible:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Regularly maintain and properly tune all construction equipment according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel powered equipment including, but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, and auxiliary power units with CARB motor vehicle diesel fuel.
- e. Maximize, to the extent feasible, the use of diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with State Off-Road Regulation. Maximize, to the extent feasible, the use of on-road heavy-duty trucks that meet the ARB's 2007 or newer certification standard for on-road heavy-duty diesel engines, and comply with State On-Road Regulation.
- f. Electrify equipment where feasible.
- g. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), bio-diesel, or propane for on-site mobile equipment instead of diesel-powered equipment where feasible.
- h. On and off-road diesel equipment shall not be allowed to idle for more than five minutes.
- i. To the greatest extent practicable, use Purinox or similar NO_x reducing agents diesel fuel.
- j. Install Best Available Control Technology (BACT) for construction equipment. In the event that emissions will exceed thresholds after the standard measures are applied, then the following BACT measures shall be implemented:
 - Replace equipment with equipment that has cleaner engines;
 - Replace equipment with the cleanest engines possible;
 - Install California Verified Diesel Emission Control Strategies;
 - Implement a Comprehensive Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period;
 - Limit the length of the work day; and,
 - Phase construction activities, if appropriate.

Comment [D42]: The BACT requirements need to be feasible based on the operational conditions at the site or they will not effectively control emissions.

A more detailed evaluation of the construction emissions will be required at the time the CAMP is prepared. All trips including off site hauling trips will need to be included in the calculations. If after all applicable mitigation have been applied, the construction emissions still exceed the District's threshold of significance, then off site mitigation will be required.

31. **(AQ/mm-2) Prior to issuance of the initial Notice to Proceed**, a Dust Control Plan for all potential dust-creating activities shall be prepared and submitted to the SLOAPCD for approval prior to commencement of activities. The Dust Control Plan shall include, to the extent feasible:

- a. Use APCD-approved BMPs and dust mitigation measures;
- b. Prohibit visible fugitive dust from any applicable source beyond the property line.
- c. Prohibit visible fugitive dust from any applicable source that equals or exceeds 20 percent opacity for 3 minutes or more in any one hour.
- d. Provide for monitoring dust and construction debris during construction;
- e. Designate a person or persons to monitor the dust control program and to order increased watering or other measures as necessary to prevent transport of dust off-site. Duties should include holiday and weekend periods when work may not be in progress (but strong winds may blow);
- f. Provide the name and telephone number of such persons to the APCD prior to construction commencement;
- g. Identify complaint handling procedures;
- h. Fill out a daily dust observation log; and,
- i. Provide a list of all heavy-duty construction equipment operating at the site. The list shall include the make, model, engine size, and year of each piece of equipment.

Comment [D43]: The dust control measures need to be feasible based on the operational conditions at the site or they will not effectively control dust generation.

32. **(AQ/mm-3) Prior to issuance of the initial Notice to Proceed and at the time of application for construction permits for individual structures**, the following mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM₁₀ emissions during earth moving activities, to the extent feasible:

- a. Reduce the amount of the disturbed area where possible.
- b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
- c. All dirt stockpile areas shall be sprayed daily as needed.
- d. Exposed ground areas that are planned to be reworked at dates greater than two months after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- e. All disturbed soil areas not subject to re-vegetation and that remain inactive for one month or longer shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after initial site grading. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Vehicle speed for all construction vehicles shall be posted to not exceed 17 mph on any unpaved surface at the construction site.
- h. All trucks hauling dirt, sand, or other loose materials on public roads are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- i. Wheel washers shall be installed as part of the new entrance construction where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

Comment [D44]: The dust reduction measures need to be feasible based on the operational conditions at the site or they will not effectively control dust generation.

- j. Streets shall be swept ~~twice per week at the end of each day~~ if visible soil material is carried onto adjacent paved roads. ~~Water sweepers with reclaimed water shall be used when feasible.~~
- k. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities.

Comment [D45]: Text changed to be consistent with current street-sweeping operations.

33. **(AQ/mm-5) Prior to issuance of demolition permits associated with demolition activities at the existing entrance area,** the applicant shall:

- a. Notify the APCD at least ten working days prior to commencement of any demolition activities;
- b. Conduct an Asbestos survey by a Certified Asbestos Inspector;
- c. Use applicable disposal and removal requirements for any identified asbestos containing material; and,
- d. Contact the SLOAPCD Enforcement Division prior to final approval of any demolition activity.

34. **(BR/mm-1, -2 and -3) Prior to issuance of the initial Notice to Proceed,** the applicant shall submit an Oak Woodland Protection and Restoration Plan consistent with the requirements of BR/mm-1 through BR/mm-3 to be reviewed and approved by the County Department of Planning and Building. Oak woodland restoration shall be accomplished through one of three methods: 1) replanting of oak trees removed from the oak woodland, 2) providing for the protection of oak woodland habitat in perpetuity through acquisition or donation of an open space easement of a conservation easement if the applicant so chooses, in a form approved by County Counsel, that includes at least 2,000 square feet per tree removed; 3) providing funds to the California Wildlife Conservation Board to be used for the purchase of Oak Woodland Conservation Easements. ~~The plan shall include the following, as appropriate: If Method 1 is selected, it may account for no more than 50% of the required mitigation. Method 3 shall only be allowed if it is clearly infeasible to accomplish Methods 1 and 2\~~

Comment [D46]: This requirement deleted to allow maximum flexibility to accomplish mitigation with any of the three methods provided.

~~a. Method 1 - For onsite planting and protection purposes, oak trees removed shall be replaced at a minimum 4:1 ratio, and impacted trees shall be replaced at a 2:1 ratio.~~

Comment [D47]: Condition 35 incorporated here.

~~b. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.~~

~~c. Replacement oak trees shall be planted no closer than 20 feet on center and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-~~

facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year.

d. Method 2 - Prior to approval of the initial Notice to Proceed, the applicant shall record an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, that protects 2,000 square feet of existing oak woodland habitat for each tree removed from the oak woodland in perpetuity. The easement shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include but are not limited to: The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, or The Cambria Land Trust.

Comment [D48]: Condition 36 incorporated here.

e. Method 3 - If the applicant is not able to establish a conservation easement, the applicant shall provide funding to the California Wildlife Conservation Board or other County-approved entity to be used for the purchase of Oak Woodland Habitat Conservation Easements. The final funding amount shall include \$970.00 or be consistent with the current fees in place pursuant to SB1334 for each tree removed. Each impacted tree shall be assessed a fee of \$485.00 or be consistent with the current fee in place pursuant to SB 1334 per impacted tree. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impact.

35. ~~(BR/mm-2) The Oak Woodland Protection and Restoration Plan shall include the following:~~

Comment [D49]: Incorporated into Condition 34.

a. ~~For onsite planting and protection purposes, oak trees removed shall be replaced at a minimum 4:1 ratio, and impacted trees shall be replaced at a 2:1 ratio.~~

b. ~~Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.~~

c. ~~Replacement oak trees shall be planted no closer than 20 feet on center and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year.~~

36. ~~(BR/mm-3) To mitigate the balance of the oak woodland impacts associated with BR/mm-1 and BR/mm-2, one of the following measures, or a combination thereof, shall be used:~~

Comment [D50]: Incorporated into Condition 34.

a. ~~Prior to approval of the initial Notice to Proceed, the applicant shall record an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, that protects 2,000 square feet of existing oak woodland habitat for each tree removed from the oak woodland in perpetuity. The easement shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include but are not limited to: The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, or The Cambria Land Trust.~~

b. ~~If the applicant is not able to establish a conservation easement, the applicant shall provide funding to the California Wildlife Conservation Board or other County approved entity to be used for the purchase of Oak Woodland Habitat Conservation Easements. The final funding amount shall include \$970.00 or be consistent with the current fees in place pursuant to SB1334 for each tree removed. Each impacted tree shall be assessed a fee of \$485.00 or be consistent with the current fee in place pursuant to SB 1334 per impacted tree. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impact.~~

37. **(BR/mm-5) Prior to issuance of the initial Notice to Proceed,** the applicant shall submit a Wetland and Riparian Habitat Restoration plan that covers impacts to all state and federal wetlands onsite. The plan shall describe wetland restoration and revegetation efforts, and identify the location onsite where those efforts will occur. The plan shall be submitted along with verification from the appropriate regulatory agencies (i.e., ACOE, CDFG, RWQCB) that necessary permits have been obtained. The plan shall include the following measures, at minimum, unless other equivalent measures are approved by regulatory agencies:

- a. Avoid federal and state wetlands and provide with protective construction and erosion control fencing, to the extent feasible.
- b. Mitigate impacts to federal wetlands at a 3:1 ratio. Mitigation for impacts to federal wetlands shall be performed onsite.
- c. Mitigate impacts to state wetlands at a 1:1 ratio. Mitigation for impacts to state wetlands shall be performed onsite.
- d. Mitigate impacts to riparian vegetation at a 1:1 ratio. Impacts to riparian habitat shall be mitigated onsite through restoration and enhancement of degraded stream channel and riparian habitat onsite.
- e. Impacts to non-wetland waters require mitigation at a 1:1 ratio, that is, one linear foot of non-wetland waters restored or created for linear foot disturbed or removed.
- f. On a monthly basis, the applicant shall inspect the ephemeral drainages just south of the proposed expansion area for accumulated trash. Any trash in, or in the vicinity of, the drainage shall be collected from this area, removed, and properly disposed.
- g. The plan shall include a cost estimate of the costs associated with implementation of these measures.

38. ~~(BR/mm-6) To guarantee the success of the riparian and wetland mitigation, prior to issuance of the initial Notice to Proceed, the applicant shall post a bond with the County Department of Planning and Building in the amount determined in BR/mm-5, letter g. The bond shall not be released until mitigation requirements have been met, as determine by the County Department of Planning and Building, in consultation with applicable regulatory agencies.~~

Comment [D51]: This condition requires acquisition of a bond, which doesn't mitigate the impact, and is an unnecessary expense.

39. **(BR/mm-7) Prior to issuance of the initial Notice to Proceed**, the applicant shall prepare an Oak Tree Inventory, Avoidance, and Protection Plan as outlined herein. The plan shall be reviewed by a County-approved biologist and/or arborist, and shall include the following items:

- a. **Comprehensive Oak Tree Inventory.** This shall include the following information:
 - 1. An inventory of all oak trees at least five inches in diameter at breast height within 50 feet of all proposed impact areas. All inventoried trees shall be shown on plans. The species, diameter at breast height, location, and condition of these trees shall be documented in data tables.
 - 2. Identification of trees that will be retained, removed, or impacted. This information shall be shown on plans and cross-referenced to data tables described in item a.1 above.
 - 3. The location of proposed structures, utilities, driveways, grading, retaining walls, outbuildings, water and wastewater facilities, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans.
 - 4. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes in the vicinity of these oak trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.

- b. **Oak Tree Avoidance Measures.** Grading and development within proposed project shall avoid the removal of oak trees to the maximum extent possible. Such activities shall minimize potential disturbance to oaks and their associated root zones to the maximum extent possible.
 - c. **Oak Tree Protection Guidelines.** Tree protection guidelines and a root protection zone shall be established and implemented for each tree to be retained that occurs within 50 feet of impact areas. The following guidelines shall be included:
 - 1. A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, based upon tree species, age, and size. This area is generally defined as 1.0 to 1.5 times the distance from the tree base of the average measurement taken from the tree base to the edge of the canopy/dripline. At a minimum, the critical root zone shall be the distance from the trunk to the drip line of the tree.
 - 2. All trees to remain within 50 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. The project arborist shall approve any work within the root protection zone.
 - 3. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plants for up to seven years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
 - 4. The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs”, 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months.
40. **(BR/mm-14) Prior to issuance of the initial Notice to Proceed**, the Obispo Indian Paintbrush Mitigation and Monitoring Plan (MMP) that has been prepared for this project (Althouse and Meade, 2007c) shall be revised and a proposed new location for the mitigation shall be identified. The new site (preferably onsite) shall be protected in

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perpetuity through an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, and be located as close to the project site as feasible. Mitigation shall consist of seed collection onsite and direct sowing at the identified offsite location. Mitigation will be deemed complete when an annual count of Obispo Indian paintbrush reaches levels comparable to baseline site conditions identified during initial surveys of the expansion area performed by Althouse and Meade. The MMP shall be approved by the County Department of Planning and Building and the CDFG prior to issuance of the initial Notice to Proceed.

41. (GHG/mm-1 and -2) Immediately following issuance of the initial Notice to Proceed and for the operational life of the project (Phase 2), the Landfill shall employ all feasible methods to limit or offset GHG production. Every five years (unless an alternative time frame greater than five years is authorized in advance by the APCD), the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control/offset programs implemented at the Landfill. The report shall describe control/offset program components, predicted and actual emission reductions, and calculate current emission rates at the Landfill. The report shall also identify successes and failures in the program and recommend methods for improving the programs in future years.

Comment [D52]: Condition 88 incorporated here. Timing adjusted to 5 years to allow time for GHG measures to evolve.

(GHG/mm-2) Prior to issuance of the Notice to Proceed for each subsequent Module, 10 through 16, the applicant shall verify compliance with GHG/mm-1 (condition # 88 below) the paragraph above. Compliance shall be determined in conjunction with SLOAPCD and based on the feasibility of GHG control/offset measures available to the applicant at the time of excavation.

Potential GHG Control/Offset Strategies. There are many methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill project. These are described below. It is anticipated that because this field is currently developing, new measures may also be available as GHG regulations and associated technologies develop. Mitigation measure GHG/mm-1 has been written to allow the applicant and regulatory agencies flexibility in determining which method may be most appropriate based on available technology, emerging regulation, and economic feasibility. Depending on the specific characteristics (i.e. size, area of disturbance, use, etc) of the GHG reduction measures chosen to be implemented, a future land use permit and environmental review may be required.

Comment [D53]: Clarification provided because many of the mitigation requirements are considered offsets.

a. **Increased Capture Efficiency.** The analysis above assumes that approximately 63 percent of the GHGs resulting from decomposition of Landfill waste are captured. If the capture rate can be improved, significant reductions in GHG surface emissions could be made. Capture rates may be increased through more aggressive engineering of the landfill gas capture system, or through implementation of bioreactor technology. A bioreactor is a landfill process in which a disposal area is entirely covered in plastic sheeting to maximize methane capture. Water is also added to the waste to speed decomposition and methane production. Ultimately, the waste creates the same amount of methane as it would in a traditional landfill, but it is generated more quickly and is more likely to be captured rather than leak from the surface. It has been estimated that capture rates may be as high as 95 percent with bioreactor technology. Utilizing this technology, however, may have secondary impacts, including increased water consumption and visual impacts.

- b. **Increased Diversion of Organic Material.** Food waste and other organic products that cannot now be recycled generally represent about 20 percent of the waste stream in a landfill. This material is generally buried in landfills where it eventually degrades to methane. Collecting food waste is technically feasible and is currently being done in other communities. The food waste can be biodigested either anaerobically for fuel production or aerobically in static piles or ag bags. Food waste collection could potentially be implemented on a phased basis (e.g., starting with grocery stores and restaurants) and then integrated into home disposal. Besides significantly reducing future land fill methane production, this measure could reduce the amount of soil excavation and cover required each year, thereby reducing equipment operation emissions. It could also prolong landfill life.
- c. **Development of Onsite Renewable Energy.** The applicant could mitigate for the increased electrical consumption through development of renewable energy, such as wind, solar, or installation of a new LFG-to-energy system, onsite.
- d. **Operate Diesel Fleet on Biodiesel Fuels.** Biodiesel has a favorable energy and global warming profile, because it returns over three times the energy required to produce it (NREL, 2003). Since Biodiesel contains almost no sulfur, it is also compatible with add-on NOX control devices (catalytic converters). According to the National Renewable Energy Laboratory, "significant reductions of particulate matter, carbon monoxide, and hydrocarbon emissions can be achieved with biodiesel use." The applicant could choose to convert a portion or all of the diesel fleet to biodiesel fuels to mitigate for the increased diesel consumption associated with the project.
- e. **Cap and Trade Programs.** In some instances a project or business cannot fully reduce its onsite emissions to an insignificant level. In these cases, regulatory bodies have implemented a system of trading emissions, whereby one source is reduced (through controls, retiring old equipment, etc.) and the other source is allowed to build or operate. Since GHGs are not a localized phenomenon, viable and verifiable emissions reduced at any source will provide a net overall benefit.
- f. As a part of GHG/mm-1, the applicant could develop a GHG program independently or as part of a larger market. Pending federal and state legislation will initiate cap and trade programs where by the Landfill could purchase emission credits from various industrial sources. The applicant could also work with SLOAPCD to develop an offset program, similar to the ones already developed (i.e., bus buyback, transit support) to mitigate for other air quality impacts.
- g. If composting is considered at the project site in the future, consider implementation of an anaerobic digestion system for the Compost Operations. These systems allow for capture of the methane produced by composting green waste and that gas could be combusted and used for energy, similar to what is currently done with the LFG system.
- h. Maintain or expand the existing gas export to the oilfield or construct onsite LFG-to-energy conversion system to offset existing power demands.
- i. Utilize alternative fuel vehicles and low carbon fuels.
- j. Develop a trip reduction plan for the site.
- k. Comply with ARB Early Action Measure "Landfill Methane Control Measures."
- l. Shut off delivery vehicle engines within two minutes of arrival in the area unless maneuvering.
- m. Stagger scheduling of deliveries to the extent feasible.

- n. Vehicle operators shall be made aware of the no idle zone, including a notification by letter to companies controlling out of the area drivers.
- o. Prominently lettered signs shall be posted in the receiving dock area to remind drivers to turn off their engines.

~~If after all applicable mitigation have been applied, the GHG emissions are not below APCD's threshold of 10,000 MT/yr., then off site mitigation will be required.~~

Comment [D54]: The San Luis Obispo APCD CEQA Air Quality Handbook (April 2012) states that if the 10,000 MT/year threshold is exceeded, then the project's short-term GHG impact is considered a significant impact to global climate change and mitigation is required to the extent feasible. The Final EIR concluded that this impact would be significant and unavoidable (Class 1). The mitigation measures identified above represent feasible measures for reducing GHG emissions. However, the reduction of GHG emissions to below 10,000 MT/year is not included as a mitigation measure in the project's Final EIR. This requirement is not required by the Air Quality Handbook and is not feasible based on the current operations at the site. Therefore, this requirement has been deleted.

Comment [D55]: Conditions 76 and 89 incorporated here.

42. **(PR/mm-1, -2 and -3) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit for the review and approval by the Department of Planning and Building, a Paleontological Monitoring and Recovery Plan (PMRP). The PMRP shall be implemented by the applicant during all applicable ground disturbing construction activities. Upon completion of each Module, 10 through 16, and the detention basins and pond, and upon completion of excavation associated with the RRP, the Environmental Monitor shall submit a report to the Department of Planning and Building summarizing all monitoring/mitigation activities, confirming that all recommended mitigation measures have been met. In the event that any of the grading/excavation activities occur concurrently, completion reports can be The combined. The plan shall include the following, at minimum:

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities) require monitoring;
- c. Description of how the monitoring shall occur;
- d. Description of frequency of monitoring (e.g., full-time, part-time, spot checking);
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the "work diversion" at the project site;
- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures;
- i. Disposition of collected materials;
- j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and,
- k. Description of the applicant's responsibilities. The project proponent is responsible to bear all costs associated with this mitigation plan including preparation of specimens to the curation standards of the repository and curation fees, as applicable.

43. **(AR/mm-1 and -2) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit for the review and approval by the Department of Planning and Building, an Archaeological Monitoring and Recovery Plan (AMRP). The AMRP shall be implemented by the applicant during all applicable ground disturbing construction activities. The plan shall include, at minimum:

Comment [D56]: Condition 77 incorporated here.

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities);
- c. Description of how the monitoring shall occur;
- d. Description of monitoring frequency;
- e. Description of what resources are expected to be encountered;

- f. Description of circumstances that would result in the “work diversion” at the project site;
- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures;
- i. Disposition of collected materials;
- j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and,
- k. Project proponent’s responsibilities (the project proponent is responsible for all costs associated with this mitigation plan including preparation of specimens and curation fees).

44. **(GEO/mm-1, -3, -4 and -6)** ~~Prior to issuance of the initial Notice to Proceed and at the time of application for construction/grading permits for individual structures (i.e., the RRP building, maintenance building, MRF addition, scalehouse, etc.), the applicant shall submit a soils engineering report(s) prepared by a Soils Engineer. The report shall conform to Sections 1802.2 through 1802.6 (or other applicable sections) of the 2007 California Building Code, and Appendix Chapter 33 of the 2001 California Building Code, as adopted by the County of San Luis Obispo. The report shall provide seismic parameters for use in design. Plans for structures shall be designed in accordance with the seismic parameters presented in the soils engineering report and the applicable sections of the California Building Code.,~~

Comment [D57]: Condition 46 incorporated here.

In addition, the project Soils Engineer shall review the final grading plans for the Landfill expansion, the RRP, the stockpiles, the new access road, and the new entrance, to verify conformance with the 2007 California Building Code, Appendix Chapter 33 of the 2001 California Building Code, Title 19 of the County of San Luis Obispo Building and Construction Ordinance, and other applicable standards. Recommendations regarding gradients for temporary and permanent slopes, expansive soil mitigation, special consideration ~~to~~ for areas of fill over cut, and the need for terraces in temporary slopes shall be provided as necessary. As applicable, plans shall be amended to include these provisions and shall be adhered to during all grading and construction activities.

Comment [D58]: Condition 67 incorporated here.

During construction, the Soils Engineer shall observe grading operations, and any unusual subsurface conditions encountered during grading shall be brought to his/her attention. Recommendations regarding mitigation shall be provided by the Soils Engineer on an as-needed basis and implemented by the applicant. Such recommendations may include, but are not limited to backdrains, intercept drains, or diversion ditches.

Comment [D59]: Condition 78 incorporated here.

45. ~~**(GEO/mm-2)** Prior to issuance of the initial Notice to Proceed, a sedimentation and erosion control plan shall be submitted for review and approval by the Departments of Planning and Building and Public Works. The plan shall address erosion control during all phases of grading. Drainage shall discharge in a non-erosive manner away from improvements and, where slopes are present, away from the toes of the slopes. The applicant shall also provide verification of continued compliance with NPDES requirements, and provide a copy of the submitted SWPPP (General Construction and General Industrial), as applicable. Revised SWPPPs shall include provisions for vehicle tire washes and incorporate Low Impact Development.~~

Comment [D60]: Incorporated into Condition 27.

46. ~~(GEO/mm-6) Prior to issuance of construction/grading permits for proposed structures (i.e., the RRP building, maintenance building, MRF addition, scalehouse, etc.), the applicant shall submit a soils engineering report(s) prepared by a Soils Engineer. The report shall conform to Sections 1802.2 through 1802.6 (or other applicable sections) of the 2007 California Building Code, and Appendix Chapter 33 of the 2001 California Building Code, as adopted by the County of San Luis Obispo. The report shall provide seismic parameters for use in design. Plans for structures shall be designed in accordance with the seismic parameters presented in the soils engineering report and the applicable sections of the California Building Code.~~

Comment [D61]: Incorporated into Condition 44.

47. **(GEO/mm-7) Prior to issuance of the Notice to Proceed for each subsequent Module**, plans for landfill expansion modules shall be in accordance with the recommendations presented by Shaw Environmental, Inc. (Shaw, 2007) that are consistent with those required for Class III landfills. These recommendations include, but are not limited to:

- a. Maximum waste elevation for interim slopes shall be 340 feet.
- b. Maximum interim waste sideslopes shall not exceed 3.5 horizontal to one vertical.

These recommendations may be revised based on the results of subsequent slope stability analyses submitted to and approved by the RWQCB.

48. **(GEO/mm-8) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a report(s) of slope stability analysis addressing the stockpile slopes and basins. The recommendations of the report shall be implemented during construction. The report shall include, but not be limited to, a numerical slope stability analysis under seismic conditions and, for the ponds, under the conditions that would be present in the event of seepage from the ponds; and specific recommendations for stabilization, including but not limited to, decreasing slope angles, decreasing slope heights, utilization of retention systems, and slope reinforcement.

49. **(GEO/mm-9) Prior to issuance of the initial Notice to Proceed**, new basins shall be designed with sufficient freeboard to accommodate the seiche waves, or in such a manner that overtopping of basins can occur without damage to downslope areas due to flooding or erosion. The assessment shall be conducted by a qualified civil engineer, registered engineering geologist, or registered geotechnical engineer.

50. **(WR/mm-7) Prior to issuance of the initial Notice to Proceed, if water is supplied from onsite wells for potable uses**, the applicant shall provide verification to the County Department of Planning and Building that it has been permitted by the Division of Environmental Health to function as a “non-transient, non-community water system,” or that it has been granted an exemption to this standard. The Landfill shall comply with all applicable regulations, including posting signs that indicate groundwater is non-potable, if necessary.

Comment [D62]: Text clarifies applicability.

51. ~~At the time of any future WDR Violation and prior to issuance of each Notice to Proceed and prior to development of each subsequent module, the applicant shall provide verification to the Department of Planning and Building, that any Waste Discharge Requirement (WDR) violations have been addressed to the satisfaction of the~~

Comment [D63]: Compliance with WDRs is strictly regulated by the RWQCB. Therefore, this condition is incorporated into Condition 95.

~~RWQCB. Any violations that require improvements shall be reviewed by the County for permit requirements prior to taking action on the response plan.~~

52. ~~Prior to issuance of the initial Notice to Proceed, the applicant shall submit to CalRecycle for review and approval, a soil stockpile plan designating the locations of stockpiles for use during cover activities, intermediate cover purposes and closure. This plan shall be consistent with the requirements of Condition of Approval 19 and 120.~~

Comment [D64]: CalRecycle does not regulate soil stockpiles; therefore, this condition would be ineffective and it does not specifically address an impact identified in the EIR.

53. ~~⊖ Prior to issuance of the initial Notice to Proceed and/or commencement of soil importation (low permeability or non-specific soil), the applicant shall submit a plan to Environmental Coordinator's Office (ECO) that identifies the off-site soil needed for cover purposes. The plan shall investigate alternatives that would minimize the length of trips to the site. A maximum of 30 trips per day are allowed to deliver imported soil to the site except during construction phases if approved in writing by the Environmental Coordinator's office. The applicant shall submit a statement identifying the maximum number of trips and the maximum period of time necessary to achieve the operational needs of the construction phase. This shall not include individuals who may be bringing soil to the site for disposal.~~

Comment [D65]: This condition does not specifically address an impact identified in the EIR, the trip limit is arbitrary, and trip lengths would typically be limited by transportation costs.

54. ~~At the time of application for construction permits for all structures and grading permits for all grading activities outside of the Landfill disposal activities, revised grading and drainage plans shall be submitted to the Department of Public Works for review of the drainage plan and the Department of Planning and Building for final review and approval.~~

Comment [D66]: Incorporated into Condition 27.

55. ~~The required grading and drainage plan shall include Best Management Practices (BMP) to be utilized in the design, construction, and operation of the project. BMPs may include but are not necessarily limited to those found in the Regional Water Quality Control Board's BMP Guidelines or other appropriate BMP design manuals. Additionally, the proposed detention basins and other drainage improvements shall be designed to retain stormwater for use on-site as dust control, to the extent feasible.~~

Comment [D67]: Incorporated into Condition 27.

56. ~~At the time of application for construction permits for all structures that use potable water, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.~~

Comment [D68]: Proof of a potable water supply will be required by the County when the request for building permits is submitted and is not necessary as a project condition. Compliance with local regulations is incorporated into Condition 95.

57. ~~At the time of application for construction permits for all structures that will include wastewater disposal, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.~~

Comment [D69]: Proof of adequate wastewater disposal capacity will be required by the County when the request for building permits is submitted and is not necessary as a project condition. Compliance with local regulations is incorporated into Condition 95.

58. **At the time of application for construction/grading permits, where outdoor storage of materials (including but not limited to the MRF and RRP) that may contribute pollutants to the stormwater conveyance system, the following structural or treatment Best Management Practices (BMPs) are required:**

- a. Materials with the potential to contaminate stormwater must be:
 - 1. Covered or placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the stormwater system; or

- 2. Protected by secondary containment structures, such as berms, dikes, or curbs.
- b. The material storage area shall be sufficiently impervious to contain leaks and spills.
- c. Where secondary containment is necessary, storage area shall have a roof or awning to minimize collection of stormwater or other approved method.

59. ~~At the time of application for construction permits not associated with landfill disposal activities, a minimum of two Low Impact Development (LID) design components shall be incorporated into the drainage plan design for each separate activity area/use. The BMPs shall be selected to address potential stormwater pollutants associated with the individual activity/use area.~~

Comment [D70]: This condition does not address a specific impact identified in the EIR and is applicable to residential subdivision developments. In addition, storm water BMPs are identified in Condition 27.

~~**Best Management Practice (BMP) maintenance.** Long term maintenance of BMPs shall be established through the recordation of a mitigation agreement and/or Covenants, Conditions, and Restriction (CC&Rs), unless the project does not include structural or treatment control BMPs. In order to verify that BMPs will be maintained, the following measures shall be required:~~

- a. ~~For all properties, the verification will include the developer's signed statement accepting responsibility for all structural and treatment control BMP maintenance until the time the property is transferred to a public entity and, where applicable, a signed agreement from the public entity assuming responsibility for structural or treatment control BMP maintenance.~~
- b. ~~The transfer of property to a private or public owner must have conditions requiring the recipient to assume responsibility for maintenance of any structural or treatment control BMP to be included in the sales or lease agreement for that property stating the owner's responsibility. The condition of transfer shall include a provision that the property owners conduct maintenance inspection of all structural or treatment control BMPs at least once a year and retain proof of inspection. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance must be included in the project's Conditions, Covenants, and Restrictions (CC&Rs).~~
- c. ~~Printed educational materials shall be required to accompany the first deed transfer. These materials shall provide information on what stormwater management facilities are present, signs that maintenance is needed, how the necessary maintenance can be performed, and assistance that the applicant can provide to the new landowner. The transfer of this information shall also be required with any subsequent sale of the property.~~
- d. ~~If structural or treatment control BMPs are located within a public area proposed for transfer, they will be the responsibility of the developer until they are accepted for transfer by an appropriate public agency. Structural or treatment control BMPs proposed for transfer must meet Low Impact Design (LID) Handbook or other design standards adopted by the County for the BMP installed.~~

~~Conditions to be completed prior to issuance of a construction permit~~

Comment [D71]: A timing reference is identified for each condition so it is not required here.

- 60. ~~Prior to issuance of construction permits for all structures, the applicant shall pay all applicable school and public facilities fees.~~
- 61. **(AES/mm-6) Prior to issuance of construction permits for the RRP**, the applicant shall submit architectural and engineering plans to the Department of Planning and Building for review and approval. Plans shall include the following:
 - a. Exterior colors of all new, expanded, and existing buildings and permanent equipment shall be limited to dark muted earth-tones. No reddish-browns shall be used and exterior colors shall be no brighter than six in chroma and value on the Munsell Color Scale on file in the Department of Planning and Building.
- 62. ~~(AES/mm-7) Prior to issuance of construction permits for the RRP, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. Plans shall include the following:~~
 - ~~a. The plans shall show screen planting along the western, southern, and eastern sides of the RRP.~~
 - ~~b. The screen plants shall include evergreen trees and shrubs for the purpose of screening the structures as seen from the surrounding area. Screen planting shall achieve 80 percent screening of the structures at plant maturity. Trees shall be densely planted and shall be from a minimum 15-gallon container size.~~
 - ~~c. Mitigation trees and shrubs shall be maintained in perpetuity or until such time as the RRP is removed as part of site closure.~~
- 63. ~~(AES/mm-8) Prior to issuance of construction permits for the RRP, a cost estimate for a planting plan, installation of landscaping, and maintenance of landscaping for a period of ten years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the Department of Planning and Building. Prior to issuance of construction permits for the RRP, a performance bond, equal to the cost estimate, shall be posted by the applicant.~~
- 64. **(AES/mm-11) Prior to issuance of construction permits for the entry monument sign, gate, and scalehouse**, the applicant shall develop construction plans that include the following:
 - a. Exterior colors of the scalehouse shall be limited to dark muted earth-tones. No reddish-browns shall be used and exterior colors shall be no brighter than six in chroma and value on the Munsell Color Scale on file in the Department of Planning and Building.
 - b. The proposed entry sign or monument shall be of an appropriate scale and proportion for the rural character and the two-lane highway setting (i.e., consistent with Section 22.20.010 of the LUO).
 - c. The proposed entry sign or monument shall utilize natural-appearing materials such as stone and/or wood. Material colors and finishes other than lettering and emblems shall be muted earth tones with low reflectivity.
- 65. **(AES/mm-12) Prior to issuance of construction permits for any new structures**, the applicant shall submit lighting plans (per Section 22.10.060 of the LUO) to the Department of Planning and Building for review and approval. Plans shall include the following:

Comment [D72]: Proof of school and public facility fee payments will be required by the County when the request for building permits is submitted and is not necessary as a project condition. Compliance with local regulations is incorporated into Condition 95.

Comment [D73]: Condition 61 addresses the visual impact associated with the RRP facility, which is located in a remote area of the site that will not be visible from Highway 227 due to the location of the MRF building, the berm along the property's southeastern property line and the proposed berm required by Condition 10.

Comment [D74]: The provision of a bond would not mitigate any visual impacts.

- a. The point source of all exterior lighting shall be shielded from off-site views.
- b. All required security lights shall utilize motion detector activation.
- c. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
- d. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
- e. Lighting shall not be directed such that it illuminates areas beyond the property line, or hills and slopes visible from offsite.
- f. Light standard heights shall be no higher than necessary.

66. **(AES/mm-13) Prior to issuance of any new construction permits**, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. Plans shall include the following:

- a. The landscape plan shall show screen planting along the entire length of the Landfill frontage along Highway 227.
- b. Plantings may be required within the Highway 227 right of way if shown to be effective and acceptable to Caltrans.
- c. Planting shall include screening of the access road parallel to Highway 227 and the detention basin south of the existing entrance.
- d. The screen plants shall include evergreen trees and shrubs emphasizing natives and other species common in the area that are drought tolerant. Screen planting shall achieve 80% screening density at plant maturity. Trees shall be planted from a minimum 15-gallon container size, except oak trees, 1/3 of which should be from 1-gallon container.
- e. Screening trees shall be planted in a manner that reflects natural growth. Straight rows and even spacing shall be avoided.
- f. Screening trees and shrubs shall be protected from browsing and burrowing animals, ~~and maintained in perpetuity.~~

Comment [D75]: The landfill operator can't guarantee that screening trees and shrubs at the site will be maintained forever.

Comment [D76]: Incorporated into Condition 44.

67. ~~**(GEO/mm-3) Prior to issuance of building/grading permits for proposed structures**, the applicant shall submit soils engineering report(s) prepared by a Soils Engineer. The report shall conform to Sections 1802.2 through 1802.6 (or other applicable sections) of the 2007 California Building Code, and Appendix Chapter 33 of the 2001 California Building Code, as adopted by the County of San Luis Obispo. The soils reports shall address expansion potential and, if determined to be warranted, provide appropriate recommendations for expansive soil mitigation. The recommendations presented in the soils engineering report shall be implemented during construction.~~

68. **(GEO/mm-5) Prior to issuance of building/grading permits for habitable structures founded on cut or fill materials derived from Monterey formation bedrock**, radon gas testing shall be conducted by a certified professional. The results shall be submitted to the County Department of Planning and Building. In the event that radon gas is determined to be present, buildings shall be designed and constructed in accordance with Environmental Protection Agency (EPA) guidelines for minimizing impacts associated with radon gas exposure.

69. **(TC/mm-1) Prior to issuance of grading/construction permits for the new entrance**, the applicant shall provide verification to the Department of Public Works that the

proposed improvements meet or exceed Caltrans standards for Highway 227. Specifically, the improvements shall include, but not be limited to the following:

- a. The southbound left turn and northbound acceleration lanes on Highway 227 shall be designed to accommodate a high percentage of large vehicles.
- b. The proposed driveway shall be designed to maximize the availability of sight distance for vehicles exiting the Landfill (minimize potential impact to vehicles on Highway 227).
- c. The proposed off-site improvements shall be designed to minimize any potential conflict with vehicles at the intersection of Highway 227 and Patchett Road.

Conditions to be completed during project construction

Comment [D77]: See Comment #1.

70. **(BR/mm-8) Prior to all ground-disturbing activities**, a qualified biologist shall provide pre-construction training to all workers involved in site activities. This training shall consist of instruction on special-status species with potential to occur on the property and their habitats. Workers shall be instructed as to appropriate contacts and how to proceed if special-status species on the project site are observed.

71. **(BR/mm-9)** A biological monitor qualified to capture and move legless lizards shall be present during all initial ground-disturbing activities. The monitor shall capture and relocate silvery legless lizards disturbed during tree clearance and initial site grading. In addition, the monitor shall rake loose soil within oak woodlands prior to excavation to find and move legless lizards. Efforts shall focus on relocation of silvery legless lizards to safe habitat outside the expansion area.

72. **(BR/mm-4 and -10) Within 30 days prior to initiation of project components**, a qualified biologist shall conduct a pre-construction survey for roosting bats. ~~If after consultation with the appropriate resources agencies, a pre-construction time period of two weeks is determined to be acceptable, the pre-construction survey may occur within this time frame.~~ If bats are not found, tree and/or building removal can proceed. If bats are observed, bat exclusion measures shall be instituted prior to disturbance. If maternal bat colonies are found they shall not be disturbed until young bats have left the site. Subsequently bat exclusion measures shall be instituted prior to disturbance.

Comment [D78]: Inconsistent with 30-day requirement.

Prior to ground disturbance for each of the project components in the expansion area (within one month), to avoid conflicts with nesting birds, construction activities shall not be allowed unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Department of Planning and Building, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations.

Comment [D79]: Condition 86 incorporated here.

If work occurs between September 1 and March 1, within 30 days of ground disturbance or tree removal/trimming activities, a survey for wintering raptors shall be conducted. If surveys do not locate wintering raptors, construction activities may be conducted. If wintering raptors are located, construction activities shall observe a 500-foot buffer for the wintering location(s). A pre-construction survey report shall be submitted to the

Comment [D80]: Condition 87 incorporated here.

County Department of Planning and Building immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements.

73. **(BR/mm-11) Prior to vegetation removal and grading in the drainage area,** a qualified biologist shall conduct a pre-construction survey for Southwestern pond turtles to find and relocate to safe habitat any turtles present in the expansion area. Southwestern pond turtle surveys identification shall occur again if activity in the drainage stops for more than one year before commencing again.

74. **(BR/mm-12) A pre-construction survey shall be conducted within 30 days prior to construction or grading for each of the following activities - the RRP, the new entrance road, the earthen noise berm, and Modules 11 through 16 to identify if badgers are using the site.** The results of the survey shall be sent to the County Department of Planning and Building. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall then be expanded to cover the entire property, and shall examine both old and new dens. If it is not feasible to completely inspect potential badger dens from the entrance, a fiber optic scope shall be used to examine the entire den. Inactive dens shall be excavated by hand with a shovel to prevent re-use of dens during construction.

To avoid disturbance and the possibility of direct take of adults and nursing young, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1 and February 1, all potential badger dens shall be inspected to determine if badgers are present. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices such as establishing buffers around dens, and relocating badgers.

75. **(BR/mm-13)** A qualified biologist shall survey the project area 48 hours before the onset of work activities that could disturb CRLF habitat identified onsite. If after consultation with the appropriate resources agencies, a pre-construction time period of two weeks is determined to be acceptable, the pre-construction survey may occur within this time frame. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by work activities, construction shall be halted and the relevant regulatory agencies (i.e., USFWS, CDFG, County of San Luis Obispo) shall be notified to develop appropriate measures to avoid or minimize the potential for take of CRLF.

76. ~~**(PR/mm-2) During all applicable ground disturbing construction activities, the applicant shall implement the PMRP measures as delineated in the PMRP.**~~

Comment [D81]: Incorporated into Condition 42.

77. ~~**(AR/mm-2) During all applicable ground disturbing construction activities, the applicant shall implement the AMRP measures.**~~

Comment [D82]: Incorporated into Condition 43.

78. ~~**(GEO/mm-4) During construction, the Soils Engineer shall observe grading operations, and any unusual subsurface conditions encountered during grading shall be brought to his/her attention. Recommendations regarding mitigation shall be provided by the Soils Engineer on an as needed basis and implemented by the applicant. Such recommendations may include, but are not limited to backdrains, intercept drains, or diversion ditches.**~~

Comment [D83]: Incorporated into Condition 44.

Height Limits

79. ~~The maximum height of the project components shall not exceed the height limits shown in condition of approval 1.B.ix.~~

Comment [D84]: Height limits included in Condition 1.

80. ~~Prior to occupancy or final inspection of all structures proposed as a part of this project, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.~~

Comment [D85]: Repetitive to CDF requirements identified in Condition 26.

81. ~~Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.~~

Comment [D86]: Compliance with County requirements is required prior to issuance of building occupancy permits. In addition, compliance with local regulations is incorporated into Condition 95.

On-going conditions of approval (valid for the life of the project)

Comment [D87]: A timing reference is identified for each condition so it is not required here.

82. ~~**(HAZ/mm-7) Export/Transfer of Green waste.** If any portion of green waste/wood waste program includes exportation or transfer of any pre-composted material off-site, the following shall apply:~~

Comment [D88]: See Comment #1.

- a. The operator shall contact the County Department of Agriculture to determine any known problematic insects or pathogens, and/or quarantine areas that relate to green waste or wood waste. A vector control program shall be established for affected haulers where material brought on-site shall be kept separate.
- b. On a quarterly basis, or as determined appropriate by the County Department of Agriculture, the operator shall contact the County Department of Agriculture relating to the discovery or containment of problem pests. If such situations develop, the operator will comply with the County Department of Agriculture's recommendations to ensure containment and avoid the spread of the identified vector.

83. ~~**(HAZ/mm-10) Landfill – Best Management Practices.** To reduce odors from the disposal areas, the applicant shall incorporate all applicable and feasible BMPs as developed by CalRecycle and the APCD into the Odor Control Plan. These BMPs may include, but are not limited to:~~

Comment [D89]: See Comment #1.

Odors During Receiving:

- a. Work with transporters to minimize transport time for odorous loads.
- b. Identify waste loads with a probability of causing odors and implement preemptive measures to manage odor.
- c. Minimize the working face size and dispose of odorous waste during the most favorable meteorological conditions.
- d. Cover odorous materials upon receipt with low odor waste, alternative daily cover, intermediate cover, and/or spraying directly with an odor neutralizer.
- e. ~~Stockpile bulking agents or high carbon amendments for unexpected deliveries.~~
- f. ~~Blanket odiferous materials with a six-inch to one-foot layer of bulking agent, high carbon amendments (watered lightly to reduce odor releases).~~
- g. Work with transporters to increase collection frequency of odorous loads.

Comment [D90]: Conditions applicable to composting operations, which have been eliminated.

- h. Maintain proper daily and intermediate cover.

Odors During Grinding:

- a. Add light misting of water or odor neutralizer to grinder at discharge points.
- b. Consider grinding green materials with woodier materials.

Odors in Runoff Water and Leachate:

- a. Review national pollutant discharge elimination system (NPDES) procedures to minimize storm water contact with organic materials.
- b. Remove particles from water draining into storm water retention basin.
- c. Filter storm water through a filter berm or sock.
- d. Use odor suppressants/neutralizers or masking agents in water trucks used for dust control, and/or in leachate collection tanks.

84. ~~(AES/mm-9) To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than ten years or until buildings are 80 percent screened, whichever comes first. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially required vegetation is successfully established. Additional monitoring will be necessary if initially required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.~~

Comment [D91]: Deleted consistent with elimination of Condition 62.

85. ~~Ø (AQ/mm-4) During operations and for the life of the project, the applicant shall maintain monthly compliance logs verifying that all equipment and operations continue to comply with the APCD requirements.~~

Comment [D92]: Consistent with current operations and required by APCD; therefore, separate condition not necessary. Also, this condition is incorporated into Condition 95.

86. ~~(BR/mm-4) Prior to ground disturbance for each of the project components in the expansion area (within two weeks), to avoid conflicts with nesting birds or roosting bats, construction activities shall not be allowed unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting or roosting activities will be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Department of Planning and Building, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations.~~

Comment [D93]: Incorporated into Condition 72.

87. ~~If work occurs between September 1 and March 1, within two weeks of ground disturbance or tree removal/trimming activities, a survey for wintering raptors shall be conducted. If surveys do not locate wintering raptors, construction activities may be conducted. If wintering raptors are located, construction activities shall observe a 500-foot buffer for the wintering location(s). A pre-construction survey report shall be submitted to the County Department of Planning and Building immediately upon~~

Comment [D94]: Incorporated into Condition 72.

~~completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements.~~

88. ~~(GHG/mm-1) During operations and for the life of the project (Phase 2), the Landfill shall employ all feasible methods to limit or offset GHG production for the life of the project. Annually (unless an alternative time frame is authorized in advance by the APCD), the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control/offset programs implemented at the Landfill. The report shall describe control/offset program components, predicted and actual emission reductions, and calculate current emission rates at the Landfill. The report shall also identify successes and failures in the program and recommend methods for improving the programs in future years.~~

Comment [D95]: Incorporated into Condition 41.

89. ~~(PR/mm-3) Upon completion of each Module, 10 through 16, and the detention basins and pond, and upon completion of excavation associated with the RRP, the County-approved paleontologist shall submit a report to the Department of Planning and Building summarizing all monitoring/mitigation activities, confirming that all recommended mitigation measures have been met, and including analysis of all discoveries per the PMRP. In the event that any of the grading/excavation activities occur concurrently, completion reports can be combined.~~

Comment [D96]: Incorporated into Condition 42.

90. ~~ⓔ~~ **(HAZ/mm-3) Additional Bird Deterrent Program.** In the event that a hawk/falcon program proves unsuccessful, the Landfill shall implement additional bird deterrent strategies. These strategies may include use of kites, reflectors, and/or overhead wires, as applicable.

Comment [D97]: See Comment #1.

91. ~~ⓔ~~ **(NS/mm-7) During Green and Wood Waste Processing. Within 30 days after implementation of NS/mm-6,** the applicant shall provide verification that the noise levels produced by green and wood waste processing are less than the 50 dBA at the property lines. If acceptable noise levels are not achieved additional measures shall be developed to reduce noise to acceptable levels.

Comment [D98]: Incorporated into Condition 14.

92. ~~ⓔ~~ **(NS/mm-9) Bird Deterrents.** Bird whistles and/or pyrotechnic bird deterrence activity shall be limited to those times when other, non-noise-producing bird deterrence activities have proven unsuccessful.

Comment [D99]: See Comment #1.

93. ~~ⓔ~~ **(NS/mm-10) Heavy Equipment. Within 30 days following issuance of the initial Notice to proceed of final project approval,** the applicant shall ensure that all heavy equipment items have the manufacturer's recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer. White noise back-up beepers shall be installed on all heavy equipment except for dump trucks.

Comment [D100]: See Comment #1.

94. ~~ⓔ~~ The applicant shall maintain a copy of the approved land use permit (DRC2005-00170), Solid Waste Facilities Permit, and the Waste Discharge Requirements on-site at all times.

Comment [D101]: See Comment #1.

95.  The applicant shall comply with all local, state and federal laws and regulations concerning sorting facilities and landfills. These laws and regulations include specific requirements with which operators of sorting facilities and landfills are required to comply. Examples of these requirements include the following:

- The Air Pollution Control District (APCD) and CalRecycle require that landfill gas control and extraction systems be designed for proposed landfill expansion areas and that the systems, as designed, be implemented by the facility operator.
- The Regional Water Quality Control Board (RWQCB) and CalRecycle require that a leachate collection and removal system (LCRS) be designed for proposed landfill expansion areas unless equivalent measures are approved in writing. The LCRS or equivalent measures are required to be implemented by the facility operator.
- The RWQCB requires facility operators to comply with applicable Waste Discharge Requirements (WDR) and to address violations to the satisfaction of the RWQCB. The County typically requires that any improvements required by RWQCB to address WDR violations also be reviewed by the County
- The County requires the project applicant to submit evidence that adequate water is available to serve the facility and that a septic system adequate to serve the facility can be installed on the site.
- The County requires the project applicant to pay all applicable school and public facilities fees.
- New structures are required to be inspected by the County for building code compliance prior to occupancy.
- The APCD requires monthly compliance logs to be maintained verifying that all equipment and operations continue to comply with APCD requirements.
- CalRecycle and RWQCB require that the facility operator implement stormwater Best Management Practices (BMPs) including the protection of all disposal areas from washout and erosion of wastes or cover materials between October 15 and April 15.
- CalRecycle requires the facility operator to check incoming loads for inappropriate materials (i.e., materials not authorized to be disposed of in a Class III landfill).
- CalRecycle requires the facility operator to institute daily cover of solid waste pursuant to CCR Title 27, Section 20680 (previously CCR Title 14, Section 17682) and/or alternative daily cover pursuant to CCR Title 27, Section 20690 to control odors.
- CalRecycle requires the facility operator to routinely collect, control and properly dispose of litter pursuant to CCR Title 27, Section 20830. This section requires windblown materials to be controlled to prevent injury to the public and personnel. Specifically, the controls are required to prevent the accumulation or off-site migration of litter in quantities that create a nuisance or cause other problems.
- The APCD requires the facility operator to acquire a permit if the tub grinder and trommel screen are powered by an internal combustion engine with greater than 50 horsepower.

Comment [D102]: See Comment #1.

Comment [D103]: Conditions 28, 29, 51, 56, 57, 60, 81, 85, 97, 98, 99, 103, 108, 109, 110, and 112 have been incorporated into this condition.

- [The APCD enforces the odor regulations identified in APCD Rule 402 – Nuisance and requires the facility operator to comply with the facility’s Odor Control Plan.](#)
- [CalRecycle and RWQCB require the facility operator to maintain one or more financial assurance mechanism, as provided by Title 27, Chapter 6, Subchapter 3 of the California Code of Regulations to provide the required coverages for landfill closure, landfill postclosure maintenance, and water release corrective action, as required by Title 27, Chapter 6, Subchapter 2, Articles 1, 2, and 4, respectively. In addition, the County requires that copies of preliminary and final closure and postclosure maintenance plans, as required by Title 27, Chapter 4, Subchapter 4 be submitted to the Department of Planning and Building once the plans have been approved by the CalRecycle and RWQCB. In addition, the financial assurance mechanism is required to include a provision for funding groundwater remediation if necessary.](#)
- [The RWQCB required the facility operator to comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County requires the facility operator to comply with the County’s Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.](#)
- [The APCD requires the applicant to inspect the cover placed on all previous fill areas for cracking on a monthly basis and filled as necessary.](#)

96. ~~ⓔ~~ Grading of earth materials shall be conducted on an as needed basis to minimize surface disturbance. No rough grading (i.e. module construction, the new entrance, proposed buildings, etc.) associated with the proposed project shall be conducted during the rainy season between October 15 and April 15, unless the applicant prepares a Sedimentation and Erosion Control Plan consistent with the requirements of the Land Use Ordinance Section 22.52.120 and that plan is approved by County Department of Public Works. The minimum ~~areare~~ needed to accommodate disposal activities shall be left open (exposed bare soil).

Comment [D104]: See Comment #1.

97. ~~ⓔ~~ ~~All disposal areas shall be protected from washout and erosion of wastes or cover materials between October 15 and April 15.~~

Comment [D105]: Disposal area management is strictly regulated by CalRecycle and RWQCB; therefore, this condition is incorporated into Condition 95.

98. ~~ⓔ~~ ~~The operator shall check incoming loads for inappropriate materials (i.e. materials not authorized to be disposed of in a Class III landfill).~~

Comment [D106]: Waste acceptance operations are strictly regulated by CalRecycle; therefore, this condition is incorporated into Condition 95.

99. ~~ⓔ~~ ~~The applicant shall institute daily cover of solid waste pursuant to CCR Title 27, Section 20680 (previously CCR Title 14, Section 17682) and/or alternative daily cover pursuant to CCR Title 27, Section 20690) in order to control odors.~~

Comment [D107]: The application of daily cover is strictly regulated by CalRecycle and RWQCB; therefore, this condition is incorporated into Condition 95.

100. ~~ⓔ~~ The applicant shall establish a program for training and monitoring of landfill workers. Training shall include introduction to minimum requirements set for the operation of the landfill as well as they safe operation of equipment and use of personnel protective equipment.

Comment [D108]: See Comment #1.

101. ~~ⓔ~~ The landfill shall continue its prohibition of the acceptance of asbestos unless the Solid Waste Facility Permit is amended to allow acceptance of asbestos containing

Comment [D109]: See Comment #1.

materials. **Prior to issuance of the initial Notice to Proceed**, the applicant shall consult with the County Air Pollution Control District in order to determine if a permit shall be required pursuant to the requirements of National Emissions Standards for Hazardous Air Pollutants (NESHAP) Section 61.151 or 154. Asbestos containing materials (wastes) are considered hazardous if there is greater than 1 % asbestos fibers sampled.

102. ~~Material salvaging operations currently underway at the landfill shall continue as feasible.~~

Comment [D110]: See Comment #1.

103. ~~In the event that a tub grinder and trommel screen are powered by an internal combustion engine with greater than 50 horsepower, a permit from the Air Pollution Control District would be required.~~

Comment [D111]: Stationary source emissions are strictly regulated by APCD; therefore, this condition is incorporated into Condition 95.

104. ~~Access to the sort facility will be via the Cold Canyon Landfill entrance which fronts on State Highway 227. No access to the facility shall be taken from the access road commonly known as Weir Ranch Road or Patchett Lane, except for emergency vehicles.~~

Comment [D112]: See Comment #1.

105. ~~Sort facility personnel shall keep a daily log of commercial trucks hauling recyclables to and from the sort facility. The applicant agrees to record daily truck trip counts. The applicant also agrees to submit the truck trip log book to the County Department of Planning and Building, the County Department of Public Works, and the County Environmental Monitor, upon request.~~

Comment [D113]: See Comment #1.

106. ~~The applicant agrees continue to participate in the "Adopt a Highway" program as long as the proposed use is in operation, or as long as the "Adopt a Highway" program exists. The program shall include both sides of State Highway 227, at least one mile in each direction from the site entrance. The applicant shall provide to the Department of Planning and Building a letter from Caltrans indicating the applicant's participation on the "Adopt a Highway" program, prior to issuance of the first Notice to Proceed.~~

Comment [D114]: Incorporated into Condition 6.

107. ~~Outdoor storage of materials (including but not limited to storage at the MRF and RRP) that may contribute pollutants to the stormwater conveyance system shall be designed consistent with condition of approval number 58.~~

Comment [D115]: Condition already addressed in Condition 58.

108. ~~Odors from the landfill shall be enforced by the Air Pollution Control District (APCD) consistent with APCD Rule 402 - Nuisance, and the site Odor Control Plan.~~

Comment [D116]: Odors are regulated by APCD; therefore, this condition is incorporated into Condition 95.

109. ~~The applicant shall maintain one or more financial assurance mechanism, as provided by Title 27, Chapter 6, Subchapter 3 of the California Code of Regulations to provide the required coverages for landfill closure, landfill postclosure maintenance, and water release corrective action, as required by Title 27, Chapter 6, Subchapter 2, Articles 1, 2, and 4, respectively. Copies of preliminary and final closure and postclosure maintenance plans, as required by Title 27, Chapter 4, Subchapter 4 shall be submitted to the Department of Planning and Building once the plans have been approved by the~~

Comment [D117]: Financial assurance requirements are strictly regulated by CalRecycle; therefore, this condition is incorporated into Condition 95.

~~Regional Water Quality Control Board and CalRecycle. In addition, this fund shall include provision for funding of ground water remediation if necessary.~~

110. ~~The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et seq.~~

Comment [D118]: NPDES requirements are strictly regulated by RWQCB; therefore, this condition is incorporated into Condition 95.

111. ~~If refuse slope failure occurs, the extent of the failure shall be evaluated by a civil engineer, registered engineering geologist, or registered geotechnical engineer (approved by the County Department of Planning and Building and the Environmental Coordinator) prior to repair of the failed slope. The assessment and repair shall be monitored by the RWQCB and/or CalRecycle.~~

Comment [D119]: See Comment #1.

Comment [D120]: If a slope failure occurs, it is critical to get an engineer on the site as soon as possible to assess the situation and identify an appropriate repair in order to protecting the public health. The requirement to have an engineer (registered by the State of California) reviewed and approved by the County prior to the repair could endanger public health.

112. ~~The cover placed on all previous fill areas shall be inspected for cracking on a monthly basis and filled as necessary.~~

Comment [D121]: Cover requirements are strictly regulated by CalRecycle; therefore, this condition is incorporated into Condition 95.

113. ~~The applicant shall retain a registered civil engineer, registered engineering geologist, or registered geotechnical engineer with expertise in landfill construction/operation to direct site construction activities such as expansion area excavations, low permeability soil placement and liner construction. The engineer will be responsible for overseeing the construction activities at the site.~~

Comment [D122]: See Comment #1.

114. ~~The applicant shall have a designated manager on-site at all times during landfill and covering activities and shall be responsible for all site operations in coordination with the Mitigation Monitor and responsible agencies.~~

Comment [D123]: See Comment #1.

115. ~~The applicant shall take part in waste characterization studies on the site by providing operational area and facilities to assist in the conduct of waste characterization studies as required by the County of San Luis Obispo or CalRecycle.~~

Comment [D124]: See Comment #1.

116. ~~In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:~~

Comment [D125]: This condition is redundant to Condition 43.

~~a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.~~

~~b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.~~

117. ~~This land use permit is valid for a period of 84 months (seven years) from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is~~

Comment [D126]: See Comment #1.

considered to be vested pursuant to Section 22.64.080(B) and Section 22.64.090.B. ~~For Phase 1, this permit is considered vested once this approval becomes final and the initial notice to proceed is issued with commencement of ongoing operations, commence as authorized by Condition 1.A. For Phase 2, this permit is considered vested once a notice to proceed has been issued and the Director verifies that landfilling activities have commenced within the expansion area authorized by Condition 1.B.~~

Comment [D127]: The project applicant has to undertake substantial expenditures in reliance on the permit and it should legally vest once the Notice to Proceed is issued and operations commence under the new permit.

118. ~~e~~—The postclosure end use of the project site is designated as open space, non-irrigated grazing land as such a designation is required by Title 27, Chapter 4, Subchapter 4 of the California Code Regulation (previously Title 14 of the California Code of Regulations, Section 17796 et. Seq).

Comment [D128]: See Comment #1.

119. ~~e~~—The applicant shall, as a condition of the approval and use of this conditional use permit, enter into, and maintain for the life of the project, an agreement with the County providing for the defense and indemnification of the County, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve and issue this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The agreement shall provide that the applicant will reimburse the County for any court costs and attorney’s fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of its obligation under this condition.

Comment [D129]: See Comment #1.

120. ~~As soon as material is available, the applicant shall limit the use of the southern stockpile (stockpile 4) to construction and final cover activities (non-operational activities) to the maximum extent feasible. The stockpile / berm shall be designed to shield stockpiling activities from the southern property line and stockpiling activities shall incorporate all measures to reduce noise, dust, and litter. The visual and noise screening qualities associated with the berm portion of the stockpile/berm (i.e., adjacent to Patchett Road) shall not be affected by ongoing stockpiling activities. Placement and removal of stockpiled material shall be conducted in a manner where the equipment and earth moving operations occur north and below the top elevation of the stockpile / berm to the maximum extent feasible.~~

Comment [D130]: Incorporated into Condition 12.

121. At the time the Landfill entrance is relocated, the applicant shall pave the entire length of the new access road described in Condition of Approval 1.B.v.

122. ~~Any existing operational plans that are currently in effect for the existing operation shall remain in effect until such time as expressly replaced or rescinded by the applicable agency.~~

Comment [D131]: Incorporated into Condition 1.

EXHIBIT B

ITEM #25
MEETING DATE: NOVEMBER 20, 2012
PRESENTED BY: LACY BALLARD
RECEIVED PRIOR TO MEETING
POSTED ON: NOVEMBER 15, 2012

EXHIBIT A – FINDINGS
As adopted by the Planning Commission on 8-9-12

Environmental Determination

A. The Environmental Coordinator, after completion of the Initial Study, finds that there is evidence that the project may have a significant effect on the environment, and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000, et seq., and California Administrative Code Section 15000, et seq.) for the proposed project. Impacts were identified and mitigation measures have been proposed for: Aesthetic Resources, Agricultural Resources, Air Quality, Biological Resources, Climate Change/Green House Gas Emissions, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportations and Circulation, and Water Resources. Overriding considerations were determined to be necessary based on significant and unavoidable impacts associated with Aesthetics, Agricultural, Climate Change/GHG, Hazards/Hazardous Materials, and Noise. See Exhibit C for CEQA Findings and Overriding Considerations.

Conditional Use Permit

B. The proposed project and use of the project site as a regional landfill is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Agriculture land use category subject to Conditional Use Permit approval, and as conditioned is consistent with the General Plan objectives and policies.

The project is consistent with Agriculture Policy 24 for the following reasons:

- The feasibility of agricultural production on the proposed expansion site is currently limited due to two primary factors: 1) the Materials Recovery Facility (permitted by the County in 1997) is located over approximately 12 acres of the southeast corner of the site, and 2) the existing Landfill is located adjacent to and along two-thirds of the northern boundary of the proposed expansion parcel that contains agricultural soils.
- Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses including the existing regional landfill to the north and scattered residential development on the other adjacent lands.
- The conversion to non-agricultural uses would not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture because of the mitigation measures that are applied to the project including but not limited to noise, dust, lights, and disease vector controls.
- Based on the analysis contained in the Agricultural Resources and Water Resources section of the FEIR, there is an overriding public need for the conversion of the land that outweighs the need to protect the land for long-term agricultural use due to a surplus of agricultural soils vs. available ground water supply in the basin. Additionally, the analysis concluded that the project would not result in significant impacts to groundwater resources or groundwater recharge with inclusion of the water detention/retention elements.

- C. As conditioned, the proposed project and use of the project site as a regional landfill satisfies all applicable provisions of Title 22 of the County Code subject to the adjustments and modifications discussed in findings G and H below.
- D. The establishment and subsequent operation or conduct of the use as a regional landfill will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because, as conditioned, during construction and on-going operations at the Landfill, numerous mitigation measures will be in place related to safety, environmental protection, and neighborhood compatibility. These measures address project related impacts and compatibility issues associated with Aesthetic Resources, Agricultural Resources, Air Quality, Biological Resources, Climate Change/Greenhouse Gas Emissions, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportations and Circulation, and Water Resources. The project is also subject to the Land Use Ordinance and Building Codes designed to address health, safety, and welfare concerns.
- E. The proposed project and use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed expansion of the landfill is located immediately adjacent to the existing landfill and with inclusion of the recommended mitigation measures, impacts associated with the proposed expansion will be mitigated to the extent feasible.
- F. The proposed project and use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Highway 227, a State Highway constructed to a level able to handle any additional traffic associated with the project. Caltrans has reviewed the proposed location of the new entry, reviewed the traffic reports prepared for the project, and determined that the identified project improvements are adequate to serve the proposed project and that existing State facilities can accommodate the increased traffic generated by the proposed project. The Public Works Department has also reviewed and provided comments on the proposed project and determined that County facilities in the vicinity are adequate to serve the proposal.

Modifications/Adjustments

- G. The height of 40 feet associated with the Materials Recovery Facility (MRF) will not exceed the lifesaving equipment capabilities of Cal Fire (County Fire) because Cal Fire has reviewed the proposed project and prepared a Fire Safety Plan that indicates their ability to respond to fire and life safety emergencies at the proposed facility (including the proposed 40 foot structure). With inclusion of the mitigation measures that require visual screening of the proposed structure, the adjustment of the maximum allowable height limitation of 35 feet in the Agriculture land use category, as established by Land Use Ordinance Section 22.10.090, will not result in substantial detrimental effects on the enjoyment and use of adjoining properties with inclusion of the requested modification.
- H. The standards of the Noise Element have been considered, the project related noise impacts have been evaluated, and all feasible mitigation measures have been recommended to minimize the impacts associated with the proposed Landfill and noise generating uses at the Landfill site to the maximum extent feasible. Mitigation measures NS/mm-3 has been determined to be infeasible because the adjacent properties are not

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owned by the applicant, noise barriers placed on individual properties would not ensure compliance with applicable noise thresholds at the property line, and the noise barriers would be located outside the operational control of the Landfill. With the inclusion of mitigation measures recommended for the project, consideration of the record as a whole, and a review of the benefits the project provides for the County and the region; the adjustment to the stationary noise sources and outdoor activity area thresholds will allow the County to provide a cost effective, long-term waste disposal and diversion facility while helping local communities meet state-mandated waste diversion goals as well as meeting local, state, and federal standards to minimize impacts of waste diversion and disposal activities.

EXHIBIT B – CONDITIONS OF APPROVAL
As adopted by the Planning Commission on 8-9-12

Final Project Approval - The permit is considered final upon expiration of the appeal period or upon approval by the Board of Supervisors if an appeal is taken.

Approved Development

1. This approval authorizes:

A. Phase 1 – Existing Operations:

- i. On-going landfill operations, as approved by D860156D, and pursuant to the conditions herein; and on-going activities associated with the Materials Recovery Facility (Sort Facility), as approved by D960087D, and pursuant to the conditions herein;

Component	Time	Ancillary Activities
Landfill/Disposal Area*		
Commercial Haulers	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
General Public	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
Material Recovery Facility**		
Waste Receipt, Processing, and Shipping	8:00 a.m. to 4:30 p.m.	N/A
Resource Recovery Park*		
Resource Recovery	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
Hazardous Waste*		
Household, Universal and Electronic Hazardous Waste	7:00 a.m. to 4:30 p.m.	6:30 a.m. to 5:30 p.m.
* Monday through Sunday		
** Monday through Friday with no weekend operations. However, if a holiday occurs within the week, operations area allowed on Saturday only within the same hours.		

- ii. Any existing operational plans that are currently in effect for the existing operation shall remain in effect until such time as expressly replaced or rescinded by the applicable agency.

B. Phase 2 – New Operations:

- i. Expanding the disposal area footprint by approximately 46 acres including the acceptance of nonhazardous and inert refuse as defined by California Code of Regulations (CCR) Title 23, Division 3, Subchapter 15, (Sections 2523 et. seq.);
- ii. Increasing the total facility allowable tonnage limit from 1,620 to 2,050 tons per day;

- iii. Expanding and relocating the Resource Recovery Park to the eastern corner of the site;
- iv. Expanding and enhancing the Materials Recovery Facility (68,800 square feet);
- v. Constructing a new scale-house and entrance approximately one-half mile south of the existing entrance on Highway 227;
- vi. Increasing the operating hours for waste acceptance at the Landfill and the Resource Recovery Park (7:00 a.m. to 5:00 p.m.) and the Materials Recovery Facility (7:00 a.m. to 10 p.m., processing only after 5 p.m.) seven days a week, including decreasing time at the beginning of the day and increasing time at the end of the day for ancillary activities, as follows:

Component	Time	Ancillary Activities
Landfill/Disposal Area		
Commercial Haulers	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 6:00 p.m.
General Public	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 6:00 p.m.
Material Recovery Facility		
Waste Receipt	7:00 a.m. to 5:00 p.m.	N/A
Processing	7:00 a.m. to 10:00 p.m.*	N/A
Resource Recovery Park		
Resource Recovery	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 6:00 p.m.
Hazardous Waste		
Household, Universal and Electronic Hazardous Waste	7:00 a.m. to 5:00 p.m.	7:00 a.m. to 6:00 p.m.
* Doors must be closed in the Materials Recovery Facility between 5 p.m. and 10 p.m.		

- vii. Increasing the staffing levels from 75 to 114; and
- viii. Other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building).
- ix. A maximum heights for various Landfill components, as follows:

Landform/Structure	Allowed/Required	Proposed
Landfill:	500 feet above sea level (asl) Note: Top deck maximum elevation taken from previous permit	Top deck will remain at 500 feet above sea level for existing and new disposal areas
*Temporary Earthen Berm:	None at this time <i>Proposed new height limit of 525 feet (asl)</i>	Variable height berm between 10 and 25 feet (max. 525 asl)
Materials Recovery Facility (MRF):	35 feet	40 feet Note: Allowed by modification procedure
Resource Recovery Park (RRP):	35 feet	35 feet

** Upon closure of the Landfill, the "Temporary Earthen Berm" shall be removed or blended into the existing Landfill. If removal of the earthen berm is proposed, the maximum elevation shall not exceed 500 feet above sea level (asl). If blending of the earthen berm is proposed, the maximum elevation of the Landfill shall not exceed 510 feet asl and the final contours shall utilize contour grading and slope rounding to eliminate sharp earthwork angles.*

- x. A total of three signs including two 20 square foot identification signs (40 square feet combined) and one freestanding informational sign measuring approximately 24 square feet (6' x 4') for a maximum total sign area of 65 square feet. Additional informational and safety signage within the landfill facility (outside of public views) are not subject to these limitations.
- xi. This Conditional Use Permit (DRC2005-00170) shall expire and become void when the designated fill elevations, as approved, are reached and the use including landfill closure, post-closure maintenance and monitoring, and resource recovery activities are completed; or the use is abandoned or discontinued for a period greater than twelve (12) months pursuant to Land Use Ordinance Section 22.64.120. Expiration of this permit shall mean the termination of acceptance of solid waste pursuant to this land use permit and closure and postclosure activities as required by state law and/or CalRecycle.

Site Development

- 2. **Prior to issuance of the Notice to Proceed and/or at the time of application for construction permits**, the applicant shall submit a revised site/grading plan for the Landfill disposal area; and if applicable, submit floor plan and architectural elevations for all proposed structures to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings; and if applicable, submit landscape/screening plans to the Department of Planning and Building for review and approval. The revised plan shall indicate how the proposed Landfill disposal areas and proposed structures will

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be consistent with all conditions of approval contained herein (Exhibit B – Conditions of Approval).

3. **(AES/mm-1) Prior to initiation of any components of Phase 2 of the proposed project**, the applicant shall receive an initial Notice to Proceed from the County Department of Planning and Building. The Notice shall not be issued until all relevant aesthetic resource mitigation measures and conditions of approval have been met.
4. **Prior to issuance of each Notice to Proceed**, the applicant shall submit evidence that the following agencies have either issued required permits, amended existing permits, or do not have a permit requirement:
 - a. Army Corps of Engineers (Section 404)
 - b. California Department of Fish and Game (Section 1603)
 - c. SLO Air Pollution Control District (Permit to Construct, Authority to Operate)
 - d. Regional Water Quality Control Board (WDRs, Section 401, SWPPP)
 - e. CalRecycle (Solid Waste Facility Permit)
 - f. Caltrans (Encroachment Permit)

Nothing herein shall be interpreted or construed to authorize or require the County to enforce the terms and conditions of permits and entitlements issued by other agencies. It is the obligation of the issuing agency to administer and enforce the requirements within that agency’s statutory and regulatory jurisdiction.

5. **(HAZ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall notify all customers and residences in the service area of the changes at the Landfill, through a combination of mail updates, the phone system, the Landfill website, and through on-site signage, which materials may be accepted at the new facility, and when the new facility will be open to accept them. Updates shall be provided periodically as project components are relocated or expanded.
6. **(HAZ/mm-2) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit to the Department of Planning and Building, an updated Litter Control Plan. The plan shall be approved by the Department of Planning and Building and be posted on the Landfill website. The plan shall be updated at minimum every ten years, and include at a minimum:
 - a. Descriptions of current litter control practices.
 - b. Provisions for semi-monthly (twice a month) trash pick-up on neighboring properties. The phone number of the litter control staff at the Landfill shall be provided to the neighbors, and permanently posted at the project entrance at a location that is easily visible from the closed gate. Neighbors within a mile of the landfill shall be able to contact the Landfill to request pick-up of fugitive trash on their property.
 - c. Requirements for litter control fences to be installed around the downwind perimeter of the Landfill (i.e., southeast and southwest property lines) that are a minimum of six feet tall. Aesthetics shall be considered when selecting litter control fences.
 - d. Requirements for portable litter control screens installed near working faces to be a minimum of ten feet tall.

- e. Descriptions of the litter barrier proposal (permanent and temporary) for construction of each proposed new module. Barriers shall be oriented to address prevailing winds.
- f. Contact information so that the public can reach agency staff (CalRecycle, County Code Enforcement, CHP, Sheriff) in the event that the Landfill does not comply with control measures or to report illegal dumping.
- g. Requirements for fencing along the drainage that restrict trash from entering the drainage swale from the Landfill and entrance road, but allow for the passage of wildlife, as necessary.
- h. The Landfill litter control phone number shall also be available to receive calls relating to illegally dumped refuse that is found along the primary truck haul routes (CA 227, Price Canyon, and Noyes Road) within three linear miles of the Landfill entrance. Such calls shall be investigated within one week of receiving the call, including any special pick-up of refuse found, unless Caltrans or County Public Works identifies the need for special measures to address traffic safety issues.
- i. The applicant agrees to continue to participate in the “Adopt a Highway” program as long as the proposed use is in operation, or as long as the “Adopt a Highway” program exists. The program shall include both sides of State Highway 227, at least one mile in each direction from the site entrance. The applicant shall provide to the Department of Planning and Building a letter from Caltrans indicating the applicant’s participation on the “Adopt a Highway” program, prior to issuance of the first Notice to Proceed.

Note: All measures required by this plan shall be implemented upon issuance of the initial Notice to Proceed.

- 7. **(HAZ/mm-5) Prior to issuance of the initial Notice to Proceed**, the applicant shall provide verification that a Fire Prevention, Control, and Mitigation Plan has been developed/amended to the satisfaction of CAL FIRE.
- 8. **(HAZ/mm-6) Prior to issuance of the initial Notice to Proceed**, the applicant shall develop and display educational materials regarding Sudden Oak Death (SOD) and Light Brown Apple Moth (LBAM) for public and private customers dropping off green waste at the Landfill. The information shall include descriptions of the distribution of the diseases, how to identify them, management practices for dealing with infected trees, and disposal guidelines. Material shall be produced in coordination with the County Department of Agriculture unless the Department of Agriculture already has suitable education materials for this purpose. This information shall also be posted on the Landfill website directly or by a link to another site.
- 9. **(NS/mm-1) Within 90 days of final project approval**, the applicant shall submit for review and approval, a Noise Mitigation Plan addressing identified potential noise impacts on the southeastern property line through construction of an earthen berm (along the southeastern property line) and use of back-up warning devices on all applicable onsite heavy equipment that use ambient noise technology and/or are set to the lowest possible levels while still ensuring public and worker safety. The plan shall be prepared by a qualified acoustical consultant.

The berm shall be located at the property line or south of the proposed access road, based on recommendations from a qualified noise consultant in consultation with the

County, to effectively reduce impacts. Any berms located at the property line shall be landscaped in accordance with the proposed landscape plan and Aesthetic Resources mitigation measures.

The Plan shall include a schedule of when these measures would be installed prior to commencement of any related expansion improvements. The plan shall be implemented during the initial excavation of the first module authorized by this approval. In addition, the plan shall specify that noise monitoring shall be required after installation by a County-approved expert on noise measurement to determine the effectiveness of the installed measure(s), and if additional measures need to be installed to reduce noise a minimum of 5dB and up to 15 dB (FEIR, pg V-226). Any additional measures identified will be installed by the applicant as quickly as feasible (with a goal of 60 days) from when they are determined necessary.

10. **(NS/mm-2) Prior to initiation of proposed activities associated with Phase 2, including the relocation of the entrance, module excavation, etc.,** the applicant shall have completely implemented applicable components of the Noise Mitigation Plan.

11. **(NS/mm-4) Prior to issuance of the initial Notice to Proceed,** in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile 4 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If stockpiles 1 and 3 cannot accommodate all of the material, the remaining material shall be located in a new location as far away from the property line(s) as feasible, potentially adjacent to existing Module 8 and proposed Module 11. Should proposed stockpile 4 be used in its proposed location, the applicant shall limit its use to construction and final cover activities (non-operational activities) to the maximum extent feasible. The stockpile/berm shall be designed to shield stockpiling activities from the southern property line and stockpiling activities shall incorporate all measures to reduce noise, dust, and litter. The visual and noise screening qualities associated with the berm portion of the stockpile/berm (i.e., adjacent to Patchett Road) shall not be affected by ongoing stockpiling activities. Placement and removal of stockpiled material shall be conducted in a manner where the equipment and earth moving operations occur north and below the top elevation of the stockpile / berm to the maximum extent feasible.

12. **(NS/mm-5) Prior to issuance of the initial Notice to Proceed,** to reduce noise from the tub grinder, the applicant shall design and construct an effective noise barrier around the grinder (acoustic material used could be earth, concrete, straw bales, or some other acoustically dense material). The barrier design and location shall be approved by a qualified acoustical consultant and reviewed by the County. This measure shall be re-applied whenever the tub grinder is moved from one pre-approved location to another. Exterior color and/or material shall blend with the existing backdrop.

13. **(NS/mm-6 and -7) Within 30 days of implementation of NS/mm-5,** the applicant shall have a qualified acoustical monitor identify noise levels at the property line resulting from the processing of green and wood waste (including tub grinder) at all locations that green and wood waste processing may occur. If the Leq is still above 50 dBA and after implementation of NS/mm-5, within three months from the confirmation of noise levels the applicant shall implement the following measure:

- a. Enclose the tub grinder based on the results of the monitoring efforts and recommendations. The enclosure design shall be reviewed by a qualified acoustic consultant. The applicant shall provide verification that the proposed enclosure would reduce noise levels such that the 50 dBA threshold can be achieved.

During Green and Wood Waste Processing. Within 30 days after implementation of NS/mm-6, the applicant shall provide verification that the noise levels produced by green and wood waste processing are less than the 50 dBA at the property lines. If acceptable noise levels are not achieved additional measures shall be developed to reduce noise to acceptable levels.

- 14. **(NS/mm-8) Prior to issuance of building and/or grading permits for the Resource Recovery Park (RRP)**, to reduce noise levels at the property lines resulting from the RRP, the applicant shall submit a noise mitigation plan specific to the relocated RRP. This plan shall include RRP site lay-out and design details and noise analysis information specific to that portion of the site at the time of relocation. The plan shall include, if the applicant deems feasible, enclosure of the elevated C&D sort line within the MRF building, enclosure of just the C&D sort line, enclosure of other individual RRP components, and any other applicable noise reduction strategies. If the applicant cannot demonstrate through submittal of the RRP Noise Reduction Plan that noise levels would be reduced to below 62 dBA at the southeastern property line and to the maximum extent feasible at the northeastern property line, the applicant shall re-design the facility so that it is covered and enclosed on all sides, with the exception of the southwestern side. Walls and ceilings shall be acoustically treated, as necessary, and metal roll-off bins will be lined to the extent feasible to achieve acceptable noise levels at property boundaries. The acoustical treatment may also need to be applied to any nearby permanent reflecting surfaces, such as the MRF building. The southwestern side may be left open to facilitate delivery and sorting of materials. Once installed and in full operation, a qualified noise expert shall take measurements to verify compliance. To show compliance with this mitigation measure, the applicant must demonstrate that the use will not exceed 62 dBA at the southeast property line.

- 15. **(AES/mm-3 and -10) Prior to issuance of the initial Notice to Proceed**, and upon submittal to the Department of Planning and Building, the grading plans for the proposed project shall include the following:
 - a. All final refuse and soil stockpile slopes constructed by the project shall be contour-graded to reduce the uniform appearance of the embankments. Contour grading and slope rounding and variation could be done on the exterior of the refuse modules to avoid loss of module capacity, to the extent feasible.
 - b. All interim (five years or more) and finished slopes shall emphasize native shrubs and naturalized grasses in the erosion control seeding mix, to the extent feasible. Native shrubs shall include at least three different species and shall be the type found in the surrounding natural landscape. Plant species used shall be shallow rooted to avoid damage to the landfill cover.

- 16. **(AES/mm-4) Prior to issuance of the initial Notice to Proceed**, the applicant shall show the following on the landfill grading plans:

- a. An earthen berm around the edges of the "top deck" to screen equipment, including but not limited to trucks associated with the green waste storage, chipping, and loading operations and vehicle storage.
 - b. The berm shall be contour-graded, use slope-rounding, be continuous, and include a variable height profile ranging from ten to 25 feet above the adjacent grade of the top deck.
17. **(AES/mm-5) Within one year of issuance of the initial Notice to Proceed (or incrementally as portions of the top deck are completed)**, the berm required by AES/mm-4 shall be constructed. If the applicant avoids using the top deck for grinding, storage, and stockpiling activities, the berm would not be required. Stockpiling activities can also be designed to co-function as a noise/aesthetic mitigation berm upon verification by the Department of Planning and Building.

Note: If grinding, storage, and/or stockpiling activities continue to occur on the top deck, this measure shall be implemented within 180 days of approval of the plan required by AES/mm-4, unless weather conditions reduce the ability to perform operation on the top deck, the applicant would then be allowed one year from the time of approval of the plan required by AES/mm-4.

18. **Prior to issuance of the initial Notice to Proceed**, the applicant shall designate a responsible party or parties available 24 hours a day with the authority to receive and respond to any notification of permit violation and respond to emergencies. The permit violation shall be corrected as soon as reasonably possible or within a time that is determined to be appropriate by the responsible agency (e.g. APCD, RWQCB, etc). A telephone number shall be supplied to the Department of Environmental Health and the Department of Planning and Building by which the responsible party may be contacted.
19. **(AES/mm-2) Prior to issuance of the initial Notice to Proceed**, the applicant shall provide funding for an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures for the life of the project. The environmental monitor shall be under contract to the County of San Luis Obispo. The monitor shall prepare a construction/operations monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations and County Conditions of Approval; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with daily and weekly reporting of complaints (as needed); (4) construction crew training regarding environmental sensitivities; (5) authority to stop work associated with the specific construction or operational activity (e.g. tub grinder exceeds the identified noise threshold) after consultation with the Environmental Coordinator; and (6) action to be taken in the event of non-compliance. In the event the County is reinstated as a Local Enforcement Agency (LEA), this measure would be superseded by the enforcement powers of the LEA. A phone number contact for the environmental monitor shall be provided to the surrounding neighbors and/or provided on the Cold Canyon website.

Condition of approval 4 requires that prior to the issuance of each Notice to Proceed, the applicant shall submit evidence that specified agencies have either issued required permits, amended existing permits or do not have a permit requirement. Nothing herein shall be interpreted or construed to authorize or require the Environmental Monitor to enforce the terms and conditions of permits and entitlements issued by other agencies.

It is the obligation of the issuing agency to administer and enforce its requirements within that agency's statutory and regulatory jurisdiction.

20. **Prior to issuance of the initial Notice to Proceed**, the Mitigation Monitoring Plan shall be revised to reflect the final conditions adopted for the project by the Lead Agency and all Responsible Agencies. The Environmental Coordinator's Office is responsible for administering the Mitigation Monitoring Plan as required by AB 3180, and will act as the clearinghouse for all reports pursuant to the Mitigation Monitoring Plan.
21. **Prior to issuance of the initial Notice to Proceed**, the proposed informational sign at the entrance to the facility shall include language stating that all open-bed trucks that enter the site must be covered to prevent litter from blowing onto public roadways.
22. **Prior to issuance of the initial Notice to Proceed and at the time of application for construction permits for individual structures**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated May 26, 2006 or any updated requirements determined necessary by Cal Fire/County Fire Department. To ensure compliance with this condition of approval, the applicant shall submit a fire clearance letter issued by the Cal Fire/County Fire Department to the Department of Planning and Building stating that all requirements of the Fire Safety Plan have been met.
23. **(GEO/mm-2) Prior to issuance of the initial Notice to Proceed and each subsequent module**, the applicant shall submit a revised grading plan, a drainage plan, and an erosion and sedimentation control plan for the expanded disposal area (consistent with all Conditions of Approval contained in Exhibit B – Conditions of Approval). These plans shall be submitted to the Department of Public Works and the Department of Planning and Building for final review and approval. The drainage plan shall be prepared consistent with Section 22.52.110. All up-gradient runoff shall be channeled around the landfill to prevent run-on and possible leachate generation and shall be reflected on the drainage and grading plans.

At the time of application for construction permits for all structures and grading permits for all grading activities outside of the Landfill disposal activities, revised grading and drainage plans shall be submitted to the Department of Public Works for review of the drainage plan and the Department of Planning and Building for final review and approval.

The required grading and drainage plan shall include Best Management Practices (BMP), to the extent feasible, to be utilized in the design, construction, and operation of the project. BMPs may include but are not necessarily limited to those found in the Regional Water Quality Control Board's BMP Guidelines or other appropriate BMP design manuals. Additionally, the proposed detention basins and other drainage improvements shall be designed to retain stormwater for use on-site as dust control, to the extent feasible.

The sedimentation and erosion control plans shall address erosion control during all phases of grading. Drainage shall discharge in a non-erosive manner away from improvements and, where slopes are present, away from the toes of the slopes. The

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applicant shall also provide verification of continued compliance with NPDES requirements, and provide a copy of the submitted SWPPP (General Construction and General Industrial), as applicable. Revised SWPPPs shall include provisions for vehicle tire washes and incorporate Low Impact Development. Areas of high erosion potential shall be protected by water bars, jute netting, straw matting, sand bags, straw bales, or other approved measures as necessary. These features shall be shown on the drainage plan and erosion and sedimentation control plan. All sediment laden runoff shall be passed through an approved sedimentation, and/or retention and/or detention basin, and shall be shown on the drainage plan.

24. **(AQ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a Construction Activities Management Plan for review and approval by the SLOAPCD. This plan shall include, but not be limited to, the following Best Available Control Technology for diesel-fueled construction equipment, to the extent feasible:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Regularly maintain and properly tune all construction equipment according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel powered equipment including, but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, and auxiliary power units with CARB motor vehicle diesel fuel.
- e. Maximize, to the extent feasible, the use of diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with State Off-Road Regulation. Maximize, to the extent feasible, the use of on-road heavy-duty trucks that meet the ARB's 2007 or newer certification standard for on-road heavy-duty diesel engines, and comply with State On-Road Regulation.
- f. Electrify equipment where feasible.
- g. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), bio-diesel, or propane for on-site mobile equipment instead of diesel-powered equipment where feasible.
- h. On and off-road diesel equipment shall not be allowed to idle for more than five minutes.
- i. To the greatest extent practicable, use Purinox or similar NO_x reducing agents diesel fuel.
- j. Install Best Available Control Technology (BACT) for construction equipment. In the event that emissions will exceed thresholds after the standard measures are applied, then the following BACT measures shall be implemented:
 - Replace equipment with equipment that has cleaner engines;
 - Replace equipment with the cleanest engines possible;
 - Install California Verified Diesel Emission Control Strategies;
 - Implement a Comprehensive Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period;
 - Limit the length of the work day; and,
 - Phase construction activities, if appropriate.

A more detailed evaluation of the construction emissions will be required at the time the CAMP is prepared. All trips including off site hauling trips will need to be included in the calculations. If after all applicable mitigation have been applied, the construction emissions still exceed the District's threshold of significance, then off site mitigation will be required.

25. **(AQ/mm-2) Prior to issuance of the initial Notice to Proceed**, a Dust Control Plan for all potential dust-creating activities shall be prepared and submitted to the SLOAPCD for approval prior to commencement of activities. The Dust Control Plan shall include, to the extent feasible:
- a. Use APCD-approved BMPs and dust mitigation measures;
 - b. Prohibit visible fugitive dust from any applicable source beyond the property line.
 - c. Prohibit visible fugitive dust from any applicable source that equals or exceeds 20 percent opacity for 3 minutes or more in any one hour.
 - d. Provide for monitoring dust and construction debris during construction;
 - e. Designate a person or persons to monitor the dust control program and to order increased watering or other measures as necessary to prevent transport of dust off-site. Duties should include holiday and weekend periods when work may not be in progress (but strong winds may blow);
 - f. Provide the name and telephone number of such persons to the APCD prior to construction commencement;
 - g. Identify complaint handling procedures;
 - h. Fill out a daily dust observation log; and,
 - i. Provide a list of all heavy-duty construction equipment operating at the site. The list shall include the make, model, engine size, and year of each piece of equipment.
26. **(AQ/mm-3) Prior to issuance of the initial Notice to Proceed and at the time of application for construction permits for individual structures**, the following mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM₁₀ emissions during earth moving activities, to the extent feasible:
- a. Reduce the amount of the disturbed area where possible.
 - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
 - c. All dirt stockpile areas shall be sprayed daily as needed.
 - d. Exposed ground areas that are planned to be reworked at dates greater than two months after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - e. All disturbed soil areas not subject to re-vegetation and that remain inactive for one month or longer shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after initial site grading. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall be posted to not exceed 17 mph on any unpaved surface at the construction site.

- h. All trucks hauling dirt, sand, or other loose materials on public roads are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - i. Wheel washers shall be installed as part of the new entrance construction where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - j. Streets shall be swept twice per week if visible soil material is carried onto adjacent paved roads.
 - k. Permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities.
27. **(AQ/mm-5) Prior to issuance of demolition permits associated with demolition activities at the existing entrance area, the applicant shall:**
- a. Notify the APCD at least ten working days prior to commencement of any demolition activities;
 - b. Conduct an Asbestos survey by a Certified Asbestos Inspector;
 - c. Use applicable disposal and removal requirements for any identified asbestos containing material; and,
 - d. Contact the SLOAPCD Enforcement Division prior to final approval of any demolition activity.
28. **(BR/mm-1, -2 and -3) Prior to issuance of the initial Notice to Proceed, the applicant shall submit an Oak Woodland Protection and Restoration Plan consistent with the requirements of BR/mm-1 through BR/mm-3 to be reviewed and approved by the County Department of Planning and Building. Oak woodland restoration shall be accomplished through one of three methods: 1) replanting of oak trees removed from the oak woodland, 2) providing for the protection of oak woodland habitat in perpetuity through acquisition or donation of an open space easement of a conservation easement if the applicant so chooses, in a form approved by County Counsel, that includes at least 2,000 square feet per tree removed; 3) providing funds to the California Wildlife Conservation Board to be used for the purchase of Oak Woodland Conservation Easements. The plan shall include the following, as appropriate:**
- a. Method 1 - For onsite planting and protection purposes, oak trees removed shall be replaced at a minimum 4:1 ratio, and impacted trees shall be replaced at a 2:1 ratio.
 - b. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.
 - c. Replacement oak trees shall be planted no closer than 20 feet on center and

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shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked “weed mat” or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year.

- d. Method 2 - Prior to approval of the initial Notice to Proceed, the applicant shall record an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, that protects 2,000 square feet of existing oak woodland habitat for each tree removed from the oak woodland in perpetuity. The easement shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include but are not limited to: The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, or The Cambria Land Trust.
- e. Method 3 - If the applicant is not able to establish a conservation easement, the applicant shall provide funding to the California Wildlife Conservation Board or other County-approved entity to be used for the purchase of Oak Woodland Habitat Conservation Easements. The final funding amount shall include \$970.00 or be consistent with the current fees in place pursuant to SB1334 for each tree removed. Each impacted tree shall be assessed a fee of \$485.00 or be consistent with the current fee in place pursuant to SB 1334 per impacted tree. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impact.

29. **(BR/mm-5) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a Wetland and Riparian Habitat Restoration plan that covers impacts to all state and federal wetlands onsite. The plan shall describe wetland restoration and revegetation efforts, and identify the location onsite where those efforts will occur. The plan shall be submitted along with verification from the appropriate regulatory agencies (i.e., ACOE, CDFG, RWQCB) that necessary permits have been obtained. The plan shall include the following measures, at minimum, unless other equivalent measures are approved by regulatory agencies:

- a. Avoid federal and state wetlands and provide with protective construction and erosion control fencing, to the extent feasible.
- b. Mitigate impacts to federal wetlands at a 3:1 ratio. Mitigation for impacts to federal wetlands shall be performed onsite.

- c. Mitigate impacts to state wetlands at a 1:1 ratio. Mitigation for impacts to state wetlands shall be performed onsite.
 - d. Mitigate impacts to riparian vegetation at a 1:1 ratio. Impacts to riparian habitat shall be mitigated onsite through restoration and enhancement of degraded stream channel and riparian habitat onsite.
 - e. Impacts to non-wetland waters require mitigation at a 1:1 ratio, that is, one linear foot of non-wetland waters restored or created for linear foot disturbed or removed.
 - f. On a monthly basis, the applicant shall inspect the ephemeral drainages just south of the proposed expansion area for accumulated trash. Any trash in, or in the vicinity of, the drainage shall be collected from this area, removed, and properly disposed.
 - g. The plan shall include a cost estimate of the costs associated with implementation of these measures.
30. **(BR/mm-7) Prior to issuance of the initial Notice to Proceed**, the applicant shall prepare an Oak Tree Inventory, Avoidance, and Protection Plan as outlined herein. The plan shall be reviewed by a County-approved biologist and/or arborist, and shall include the following items:
- a. **Comprehensive Oak Tree Inventory.** This shall include the following information:
 - 1. An inventory of all oak trees at least five inches in diameter at breast height within 50 feet of all proposed impact areas. All inventoried trees shall be shown on plans. The species, diameter at breast height, location, and condition of these trees shall be documented in data tables.
 - 2. Identification of trees that will be retained, removed, or impacted. This information shall be shown on plans and cross-referenced to data tables described in item a.1 above.
 - 3. The location of proposed structures, utilities, driveways, grading, retaining walls, outbuildings, water and wastewater facilities, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans.
 - 4. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes in the vicinity of these oak trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.
 - b. **Oak Tree Avoidance Measures.** Grading and development within proposed project shall avoid the removal of oak trees to the maximum extent possible. Such activities shall minimize potential disturbance to oaks and their associated root zones to the maximum extent possible.
 - c. **Oak Tree Protection Guidelines.** Tree protection guidelines and a root protection zone shall be established and implemented for each tree to be retained that occurs within 50 feet of impact areas. The following guidelines shall be included:
 - 1. A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, based upon tree species, age, and size. This area

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is generally defined as 1.0 to 1.5 times the distance from the tree base of the average measurement taken from the tree base to the edge of the canopy/dripline. At a minimum, the critical root zone shall be the distance from the trunk to the drip line of the tree.

2. All trees to remain within 50 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. The project arborist shall approve any work within the root protection zone.
3. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plants for up to seven years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
4. The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs”, 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months.

31. **(BR/mm-14) Prior to issuance of the initial Notice to Proceed**, the Obispo Indian Paintbrush Mitigation and Monitoring Plan (MMP) that has been prepared for this project (Althouse and Meade, 2007c) shall be revised and a proposed new location for the mitigation shall be identified. The new site (preferably onsite) shall be protected in perpetuity through an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, and be located as close to the project site as feasible. Mitigation shall consist of seed collection onsite and direct sowing at the identified offsite location. Mitigation will be deemed complete when an annual count of Obispo Indian paintbrush reaches levels comparable to baseline site conditions identified during initial surveys of the expansion area performed by Althouse and Meade. The MMP shall be approved by the County Department of Planning and Building and the CDFG prior to issuance of the initial Notice to Proceed.

32. **(GHG/mm-1 and -2) Immediately following issuance of the initial Notice to Proceed and for the operational life of the project (Phase 2)**, the Landfill shall employ all feasible methods to limit or offset GHG production. Every five years (unless an

alternative time frame greater than five years is authorized in advance by the APCD), the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control/offset programs implemented at the Landfill. The report shall describe control/offset program components, predicted and actual emission reductions, and calculate current emission rates at the Landfill. The report shall also identify successes and failures in the program and recommend methods for improving the programs in future years.

Prior to issuance of the Notice to Proceed for each subsequent Module, 10 through 16, the applicant shall verify compliance with the paragraph above. Compliance shall be determined in conjunction with SLOAPCD and based on the feasibility of GHG control/offset measures available to the applicant at the time of excavation.

Potential GHG Control/Offset Strategies. There are many methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill project. These are described below. It is anticipated that because this field is currently developing, new measures may also be available as GHG regulations and associated technologies develop. Mitigation measure GHG/mm-1 has been written to allow the applicant and regulatory agencies flexibility in determining which method may be most appropriate based on available technology, emerging regulation, and economic feasibility. Depending on the specific characteristics (i.e. size, area of disturbance, use, etc) of the GHG reduction measures chosen to be implemented, a future land use permit and environmental review may be required.

- a. **Increased Capture Efficiency.** The analysis above assumes that approximately 63 percent of the GHGs resulting from decomposition of Landfill waste are captured. If the capture rate can be improved, significant reductions in GHG surface emissions could be made. Capture rates may be increased through more aggressive engineering of the landfill gas capture system, or through implementation of bioreactor technology. A bioreactor is a landfill process in which a disposal area is entirely covered in plastic sheeting to maximize methane capture. Water is also added to the waste to speed decomposition and methane production. Ultimately, the waste creates the same amount of methane as it would in a traditional landfill, but it is generated more quickly and is more likely to be captured rather than leak from the surface. It has been estimated that capture rates may be as high as 95 percent with bioreactor technology. Utilizing this technology, however, may have secondary impacts, including increased water consumption and visual impacts.
- b. **Increased Diversion of Organic Material.** Food waste and other organic products that cannot now be recycled generally represent about 20 percent of the waste stream in a landfill. This material is generally buried in landfills where it eventually degrades to methane. Collecting food waste is technically feasible and is currently being done in other communities. The food waste can be biodigested either anaerobically for fuel production or aerobically in static piles or ag bags. Food waste collection could potentially be implemented on a phased basis (e.g., starting with grocery stores and restaurants) and then integrated into home disposal. Besides significantly reducing future land fill methane production, this measure could reduce the amount of soil excavation and cover required each year, thereby reducing equipment operation emissions. It could also prolong landfill life.

- c. **Development of Onsite Renewable Energy.** The applicant could mitigate for the increased electrical consumption through development of renewable energy, such as wind, solar, or installation of a new LFG-to-energy system, onsite.
 - d. **Operate Diesel Fleet on Biodiesel Fuels.** Biodiesel has a favorable energy and global warming profile, because it returns over three times the energy required to produce it (NREL, 2003). Since Biodiesel contains almost no sulfur, it is also compatible with add-on NOX control devices (catalytic converters). According to the National Renewable Energy Laboratory, “significant reductions of particulate matter, carbon monoxide, and hydrocarbon emissions can be achieved with biodiesel use.” The applicant could choose to convert a portion or all of the diesel fleet to biodiesel fuels to mitigate for the increased diesel consumption associated with the project.
 - e. **Cap and Trade Programs.** In some instances a project or business cannot fully reduce its onsite emissions to an insignificant level. In these cases, regulatory bodies have implemented a system of trading emissions, whereby one source is reduced (through controls, retiring old equipment, etc.) and the other source is allowed to build or operate. Since GHGs are not a localized phenomenon, viable and verifiable emissions reduced at any source will provide a net overall benefit.
 - f. As a part of GHG/mm-1, the applicant could develop a GHG program independently or as part of a larger market. Pending federal and state legislation will initiate cap and trade programs where by the Landfill could purchase emission credits from various industrial sources. The applicant could also work with SLOAPCD to develop an offset program, similar to the ones already developed (i.e., bus buyback, transit support) to mitigate for other air quality impacts.
 - g. If composting is considered at the project site in the future, consider implementation of an anaerobic digestion system for the Compost Operations. These systems allow for capture of the methane produced by composting green waste and that gas could be combusted and used for energy, similar to what is currently done with the LFG system.
 - h. Maintain or expand the existing gas export to the oilfield or construct onsite LFG-to-energy conversion system to offset existing power demands.
 - i. Utilize alternative fuel vehicles and low carbon fuels.
 - j. Develop a trip reduction plan for the site.
 - k. Comply with ARB Early Action Measure “Landfill Methane Control Measures.”
 - l. Shut off delivery vehicle engines within two minutes of arrival in the area unless maneuvering.
 - m. Stagger scheduling of deliveries to the extent feasible.
 - n. Vehicle operators shall be made aware of the no idle zone, including a notification by letter to companies controlling out of the area drivers.
 - o. Prominently lettered signs shall be posted in the receiving dock area to remind drivers to turn off their engines.
33. **(PR/mm-1, -2 and -3) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit for the review and approval by the Department of Planning and Building, a Paleontological Monitoring and Recovery Plan (PMRP). The PMRP shall be implemented by the applicant during all applicable ground disturbing construction activities. Upon completion of each Module, 10 through 16, and the detention basins and pond, and upon completion of excavation associated with the RRP, the Environmental Monitor shall submit a report to the Department of Planning and Building summarizing all monitoring/mitigation activities, confirming that all recommended mitigation measures

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have been met. In the event that any of the grading/excavation activities occur concurrently, completion reports can be combined. The plan shall include the following, at minimum:

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g. phases, areas of the site, types of activities) require monitoring;
- c. Description of how the monitoring shall occur;
- d. Description of frequency of monitoring (e.g., full-time, part-time, spot checking);
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the “work diversion” at the project site;
- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures;
- i. Disposition of collected materials;
- j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and,
- k. Description of the applicant’s responsibilities. The project proponent is responsible to bear all costs associated with this mitigation plan including preparation of specimens to the curation standards of the repository and curation fees, as applicable.

34. **(AR/mm-1 and -2) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit for the review and approval by the Department of Planning and Building, an Archaeological Monitoring and Recovery Plan (AMRP). The AMRP shall be implemented by the applicant during all applicable ground disturbing construction activities. The plan shall include, at minimum:

- a. List of personnel involved in the monitoring activities;
- b. Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities);
- c. Description of how the monitoring shall occur;
- d. Description of monitoring frequency;
- e. Description of what resources are expected to be encountered;
- f. Description of circumstances that would result in the “work diversion” at the project site;
- g. Description of procedures for diverting work on the site and notification procedures;
- h. Description of monitoring reporting procedures;
- i. Disposition of collected materials;
- j. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and,
- k. Project proponent’s responsibilities (the project proponent is responsible for all costs associated with this mitigation plan including preparation of specimens and curation fees).

35. **(GEO/mm-1, -3, -4 and -6) Prior to issuance of the initial Notice to Proceed and at the time of application for construction/grading permits for individual structures** (i.e., the RRP building, maintenance building, MRF addition, scalehouse, etc.), the applicant shall submit a soils engineering report(s) prepared by a Soils Engineer. The

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report shall conform to Sections 1802.2 through 1802.6 (or other applicable sections) of the 2007 California Building Code, and Appendix Chapter 33 of the 2001 California Building Code, as adopted by the County of San Luis Obispo. The report shall provide seismic parameters for use in design. Plans for structures shall be designed in accordance with the seismic parameters presented in the soils engineering report and the applicable sections of the California Building Code.

In addition, the project Soils Engineer shall review the final grading plans for the Landfill expansion, the RRP, the stockpiles, the new access road, and the new entrance, to verify conformance with the 2007 California Building Code, Appendix Chapter 33 of the 2001 California Building Code, Title 19 of the County of San Luis Obispo Building and Construction Ordinance, and other applicable standards. Recommendations regarding gradients for temporary and permanent slopes, expansive soil mitigation, special consideration for areas of fill over cut, and the need for terraces in temporary slopes shall be provided as necessary. As applicable, plans shall be amended to include these provisions and shall be adhered to during all grading and construction activities.

During construction, the Soils Engineer shall observe grading operations, and any unusual subsurface conditions encountered during grading shall be brought to his/her attention. Recommendations regarding mitigation shall be provided by the Soils Engineer on an as-needed basis and implemented by the applicant. Such recommendations may include, but are not limited to backdrains, intercept drains, or diversion ditches.

- 36. **(GEO/mm-7) Prior to issuance of the Notice to Proceed for each subsequent Module**, plans for landfill expansion modules shall be in accordance with the recommendations presented by Shaw Environmental, Inc. (Shaw, 2007) that are consistent with those required for Class III landfills. These recommendations include, but are not limited to:
 - a. Maximum waste elevation for interim slopes shall be 340 feet.
 - b. Maximum interim waste sideslopes shall not exceed 3.5 horizontal to one vertical.

These recommendations may be revised based on the results of subsequent slope stability analyses submitted to and approved by the RWQCB.

- 37. **(GEO/mm-8) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a report(s) of slope stability analysis addressing the stockpile slopes and basins. The recommendations of the report shall be implemented during construction. The report shall include, but not be limited to, a numerical slope stability analysis under seismic conditions and, for the ponds, under the conditions that would be present in the event of seepage from the ponds; and specific recommendations for stabilization, including but not limited to, decreasing slope angles, decreasing slope heights, utilization of retention systems, and slope reinforcement.
- 38. **(GEO/mm-9) Prior to issuance of the initial Notice to Proceed**, new basins shall be designed with sufficient freeboard to accommodate the seiche waves, or in such a manner that overtopping of basins can occur without damage to downslope areas due to flooding or erosion. The assessment shall be conducted by a qualified civil engineer, registered engineering geologist, or registered geotechnical engineer.

39. **(WR/mm-7) Prior to issuance of the initial Notice to Proceed**, if water is supplied from onsite wells for potable uses, the applicant shall provide verification to the County Department of Planning and Building that it has been permitted by the Division of Environmental Health to function as a “non-transient, non-community water system,” or that it has been granted an exemption to this standard. The Landfill shall comply with all applicable regulations, including posting signs that indicate groundwater is non-potable, if necessary.
40. **At the time of application for construction/grading permits, where outdoor storage of materials (including but not limited to the MRF and RRP) that may contribute pollutants to the stormwater conveyance system**, the following structural or treatment Best Management Practices (BMPs) are required:
- a. Materials with the potential to contaminate stormwater must be:
 - 1. Covered or placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the stormwater system; or
 - 2. Protected by secondary containment structures, such as berms, dikes, or curbs.
 - b. The material storage area shall be sufficiently impervious to contain leaks and spills.
 - c. Where secondary containment is necessary, storage area shall have a roof or awning to minimize collection of stormwater or other approved method.
41. **(AES/mm-6) Prior to issuance of construction permits for the RRP**, the applicant shall submit architectural and engineering plans to the Department of Planning and Building for review and approval. Plans shall include the following:
- a. Exterior colors of all new, expanded, and existing buildings and permanent equipment shall be limited to dark muted earth-tones. No reddish-browns shall be used and exterior colors shall be no brighter than six in chroma and value on the Munsell Color Scale on file in the Department of Planning and Building.
42. **(AES/mm-11) Prior to issuance of construction permits for the entry monument sign, gate, and scalehouse**, the applicant shall develop construction plans that include the following:
- a. Exterior colors of the scalehouse shall be limited to dark muted earth-tones. No reddish-browns shall be used and exterior colors shall be no brighter than six in chroma and value on the Munsell Color Scale on file in the Department of Planning and Building.
 - b. The proposed entry sign or monument shall be of an appropriate scale and proportion for the rural character and the two-lane highway setting (i.e., consistent with Section 22.20.010 of the LUO).
 - c. The proposed entry sign or monument shall utilize natural-appearing materials such as stone and/or wood. Material colors and finishes other than lettering and emblems shall be muted earth tones with low reflectivity.

43. **(AES/mm-12) Prior to issuance of construction permits for any new structures**, the applicant shall submit lighting plans (per Section 22.10.060 of the LUO) to the Department of Planning and Building for review and approval. Plans shall include the following:
- a. The point source of all exterior lighting shall be shielded from off-site views.
 - b. All required security lights shall utilize motion detector activation.
 - c. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
 - d. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
 - e. Lighting shall not be directed such that it illuminates areas beyond the property line, or hills and slopes visible from offsite.
 - f. Light standard heights shall be no higher than necessary.
44. **(AES/mm-13) Prior to issuance of any new construction permits**, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. Plans shall include the following:
- a. The landscape plan shall show screen planting along the entire length of the Landfill frontage along Highway 227.
 - b. Plantings may be required within the Highway 227 right of way if shown to be effective and acceptable to Caltrans.
 - c. Planting shall include screening of the access road parallel to Highway 227 and the detention basin south of the existing entrance.
 - d. The screen plants shall include evergreen trees and shrubs emphasizing natives and other species common in the area that are drought tolerant. Screen planting shall achieve 80% screening density at plant maturity. Trees shall be planted from a minimum 15-gallon container size, except oak trees, 1/3 of which should be from 1-gallon container.
 - e. Screening trees shall be planted in a manner that reflects natural growth. Straight rows and even spacing shall be avoided.
 - f. Screening trees and shrubs shall be protected from browsing and burrowing animals.
45. **(GEO/mm-5) Prior to issuance of building/grading permits for habitable structures founded on cut or fill materials derived from Monterey formation bedrock**, radon gas testing shall be conducted by a certified professional. The results shall be submitted to the County Department of Planning and Building. In the event that radon gas is determined to be present, buildings shall be designed and constructed in accordance with Environmental Protection Agency (EPA) guidelines for minimizing impacts associated with radon gas exposure.
46. **(TC/mm-1) Prior to issuance of grading/construction permits for the new entrance**, the applicant shall provide verification to the Department of Public Works that the proposed improvements meet or exceed Caltrans standards for Highway 227. Specifically, the improvements shall include, but not be limited to the following:
- a. The southbound left turn and northbound acceleration lanes on Highway 227 shall be designed to accommodate a high percentage of large vehicles.

- b. The proposed driveway shall be designed to maximize the availability of sight distance for vehicles exiting the Landfill (minimize potential impact to vehicles on Highway 227).
 - c. The proposed off-site improvements shall be designed to minimize any potential conflict with vehicles at the intersection of Highway 227 and Patchett Road.
47. **(BR/mm-8) Prior to all ground-disturbing activities**, a qualified biologist shall provide pre-construction training to all workers involved in site activities. This training shall consist of instruction on special-status species with potential to occur on the property and their habitats. Workers shall be instructed as to appropriate contacts and how to proceed if special-status species on the project site are observed.
48. **(BR/mm-9)** A biological monitor qualified to capture and move legless lizards shall be present during all initial ground-disturbing activities. The monitor shall capture and relocate silvery legless lizards disturbed during tree clearance and initial site grading. In addition, the monitor shall rake loose soil within oak woodlands prior to excavation to find and move legless lizards. Efforts shall focus on relocation of silvery legless lizards to safe habitat outside the expansion area.
49. **(BR/mm-4 and -10) Within 30 days prior to initiation of project components**, a qualified biologist shall conduct a pre-construction survey for roosting bats. If bats are not found, tree and/or building removal can proceed. If bats are observed, bat exclusion measures shall be instituted prior to disturbance. If maternal bat colonies are found they shall not be disturbed until young bats have left the site. Subsequently bat exclusion measures shall be instituted prior to disturbance.

Prior to ground disturbance for each of the project components in the expansion area (within one month), to avoid conflicts with nesting birds, construction activities shall not be allowed unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Department of Planning and Building, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations.

If work occurs between September 1 and March 1, within 30 days of ground disturbance or tree removal/trimming activities, a survey for wintering raptors shall be conducted. If surveys do not locate wintering raptors, construction activities may be conducted. If wintering raptors are located, construction activities shall observe a 500-foot buffer for the wintering location(s). A pre-construction survey report shall be submitted to the County Department of Planning and Building immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements.

50. **(BR/mm-11) Prior to vegetation removal and grading in the drainage area**, a qualified biologist shall conduct a pre-construction survey for Southwestern pond turtles to find and relocate to safe habitat any turtles present in the expansion area. Southwestern pond turtle surveys identification shall occur again if activity in the drainage stops for more than one year before commencing again.

51. **(BR/mm-12) A pre-construction survey shall be conducted within 30 days prior to construction or grading for each of the following activities - the RRP, the new entrance road, the earthen noise berm, and Modules 11 through 16 to identify if badgers are using the site.** The results of the survey shall be sent to the County Department of Planning and Building. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall then be expanded to cover the entire property, and shall examine both old and new dens. If it is not feasible to completely inspect potential badger dens from the entrance, a fiber optic scope shall be used to examine the entire den. Inactive dens shall be excavated by hand with a shovel to prevent re-use of dens during construction.

To avoid disturbance and the possibility of direct take of adults and nursing young, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1 and February 1, all potential badger dens shall be inspected to determine if badgers are present. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices such as establishing buffers around dens, and relocating badgers.

52. **(BR/mm-13) A qualified biologist shall survey the project area 48 hours before the onset of work activities that could disturb CRLF habitat identified onsite.** If after consultation with the appropriate resources agencies, a pre-construction time period of two weeks is determined to be acceptable, the pre-construction survey may occur within this time frame. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by work activities, construction shall be halted and the relevant regulatory agencies (i.e., USFWS, CDFG, County of San Luis Obispo) shall be notified to develop appropriate measures to avoid or minimize the potential for take of CRLF.

53. **(HAZ/mm-7) Export/Transfer of Green waste.** If any portion of green waste/wood waste program includes exportation or transfer of any pre-composted material off-site, the following shall apply:

- a. The operator shall contact the County Department of Agriculture to determine any known problematic insects or pathogens, and/or quarantine areas that relate to green waste or wood waste. A vector control program shall be established for affected haulers where material brought on-site shall be kept separate.
- b. On a quarterly basis, or as determined appropriate by the County Department of Agriculture, the operator shall contact the County Department of Agriculture relating to the discovery or containment of problem pests. If such situations develop, the operator will comply with the County Department of Agriculture's recommendations to ensure containment and avoid the spread of the identified vector.

54. **(HAZ/mm-10) Landfill – Best Management Practices.** To reduce odors from the disposal areas, the applicant shall incorporate all applicable and feasible BMPs as developed by CalRecycle and the APCD into the Odor Control Plan. These BMPs may include, but are not limited to:

Odors During Receiving:

- a. Work with transporters to minimize transport time for odorous loads.

- b. Identify waste loads with a probability of causing odors and implement preemptive measures to manage odor.
- c. Minimize the working face size and dispose of odorous waste during the most favorable meteorological conditions.
- d. Cover odorous materials upon receipt with low odor waste, alternative daily cover, intermediate cover, and/or spraying directly with an odor neutralizer.
- e. Work with transporters to increase collection frequency of odorous loads.
- f. Maintain proper daily and intermediate cover.

Odors During Grinding:

- a. Add light misting of water or odor neutralizer to grinder at discharge points.
- b. Consider grinding green materials with woodier materials.

Odors in Runoff Water and Leachate:

- a. Review national pollutant discharge elimination system (NPDES) procedures to minimize storm water contact with organic materials.
- b. Remove particles from water draining into storm water retention basin.
- c. Filter storm water through a filter berm or sock.
- d. Use odor suppressants/neutralizers or masking agents in water trucks used for dust control, and/or in leachate collection tanks.

- 55. **(HAZ/mm-3) Additional Bird Deterrent Program.** In the event that a hawk/falcon program proves unsuccessful, the Landfill shall implement additional bird deterrent strategies. These strategies may include use of kites, reflectors, and/or overhead wires, as applicable.
- 56. **(NS/mm-9) Bird Deterrents.** Bird whistles and/or pyrotechnic bird deterrence activity shall be limited to those times when other, non-noise-producing bird deterrence activities have proven unsuccessful.
- 57. **(NS/mm-10) Heavy Equipment.** Within 30 days following issuance of the initial **Notice to proceed**, the applicant shall ensure that all heavy equipment items have the manufacturer's recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer. White noise back-up beepers shall be installed on all heavy equipment except for dump trucks.
- 58. The applicant shall maintain a copy of the approved land use permit (DRC2005-00170), Solid Waste Facilities Permit, and the Waste Discharge Requirements on-site at all times.
- 59. The applicant shall comply with all local, state and federal laws and regulations concerning sorting facilities and landfills. These laws and regulations include specific requirements with which operators of sorting facilities and landfills are required to comply. Examples of these requirements include the following:
 - The Air Pollution Control District (APCD) and CalRecycle require that landfill gas control and extraction systems be designed for proposed landfill expansion areas and that the systems, as designed, be implemented by the facility operator.

- The Regional Water Quality Control Board (RWQCB) and CalRecycle require that a leachate collection and removal system (LCRS) be designed for proposed landfill expansion areas unless equivalent measures are approved in writing. The LCRS or equivalent measures are required to be implemented by the facility operator.
- The RWQCB requires facility operators to comply with applicable Waste Discharge Requirements (WDR) and to address violations to the satisfaction of the RWQCB. The County typically requires that any improvements required by RWQCB to address WDR violations also be reviewed by the County
- The County requires the project applicant to submit evidence that adequate water is available to serve the facility and that a septic system adequate to serve the facility can be installed on the site.
- The County requires the project applicant to pay all applicable school and public facilities fees.
- New structures are required to be inspected by the County for building code compliance prior to occupancy.
- The APCD requires monthly compliance logs to be maintained verifying that all equipment and operations continue to comply with APCD requirements.
- CalRecycle and RWQCB require that the facility operator implement stormwater Best Management Practices (BMPs) including the protection of all disposal areas from washout and erosion of wastes or cover materials between October 15 and April 15.
- CalRecycle requires the facility operator to check incoming loads for inappropriate materials (i.e., materials not authorized to be disposed of in a Class III landfill).
- CalRecycle requires the facility operator to institute daily cover of solid waste pursuant to CCR Title 27, Section 20680 (previously CCR Title 14, Section 17682) and/or alternative daily cover pursuant to CCR Title 27, Section 20690 to control odors.
- CalRecycle requires the facility operator to routinely collect, control and properly dispose of litter pursuant to CCR Title 27, Section 20830. This section requires windblown materials to be controlled to prevent injury to the public and personnel. Specifically, the controls are required to prevent the accumulation or off-site migration of litter in quantities that create a nuisance or cause other problems.
- The APCD requires the facility operator to acquire a permit if the tub grinder and trommel screen are powered by an internal combustion engine with greater than 50 horsepower.
- The APCD enforces the odor regulations identified in APCD Rule 402 – Nuisance and requires the facility operator to comply with the facility's Odor Control Plan.
- CalRecycle and RWQCB require the facility operator to maintain one or more financial assurance mechanism, as provided by Title 27, Chapter 6, Subchapter 3 of the California Code of Regulations to provide the required coverages for landfill closure, landfill postclosure maintenance, and water release corrective action, as required by Title 27, Chapter 6, Subchapter 2, Articles 1, 2, and 4, respectively. In addition, the County requires that copies of preliminary and final closure and postclosure maintenance plans, as required by Title 27, Chapter 4, Subchapter 4 be submitted to the Department of Planning and Building once the plans have been approved by the CalRecycle and RWQCB. In addition, the

- financial assurance mechanism is required to include a provision for funding groundwater remediation if necessary.
 - The RWQCB required the facility operator to comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County requires the facility operator to comply with the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
 - The APCD requires the applicant to inspect the cover placed on all previous fill areas for cracking on a monthly basis and filled as necessary.

- 60. Grading of earth materials shall be conducted on an as needed basis to minimize surface disturbance. No rough grading (i.e. module construction, the new entrance, proposed buildings, etc.) associated with the proposed project shall be conducted during the rainy season between October 15 and April 15, unless the applicant prepares a Sedimentation and Erosion Control Plan consistent with the requirements of the Land Use Ordinance Section 22.52.120 and that plan is approved by County Department of Public Works. The minimum area needed to accommodate disposal activities shall be left open (exposed bare soil).

- 61. The applicant shall establish a program for training and monitoring of landfill workers. Training shall include introduction to minimum requirements set for the operation of the landfill as well as they safe operation of equipment and use of personnel protective equipment.

- 62. The landfill shall continue its prohibition of the acceptance of asbestos unless the Solid Waste Facility Permit is amended to allow acceptance of asbestos containing materials. **Prior to issuance of the initial Notice to Proceed**, the applicant shall consult with the County Air Pollution Control District in order to determine if a permit shall be required pursuant to the requirements of National Emissions Standards for Hazardous Air Pollutants (NESHAP) Section 61.151 or 154. Asbestos containing materials (wastes) are considered hazardous if there is greater than 1 % asbestos fibers sampled.

- 63. Material salvaging operations currently underway at the landfill shall continue as feasible.

- 64. Access to the sort facility will be via the Cold Canyon Landfill entrance which fronts on State Highway 227. No access to the facility shall be taken from the access road commonly known as Weir Ranch Road or Patchett Lane, except for emergency vehicles.

- 65. Sort facility personnel shall keep a daily log of commercial trucks hauling recyclables to and from the sort facility. The applicant agrees to record daily truck trip counts. The applicant also agrees to submit the truck trip log book to the County Department of Planning and Building, the County Department of Public Works, and the County Environmental Monitor, upon request.

- 66. If refuse slope failure occurs, the extent of the failure shall be evaluated by a civil engineer, registered engineering geologist, or registered geotechnical engineer prior to repair of the failed slope. The assessment and repair shall be monitored by the RWQCB and/or CalRecycle.

67. The applicant shall retain a registered civil engineer, registered engineering geologist, or registered geotechnical engineer with expertise in landfill construction/operation to direct site construction activities such as expansion area excavations, low permeability soil placement and liner construction. The engineer will be responsible for overseeing the construction activities at the site.
68. The applicant shall have a designated manager on-site at all times during landfill and covering activities and shall be responsible for all site operations in coordination with the Mitigation Monitor and responsible agencies.
69. The applicant shall take part in waste characterization studies on the site by providing operational area and facilities to assist in the conduct of waste characterization studies as required by the County of San Luis Obispo or CalRecycle.
70. This land use permit is valid for a period of 84 months (seven years) from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested pursuant to Section 22.64.080(B) and Section 22.64.090.B once this approval becomes final and the initial notice to proceed is issued with commencement of ongoing operations, as authorized by Condition 1.A.
71. The postclosure end use of the project site is designated as open space, non-irrigated grazing land as such a designation is required by Title 27, Chapter 4, Subchapter 4 of the California Code Regulation (previously Title 14 of the California Code of Regulations, Section 17796 et. Seq).
72. The applicant shall, as a condition of the approval and use of this conditional use permit, enter into, and maintain for the life of the project, an agreement with the County providing for the defense and indemnification of the County, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve and issue this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The agreement shall provide that the applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of its obligation under this condition.
73. At the time the Landfill entrance is relocated, the applicant shall pave the entire length of the new access road described in Condition of Approval 1.B.v.



Fw: Cold Canyon Landfill appeal hearing - November 20, 2012- County File #DRC205-00170

Catrina Christensen to: Annette Ramirez

11/09/2012 12:56 PM

Catrina Christensen
Division Supervisor
(805) 781-5225

----- Forwarded by Catrina Christensen/ClerkRec/COSLO on 11/09/2012 12:56 PM -----

From: Bruce Falkenhagen <brucefal@yahoo.com>
To: "cchristensen@co.slo.ca.us" <cchristensen@co.slo.ca.us>, "BoardofSups@co.slo.ca.us" <BoardofSups@co.slo.ca.us>
Date: 11/09/2012 11:17 AM
Subject: Cold Canyon Landfill appeal hearing- November 20, 2012- County File #DRC205-00170

To the Clerk of the Board of Supervisors:

Please accept this comment letter and distribute it to the Supervisors for the upcoming November 20, 2012 hearing dealing with the two appeals of the Cold Canyon Landfill Planning Commission permit, County File #DRC205-00170.

Thank you very much.

Bruce Falkenhagen
(805) 541-1895 (o)
(805) 592-0320 (f)



brucefal@yahoo.com EBFCommentLetter.pdf

Bruce Falkenhagen
2275 Corbett Canyon Road
San Luis Obispo, CA 93401
(805) 541-1895

November 9, 2012
Via email, hard copy not to follow

Clerk of the Board of Supervisors
SLO Board of Supervisors
San Luis Obispo, CA 93401

Re: Cold Canyon Landfill- Appeal of Planning Commission Decision
County File # DRC2005-00170

Dear Members of the Board:

I am a neighbor of the Cold Canyon Landfill ("CCL") and have been involved as a spokesman for the neighbors over the past 4 years in its application for a new permit to expand the landfill site.

I will not be able to attend the November 22, 2012 hearing as I will be out of the country on a trip planned for over a year. I respectfully ask that if the issue is continued past Nov. 20th, that the Board allow public comment to be taken on the follow-up date.

Two appeals have been filed, one by CCL, the second by Earl Darway, a neighbor. This letter addresses the CCL appeal. The issues of the Darway appeal are legal questions, not operational questions, and I am not qualified to comment on the merits.

Base for Appeal

Contrary to CCL's grounds for its appeal, I disagree that the conditions of the permit and that the restrictions, limitations, prohibitions, and required actions also were not supported by substantial evidence in the administrative record. The conditions imposed do not constitute an unreasonable expense; the conditions imposed represent a fair hearing of all items, and in my opinion, do not go far enough in terms of mitigating the impacts of this 40-50 year extension.

The neighbors would have liked more conditions. We provided specific detailed changes in the administrative record through over 600 pages of comments and County responses, the County's close to 1000 pages of EIR drafts, redrafts and final EIRs, onsite visits by four of the five Commissioners in not only meetings with landfill representatives but multi-hour meetings with the neighbors, all reflected in the public record, and then over 20 hours of hearings and deliberations. At the hearings, CCL had numerous opportunities to comment on the conditions during the deliberations, an opportunity that the neighbors were generally not afforded. These facts all indicate that there was substantial evidence presented and deliberated upon before a decision was made.

The hearing was completed, a decision was made, and while the neighbors disagree with many of the conditions, all parties had their day in court. Although I may think that the decision and/or certain parts were flawed, I will support the Planning Commission as the impartial arbitrator. On this basis alone, I don't think the CCL appeal should be heard because it has not met what the appellants argue is a lack of substantial evidence in the public record.

Changes CCL desires in the permit

If the Board decides to hear the appeal, I offer the following comments. The corrections CCL desires can be grouped into three general areas: 1) moving paragraphs around and conditions to make the permit more readable; 2) removing the "theta" {Θ} issues; in effect wanting to delay the implementation of certain conditions for 5-7 years from now; and 3) changing some conditions.

On item 1, I have no issue with it, but I question if it was necessary to appeal the permit to your Board to make changes of an administrative nature. These would have best been handled by a meeting with the three parties. We would have agreed with almost every change.

On item 2, the Θ issues, some background information is necessary for your deliberations. At the PC Hearing, the Commissioners heard tape excerpts from the 1991 PC hearings when the current permit was granted. The Commissioners heard their predecessors from 20 years ago ponder the idea of the expansion at that time, noting that the permit would not be extended past the initial term, and planning needed to be done now (back in 1991), to plan for a replacement landfill when this one was predicted to be filled in 2000-2005 or so. There was questioning of the SLO Integrated Waste Management Manager, Bill Worrell, about why was nothing done in the last 20 years, and what was going to be done in the future. He had no answer. The argument that the landfill's original permit expires when the fill reaches the contour levels shown on the 1991 drawings was compelling. So if the permit was going to be approved, staff and county counsel pointed out that there would be a period of time between the granting of the permit and CCL's acceptance of the new permit/issuance of the initial Notice to Proceed where there would be a void where no conditions would be in force.

In addition, some of the neighbors' issues with the current operation needed to be addressed and current permit conditions need to be shown as being in force and continuing through this interim period between permits. This is especially true in light of CCL's testimony than they would not be asking for an initial Notice to Proceed for between 5-7 years.

Because of these two issues, an artful solution was crafted; staff developed a Θ to mark those conditions that would be effective sixty days after the permit issuance became final. Most of them are conditions from the old permit. Deleting them from here makes a void where controls would not be in place. Staff prepared a table for the last hearing demonstrating how all of the old conditions of the three permits were incorporated in the new permit.

Generally, they should be included en mass and not changed, but I call out specific ones marked for deletion that has the ability to cause serious County problems in the near future.

The Θ issues

The specific conditions where the Θ is removed and presents an issue are as follows:

1. Condition 6, Litter Control Plan. What is there now, wasn't working. Supervisor Hill was shown pictures 3 years ago of the 1991 permit conditions not being complied with and litter on the fences and neighbors property. It was a condition in the old permits. This can't be allowed to be in the void of not existing for the next 5-7 years.
2. Condition 6i, Daily Inspection of Adjacent Properties. CCL wants this deleted, it is very important. It requires daily inspection of adjacent properties. It is in the current permit {MRF 8 & 9}. While a certain CCR Title may require it, who enforces it? That has been the issue with the past landfill operations, that certain aspects were

enforced by CalRecycle, located in Sacramento, and could not respond in a timely manner to complaints. The condition needs to remain in the permit, and it needs to be in effect now.

3. Condition 6.k, the Adopt a Highway Program. This is a condition of the existing permit {MRF #10} and should not be allowed to fall in the void for the next 5-7 years.
4. Condition 10, Noise Mitigation Plan. Again, noise is an issue. I have no problem with delaying the submittal of the Plan until the Notice to Proceed, but the use of the white noise backup warning devices that is buried in the text is part of the current permit {MRF 13}. and can't be allowed to fall in the void for the next 5-7 years.
5. Condition 13, Tub Grinder Noise. The tub grinder is now located on the top deck. Noise is an issue. It was located in the composting area where it was somewhat sheltered. The only change in this proposed by CCL is to delay the construction of a noise barrier from this upcoming summer to 5-7 years from now. It will still be built. I suggest this as a compromise. If you set up the Environmental Monitor to be in place now (Condition 22), that he keep track of noise complaints about the tub grinder. If he gets a significant number of noise complaints, then the condition becomes effective at that time. It's not six months, and it's not 5-7 years, but a reasonable compromise, and the expense is delayed until the problem is proved to exist.
6. Condition 14, Noise Monitoring. If the change as proposed for Condition 13 is agreed to, or if the Θ is removed from Condition 13, then I agree that the removal of the Θ is an appropriate change here.
7. Condition 17, Plans for a Berm around the Top Deck. This has been an issue for more than the past 4 years. Again, Supervisor Hill was shown pictures of the issue; it is in conflict with County codes, and needs to be in place now, not in 5-7 years. The top deck is used for storage now. There should not be a 5-7 year hiatus for compliance with the County codes. Please explain to the public why this single company should be allowed this delay in enforcing the County Code or variance from the Code when other are not afforded that privilege.
8. Condition 21, CCL Designating a Contact. This is a condition of the existing permit {Landfill A-24}. Why would CCL not want to give the County a name and phone number to be reached at in the event of a problem now? Why do they want to wait for 5-7 years to give that information? CCL's request for delay of implementation of this condition makes little sense. There is no expense involved.
9. Condition 22, Environmental Monitor. This is necessary today, not in 5-7 years. In the past 4 years, neighbors made complaints to John McKenzie (now Murry Wilson) of the Planning Staff and to me to relay on to McKenzie and to CalRecycle. The two of us have no ability to deal with those issues and should not be asked to be the liaison by either the public or the County. In addition, when I impartially relayed past complaints, CCL disputed it in the public and on the radio shows, saying it was made up, because I had some vindictive motive to shut them down and slandered my name. Well, having the Monitor in place immediately takes that argument away. And it is very simple. If CCL complies with the permit conditions, the Monitor has nothing to do, and it costs CCL nothing. If CCL doesn't comply with the conditions, then the Monitor has work, and CCL will have a justifiable cost to its operations. By way of example, in the past 9 months, had the Monitor been in place, they may have

had one call. I just don't want to be imposed upon to make those calls anymore and waste time complaining to the Board of Supervisors and the Planning Commission. It's not right for the public to ask me to do this.

10. Condition 90, Bird Deterrent Program. There has been and continues to be an issue with the bird deterrent program. It is in the existing permit {*Landfill B-25 & B-28*} and needs to be carried forward here and not be allowed to fall in the void for 5-7 years.
11. Condition 91, Heavy Equipment Noise. There has been a problem with noise over the 20 year life of the landfill; a similar condition is in the existing permit. It needs to be carried forward here and not be allowed to fall in the void for 5-7 years.
12. Condition 95, Compliance with Local, State and Federal laws and regulations. I can't understand this one. This is a condition of the existing permit {*Landfill A-29*}. By removing the Θ , in effect CCL is saying that for the next 5-7 years it will be in a void and is not conditioned to abide with all of these laws. Why would this even be an issue for an appeal? Would the Board allow them to operate in violation of these laws?
13. Condition 104, No Access to the Sort Facility from Weir Ranch Road or Patchett Lane. This is a condition of the existing permit {*MRF #3*} and should not be allowed to fall in the 5-7 year void.
14. Condition 111, Refuse Slope Failure. This is a condition of the existing permit {*Landfill B-6*}. Again, if there is a slope failure on the existing landfill, why remove the Θ and allow this issue to fall in the 5-7 year void?

The CCL Requested Changed Condition Issues.

CCL wants to change one condition which I take issue with.

15. Condition 10, CCL Comment [D18]. The berm may or may not be effective because its position and height has not been determined and the source of landfill noise will move throughout the 40 year life. The statement can't be made that once the berm is in place in 2016, that the noise will always stay the same until 2056. The landfill compactors and loaders will move all over the hillside as it fills. One measurement at the start will not be representative of the noise when the fill area has moved 3 football fields closer to the residences and 300 feet higher to the property lines and the residents. But this is the beauty and flexibility of the Environmental Monitor's job. If CCL's statement is correct, then in the future the monitor can delay that testing. Conversely, if the monitor gets more noise complaints, he has the ability to require the testing. We don't have to speculate today on what will occur 35 years from now.

Thank you for your time and if you have any questions, please call me at 541-1895.

Sincerely,

Bruce Falkenhagen

cc: Murry Wilson, SLO Planning Department

November 9, 2012

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