



Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE June 14, 2012	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Corral de Piedra Land Co. (Cold Canyon Landfill)	FILE NO. DRC2005-00170
SUBJECT Hearing to consider a request to expand the existing Cold Canyon Landfill (Landfill) including the following eight primary components: <ol style="list-style-type: none"> 1. Expanding the disposal area footprint by approximately 46 acres; 2. increasing the total facility allowable tonnage limit from 1,620 to 2,050 tons per day; 3. Expanding and relocating the Resource Recovery Park to the eastern corner of the site; 4. Expanding and enhancing the Materials Recovery Facility; 5. Constructing a new scalehouse and entrance approximately one-half mile south of the existing entrance on Highway 227; 6. Increasing the operating hours for 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.); 7. Increasing the staffing levels from 75 to 114; and 8. Other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building). <p>Many of the existing operations at the Landfill would continue as they do currently if the proposed project is approved. Additional details associated with the above referenced project are contained in Section III.C and III.D of the EIR.</p>			
RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Certify the Final Environmental Impact Report (FEIR) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2005-00170 based on the findings listed in Exhibit A and the conditions listed in Exhibit B including the adoption the CEQA findings and overriding considerations in Exhibit C. 			
ENVIRONMENTAL DETERMINATION An Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000, et seq., and California Administrative Code Section 15000, et seq.) for this project. Mitigation measures are proposed to address 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.			
LAND USE CATEGORIES Public Facilities and Agriculture	COMBINING DESIGNATIONS Flood Hazard	ASSESSOR PARCEL NUMBER 044-171-014, 044-261-011, 047, and 048	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.108.020(A) - Undergrounding - Conditional Use Permit Projects, 22.108.020(D) - Production Agricultural Areas, 22.108.030(B)3.d. - Ridgetop Development, 22.108.030(B)3.g. - Building Features, 22.108.030(B)3.h. - Landscaping			
EXISTING USES: Disposal Area (Landfill), Resource Recovery Park, Materials Recovery Facility, and Support Activities			
<p>Note: The Compost Operation has been halted and permanently removed from consideration as part of the proposed project</p>			
SURROUNDING LAND USE CATEGORIES AND USES:			
<u>North:</u> Public Facility / Cold Canyon Landfill		<u>East:</u> Agriculture / single family residences, winery, and vineyards	
<u>South:</u> Agriculture / single family residence, accessory structures, and an equestrian facility		<u>West:</u> Agriculture / single family residences	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, APCD, Cal Fire (County Fire), Caltrans, RWQCB, California Department of Fish and Game, County Airport Manager, County Counsel, City of San Luis Obispo, City of Pismo Beach, City of Arroyo Grande, City of Grover Beach, and the Integrated Waste Management Board	
TOPOGRAPHY: Gently to moderately sloping (to the southwest)	VEGETATION: Grasslands, riparian vegetation, scattered oak trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire / County Fire	ACCEPTANCE DATE: July 26, 2006

PROJECT HISTORY

The Landfill has been accepting non-hazardous waste since 1965. Waste disposal historically occurred in the northwest portion of the project site. At the time the Landfill received a Solid Waste Facilities permit approval in 1979, it was accepting approximately 200 tons of solid waste per day and the permitted disposal area was approximately 67 acres. As the landfill expanded, new disposal areas were developed to the south and east on what is today part of the project site.

In 1991, the County of San Luis Obispo (County) prepared a Solid Waste Facility Siting Study "to assess the need for and potential locations of solid waste processing and disposal facilities to meet the disposal needs of the county over the next 30 years." Various solid waste management configurations were assessed in the study, including countywide and regional configurations. The study recommended that the County pursue (or continue) a regional approach. The county was broken into three regions based on terrain, location of waste production areas (i.e., urbanized areas), and location of transportation infrastructure. The Landfill is located in the Coastal Region, which includes communities from San Simeon to Nipomo and the City of San Luis Obispo. The study ranked potential landfill sites including ones near Gragg Canyon in Pismo Beach, Ontario Road in San Luis Obispo, and the existing Landfill site. Siting criteria included haul distances, visual resources, landslide potential, and topography, among others. The Cold Canyon Landfill site ranked third of the 23 sites reviewed. The study suggested that the County give first consideration to the top eleven sites.

At the same time the Siting Study was being prepared, an expansion of the Landfill was proposed, and in 1991 a permit approval was granted by the County (D860156D). At that time, the Landfill was accepting approximately 420 tons of waste per day. The 1991 permit allows the facility to accept as much as 1,200 tons per day. The total approved Landfill area was 121 acres, with approximately 88 acres designated for permanent disposal. That permit effectively expanded the disposal area footprint by approximately 22 acres and allowed the maximum height of the Landfill to be raised 30 feet to approximately 500 feet above sea level. At the time, it was expected that this expansion would extend the life of the Landfill by a minimum of nine years. Improvements to the recovery and recycling processes have since increased that life expectancy.

The previous estimate was made prior to the green waste diversion efforts and approvals that came afterwards. Based on an estimate in 2010 by the operator and provided to the California Department of Resources Recycling and Recovery (CalRecycle), the applicant is estimating that Landfill capacity will be reached in 2018 under the 1991 permit approval which is a substantial extension of the previously estimated life of the Landfill.

In 1996, a land use permit (D950113D) was approved to establish a green waste compost program over a 5 acre area with a capacity limit of 10,000 cubic yards of green waste material at any given time.

Also approved in 1996, was a land use permit (D960087D) for the Materials Recovery Facility (MRF). The permit allowed for the construction and operation of the facility which processes recyclable material and has contributed to the extended life of the Landfill.

In 2001, another land use permit (D000281D) was approved to expand the composting area to 12 acres and changed the allowed amount of on-site compost material accepted to 300 tons per day. The green waste diversion from the Landfill has been a part of a diversion program (65 percent diversion from this landfill including recyclables and greenwaste) which has substantially extended the originally proposed lifespan of the Landfill.

In September 2010, the Landfill temporarily stopped compost activities on the project site. Green waste and wood waste continued to be processed (chipped/ground) either being used as Alternative Daily Cover (ADC) for the working face of the landfill, or being hauled to another out-of-county composting facility. On November 4, 2010, the County held a hearing to consider revocation of the previously approved composting permit (D000281D). Neighborhood concerns related to compliance with conditions of approval (particularly with respect to the compost operation) were the focus of the revocation hearing. The hearing resulted in the Planning Commission requiring additional measures to ensure compliance with existing conditions of approval and to address complaints and concerns raised by neighbors of the landfill.

The Landfill service area generally includes the north coast and southern San Luis Obispo County communities including San Simeon, Cambria, Cayucos, the City of Morro Bay, Los Osos, the City of San Luis Obispo, the City of Pismo Beach, the City of Arroyo Grande, the City of Grover Beach, Oceano, and Nipomo, similar to the Coastal Region identified in the Siting Study. Some waste from northern Santa Barbara County is also accepted at the landfill.

The facility accepts non-hazardous residential, commercial, and industrial wastes (Class III landfill). Hazardous wastes are not accepted at the facility with the exception of household hazardous wastes such as paint, cleaning products, and pesticides. These, along with universal waste and electronic wastes such as television sets and computers, are accepted at the household hazardous waste facility and universal and electronic waste recycling center located within the Resource Recovery Park.

As of December 2011, the Landfill requested that their Project (as evaluated in the FEIR) be amended to permanently eliminate the compost operation (using windrow technology) from future consideration. Green waste and wood waste processing would remain part of the Proposed Project. Since the compost operation has been removed from consideration in the Environmental Impact Report (EIR), it has also been removed from consideration as part of the proposed project. If in the future, the landfill would like to re-establish the composting use (using windrow technology or any other technology), the applicant would be required to amend this land use permit.

The current proposal (DRC2005-00170) will replace all previous land use permits issued at the Landfill site. Conditions of approval associated with the previous approval are included for reference in Exhibit D. Staff has reviewed the conditions associated with the previous approvals and eliminated those conditions that are no longer applicable or will be replaced with new and/or updated conditions of approval. For reference, the previous conditions of approval are shown a strike through where they have been eliminated or replaced/update.

PROJECT ANALYSIS

Ordinance Compliance:

Table 2-2 of the Land Use Ordinance categorizes the proposed project as “Waste Disposal Sites.” There are no specific use standards associated with the proposed use. A *Waste Disposal Site* is an allowable use in the Agriculture and Public Facilities land use categories subject to Conditional Use Permit approval.

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	N/A	Approx. 209 acres
Setbacks (for structures) Front: Side: Rear:	25 feet 30 feet 30 feet	Approx. 1,200 feet (scalehouse) Approximately 200 feet (MRF) Greater than 100 feet (RRP)
Height Landfill: Temporary Earthen Berm: Materials Recovery Facility (MRF): Resource Recovery Park (RRP):	500 feet above sea level (asl) <i>Note: Top deck maximum elevation taken from previous permit</i> None at this time <i>Proposed new height limit - 525 feet (asl)</i> 35 feet 35 feet	Top deck will remain at 500 feet above sea level Variable height berm between 10 and 25 feet (max. 525 asl) 40 feet <i>Note: See modification discussion below</i> 28 feet
Parking	As determined by the Review Authority	Sufficient area is available on-site, relocated employee parking will be provided at the time of construction of the scalehouse, MRF, and RRP.
Signs	As determined by the Review Authority <i>Recommend 65 square feet maximum</i>	Conditioned to be 65 square feet maximum

The hours of operation are currently governed by the CalRecycle Solid Waste Facility Permit and the County Conditional Use Permit. The proposed project would expand these operating hours for waste acceptance as well as allow additional time for ancillary activities, such as equipment maintenance and covering the working face of the Landfill, after waste acceptance hours. The current and proposed hours of operation are shown in the table below and apply seven days a week, except in the case of the MRF, which does not and would not involve significant weekend processing. While the Landfill does not typically operate the MRF on weekends, this approval would allow all components of the Landfill to operate seven days a week.

Component	Existing*	Proposed	Increase
Landfill/Disposal Area			
Commercial Haulers	7:00 a.m. to 4:30 p.m.	7:00 a.m. to 5:00 p.m.	0.5 hour
General Public	8:00 a.m. to 3:00 p.m.	7:00 a.m. to 5:00 p.m.	3.0 hours
Material Recovery Facility			
Waste Receipt	7:30 a.m. to 4:30 p.m.	7:00 a.m. to 5:00 p.m.	1.0 hour
Processing	7:30 a.m. to 4:30 p.m.	7:00 a.m. to 10:00 p.m.	6.0 hours
Resource Recovery Park			
Resource Recovery Park	7:30 a.m. to 4:30 p.m.	7:00 a.m. to 5:00 p.m.	1.0 hour
Hazardous Waste			
Household, Universal and Electronic Hazardous Waste	11:00 a.m. to 3:00 p.m.	7:00 a.m. to 5:00 p.m.	6.0 hours
*The Landfill is currently permitted (Development Permit D860156D) to conduct non-waste acceptance activities from 6:30 a.m. to 5:30 p.m.			

22.16 – Landscaping: The standards of this chapter are intended to: provide areas that can absorb rainfall to assist in reducing storm water runoff and controlling erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide privacy; while recognizing the need to use water resources as efficiently as possible. These standards are not applicable to projects located in the Agriculture land use category except where required for a special use by Article 4. Landscaping is required as mitigation for the proposed project. Landscaping will be required to screen the proposed project (to the maximum extent feasible) including the disposal area of the landfill as well as the new structures associated with the landfill (i.e. the Materials Recovery Facility, Resource Recovery Park, and the scalehouse). Screening of structures will be required to achieve 80% screening at plant maturity. Please see the FEIR, Section V.A. (Aesthetic Resources) for further discussion on aesthetic impacts and the landscaping discussion under the planning area standards below. These measures have been included as conditions of approval for the proposed project.

22.20 – Signs: The project site currently has two signs at the entrance to the facility measuring approximately 16 feet long with letters that are 10 inches tall (approximately 20 square feet each). It is anticipated that the new entry location will include signage similar to the existing entrance totaling 40 square feet. The Landfill has requested one additional freestanding informational sign that would be placed at the entrance of the facility. The sign would include information such as hours of operations, phone number, address, and Solid Waste Permit number. The sign would be approximately six feet by 4 feet (24 square feet). Staff recommends that your Commission allow signage at the entry to the facility similar to the existing signage (40 square feet) as well as the additional freestanding information sign (24 square feet). The total allowable sign area would be approximately 65 square feet. This recommendation has been included as a condition of approval for the proposed project.

Operating Standards:

22.10.030 – Air Quality: This section establishes a procedure for the notification of the County Air Pollution Control District (APCD) when a new land use is proposed which would include equipment or activities that involve combustion, or the storage or use of hydrocarbons or other air contaminants. The APCD has reviewed the project as part of the referral process as well as

providing comments on the DEIR. The FEIR contains mitigation measures to reduce impacts associated with Air Quality and Greenhouse Gas impacts. These measures have been included as conditions of approval for the proposed project.

22.10.040 – Archaeological Resources: In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- A. Construction activities shall cease, and the 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 archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

These measures are included as conditions of approval and will be implemented in the event unanticipated archaeological and/or paleontological resources are identified, in coordination with the County Environmental Monitor.

22.10.060 – Exterior Lighting: The standards of this section are applicable to all outdoor night-lighting sources installed after the effective date of this Title, except for street lights located within public rights-of-way and all uses established in the Agriculture land use category. While this standard is not applicable, due to the project site being located within the Agriculture land use category, the FEIR contains mitigation measures similar to the requirements contained within this section. These measures have been included as conditions of approval for the proposed project.

22.10.080 – Fencing and Screening: The standards for fencing and screening are established by this section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. While this section is not applicable to projects located within the Agriculture land use category, the FEIR has identified impacts associated with the proposed project that required visual screening. Screening of structures associated with the proposed project will be accomplished by landscaping and screening berms as discussed in the applicable sections of the FEIR. Fencing will be required to mitigate impacts associated with wind-blown trash and will be required to be a minimum of six feet tall at specifically identified property lines and ten feet tall around the active disposal areas (aesthetics will be considered when selecting litter control fencing). It is anticipated the new entry location will include a wall or fence similar to the existing entrance. The EIR has identified potential aesthetic impacts associated with the entry features and requires muted earth toned colors and any signage to comply with the sign ordinance requirements (as set by the Review Authority in this case). These measures have been included as conditions of approval for the proposed project.

22.10.120 – Noise Standards: This section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. The FEIR has determined that the proposed project would result in significant noise related impacts.

Where mitigation in accordance with the policies and standards of this Noise Element is not feasible, the review authority may adjust or waive such policies and standards (the minimum amount necessary to enable reasonable use of the property), provided that noise levels are then mitigated to the maximum extent feasible. The FEIR has identified all feasible mitigation measures that may be implemented to reduce these impacts throughout the life of the landfill operations. These measures have been included as conditions of approval for the proposed project. Staff recommends that your Commission allow a waiver of the Noise Element standards. Findings associated with the waiver are included in Exhibit A – Findings.

22.10.155 – Stormwater Management: The purpose of this section is to implement the Design Standards (Attachment 4) for the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, as required by the Stormwater Management Plan for the County of San Luis Obispo. These standards are intended to address stormwater runoff from new development projects. This section requires the applicant to implement Best Management Practices (BMPs) so as to minimize the introduction of pollutants into stormwater. As discussed below, these measures will be implementation through the RWQCB's existing and to be revised Waste Discharge Requirements (WDRs) as well as project components that require a construction permit (i.e. scalehouse, MRF, RRP, etc.). BMPs are required to be maintained to ensure they continue to function as designed.

This section also contains standards associated with "Outdoor Material Storage." Where proposed projects include outdoor storage areas for storage of materials 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) 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.

These measures have been included as conditions of approval associated with the MRF and RRP as well as the requirement for long-term maintenance of BMPs.

22.10.180 – Water Quality: This section establishes a procedure for the notification of the California Central Coast Regional Water Quality Control Board (RWQCB) when a new land use or modification to an existing use may affect groundwater quality because of proposed methods of disposal, or large volumes of wastewater, or because of the disturbance of natural soil contours. The project was referred to the RWQCB and comments were provided as part of the EIR process. The applicant will be required to update the existing WDRs prior to receiving the first Notice to Proceed for the proposed expansion. An additional discussion related to water resources is provided below under the "Environmental Determination/Land Use Issues" section and the Water Resources section of the FEIR.

Modifications:

22.10.090(C)2.a. – Exception to Height Limitations: Buildings and structures exceeding the heights permitted in Subsection C.1. may be authorized through Conditional Use Permit

approval, provided the Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction.

The proposed expansion to the Materials Recovery Facility (MRF) would require a 40-foot tall structure, similar to the existing facility. The proposed structure is located in the southeast corner of the proposed expansion area. Due to the existing and proposed topography and vegetation and the required vegetative screening, the proposed addition to the MRF would only be partially visible as seen from Highway 227 at the new entrance road. Therefore, staff recommends a modification of the maximum allowable height limit (from 35 feet to 40 feet) to allow for the addition to the existing MRF. A finding has been provided for your Commission's consideration.

PLANNING AREA STANDARDS

22.108.020(A) - Undergrounding - Conditional Use Permit Projects: This section states, all projects requiring Conditional Use Permit approval shall provide for utilities being placed underground unless the Commission determines either that the proposed development will be of low intensity or in an isolated location; or that supporting overhead utilities will not be visible from public roads; or that overriding operational, economic or site conditions of the project warrant waiver of this requirement. Utilities are not proposed to be located underground. Existing utilities are aboveground and would remain so with the current project. Above-ground utilities are common in this relatively rural area. They have limited effect on aesthetic resources and it would appear to be economically infeasible to underground utilities on such a large project site that includes buried waste.

22.108.020(D) - Production Agricultural Areas: New development shall be designed to minimize the loss of existing and potential production agricultural areas by the placement of buildings and new parcels outside the most agriculturally capable areas. The project would result in the permanent loss of approximately 40 acres of potentially productive soils. For further discussion on impacts to agricultural resources, please see "Environmental Determination/Land Uses Issues" below and the Agriculture Resources section of the EIR. The project is consistent with this standard based on the analysis in the EIR and the discussion below.

22.108.030(B)3.d. - Ridgetop Development: Structures within the SRA shall not be located so as to be silhouetted against the sky as viewed from any of the scenic highway or railroad corridors. The applicant is requesting use of the "top deck" for green waste processing (i.e. wood chipping and processing) and storage of other landfill related equipment. Green waste processing would include the use of heavy equipment, wood chipping machinery, and roll off bins. These activities have the potential to result in visual impacts as seen from public viewing areas (i.e. silhouette against the skyline). The EIR recommends mitigation in the form of a berm to reduce both visual and noise related impacts. While these are not permanent structures, the activities and equipment would have the potential to result in similar visual impacts as a residence or similar structure without implementation of the proposed mitigation measures.

While the Sensitive Resource Area (SRA) standards are applicable to the overall site where the project is located, the SRA standards are not applicable to activities referenced above. Section 22.108.030(B)1. states, "*Residential structures, residential accessory structures (including water tanks), residential access roads, specified agricultural accessory structures (including water tanks) and signs are governed by these standards. All other uses and structures are not subject to these standards, such as production agriculture, agricultural roads and nursery specialties.*" Based on the applicability requirements of this section and inclusion of the applicable mitigation measures, the project is considered consistent with this standard.

22.108.030(B)3.g. - Building Features: This standard provides for maximum building height of 25 feet and that building architecture shall include hip roofs with a minimum pitch of 3:12. Building colors shall be similar to surrounding natural colors that are no brighter than 6 in chroma and value on the Munsell color scale on file in the Department. Building heights associated with the Resource Recovery Park (RRP) and Materials Recovery Facility (MRF) would exceed 25 feet. The RRP would be 28 feet and the MRF would be 40 feet in height.

While the Sensitive Resource Area (SRA) standards are applicable to the overall site where the project is located, the SRA standards are not applicable to structures referenced above because they are not located within the 100 foot setback from Highway 227. Therefore the applicable height limitation is set by the land use ordinance and would be 35 feet based on the subject property's Agriculture zoning designation. Based on the applicability requirements of this section (as discussed above), modification of the 35 foot height limit for the Agriculture category (as discussed above), and inclusion of the applicable mitigation measures including landscape screening and proposed stockpiles to screen the new buildings; the project is consistent with this standard.

22.108.030(B)3.h. - Landscaping: A landscaping plan is required adjacent to the applicable structure to obtain at least 50 percent view screening of the structure at plant maturity. Mitigation measures associated with the Aesthetic Resources section are included as conditions of approval and would require all structures visible from Highway 227 to obtain 80% screening of the structures at plant maturity. With inclusion of the applicable mitigation measures, the project is consistent with this standard.

COMBINING DESIGNATIONS

Flood Hazard: An approximate 300 square foot area at the south edge of the Landfill site is located within the Flood Hazard designation. The mapped flood hazard area will not be impacted by the proposed project.

ENVIRONMENTAL DETERMINATION/LAND USE ISSUES

An EIR has been prepared for this project and is available for public review. Based on the conclusion of the FEIR, the project has the potential to result in a total of 11 Class I impacts (see table below). A discussion summarizing the major environmental and land use issues discussed within the applicable sections of the FEIR is provided below.

Issue Area	Project-Specific	Cumulative
Aesthetic Resources	1	
Agricultural Resources		1
Climate Change/GHG	1	
Hazards/Hazardous Materials (trash and odors)	2	
Noise (Landfill, Stockpile 3, RRP, Back-up beepers, bird whistles, all combined)	5	1
Total	9	2

Aesthetic Resources – The project includes a request to expand the landfill disposal area as well as construction of the MRF, RRP, and scalehouse. The FEIR found that the disposal area

would be highly noticeable, appear unnatural, and contrast with the natural setting which would result in significant impacts to aesthetic resources. These impacts are a result of the engineered appearance of the Landfill, the Landfill silhouetting above the ridgelines, and the ongoing construction activities associated with daily operations. Mitigation measures have been proposed to reduce these impacts to the extent feasible but the impact remains significant. As discussed above, the project also includes numerous mitigation measures to screen the proposed structures from public viewing areas and to blend them into the surrounding environment. These impacts were considered less than significant with incorporation of the recommended mitigation measures.

Agricultural Resources – The Agriculture and Open Space Element contains policies on conversion of agricultural lands to non-agricultural uses. AGP 24 provides direction to “Discourage the conversion of agricultural land to non-agricultural uses.” Although this policy is primarily focused on changing the land use category from Agriculture to another land use category, it does have applicability when reviewing a project that would take away a site’s ability to support agricultural uses, when that site is designated Agriculture. Based on a site specific evaluation performed as part of the EIR, this project appears to meet the policy as follows:

- ***Agricultural production is not feasible due to some physical constraint or surrounding incompatible land uses.*** 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. These two existing uses result in an increased potential for incompatibility issues to arise (e.g., dust, noise, non-agricultural traffic, disease) and fragmentation of the site. Given that these existing uses are currently being implemented by the owner of the expansion parcel (i.e., Landfill), the feasibility of the expansion site to be used for agricultural purposes in the long-term is considered to be significantly reduced.
- ***Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses.*** The parcel to the north of the expansion site is used for a regional landfill facility. This 121 acre parcel is designated Public Facility. Lands designated Public Facility are intended to meet regional and community needs such as those provided by a landfill. Adjacent lands to the west, east, and south are a combination of lands designated Agriculture or Rural Lands and are currently used for a number of small-scale agricultural uses and residential uses. The use of the site for expansion of the landfill would not affect the continuance of the adjacent uses, nor would those uses prevent the use of the proposed site for agriculture. Considering all these factors, and the potential for conflicts between residential uses and agricultural uses, surrounding uses are considered incompatible with agricultural uses.
- ***The conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.*** Use of the expansion site as an extension of the existing landfill as well as associated proposed uses has the potential to result in compatibility issues (e.g., dust, lights, noise, and disease vectors). Conditions applied to the project will lessen these potential incompatibilities and therefore will not significantly affect existing or potential agricultural production on surrounding lands.
- ***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.*** The existing Landfill is expected to reach maximum capacity in approximately 2018. Expansion of landfill capacity is considered an essential service and benefit to the public that relies on the

Landfill for waste disposal. As such, it would appear that conversion of the land for a beneficial use outweighs the need to protect the land for potential agricultural uses in the long-term.

- **Approval of land conversions from agriculture to non-agricultural land uses will include a finding that the conversion of will not materially reduce groundwater recharge.** Currently, approximately 10% of the 88 acre expansion site is covered by impervious surfaces. The proposed expansion would result in an additional approximately 45% of the 88 acre site being used for expansion of the Landfill, relocation of the RRP, relocation of the entrance driveway and scalehouse, expansion of the MRF, and an increased use of 0.9 AFY of groundwater. All of these proposed uses would increase impervious surface and alter groundwater recharge as it currently occurs. However, the project would also include construction of two basins that would be used to manage stormwater runoff. One of the basins would be a detention basin and the other (formerly referred to as the compost runoff basin) would be a retention basin. These basins, plus retention and restoration of the drainage corridor that transects the expansion site in an east-west direction, would contribute to percolation of runoff and provide increased opportunity by the Landfill to re-use captured runoff for dust control and habitat restoration. Therefore, although the project would result in an increase in impervious surfaces on the expansion site, the resulting effects on groundwater recharge would be countered by proposed stormwater management in addition to the proposed reduction in the use of groundwater. Based on the surface water detention/retention elements of the project, it is projected that the conversion of the expansion site would not materially reduce groundwater recharge.

The FEIR found that the Landfill and associated operations would result in compatibility impacts as well as cumulative impacts to nearby potentially productive agricultural soils and limited groundwater resources. Numerous measures are recommended to minimize compatibility impacts related to dust, lighting, noise, and disease vectors. After implementation of these measures, the impacts are considered less than significant. With regard to cumulative impacts, this project along with various other projects including residential subdivision in the area would increase the likelihood of conflicts between the proposed facility, those uses, and agricultural uses in the area. The proposed project, along with anticipated additional residential development (based on land use designations and local demand for rural housing in San Luis Obispo County, not on specific proposed projects) would contribute cumulatively to the encroachment of non-agricultural uses in traditionally agricultural areas. This is considered a significant cumulative impact on agricultural resources.

Climate Change/ Greenhouse Gases (GHG) – The FEIR found that the Landfill would result in a significant increase in GHG emissions at the time the Landfill reaches full capacity. The FEIR recommends that the applicant employ all feasible methods to limit GHG production for the life of the project. To ensure the most up to date measures are implemented at the Landfill throughout the life of the project, mitigation measures are recommended that would require the applicant to demonstrate feasibility of GHG controls prior to excavation of modules 10-16. The applicant will also be required to report GHG emissions to the County.

Trash – Fugitive trash has been a concern raised by the neighbors of the Landfill and subsequently identified in the FEIR as a significant impact. It is anticipated that wind blown trash will continue to be a problem for downwind properties since the proposed disposal areas would move closer to prevailing downwind property lines. Even with implementation of recommended mitigation measures, fugitive trash impacts would be reduced but not eliminated.

Odors – Odors have been a concern raised by the neighbors of the Landfill and odors have been identified as a significant impact in the FEIR. Odor generation varies depending on the

type of organic material received on any given day. Odors were one of the primary concerns raised by neighbors at the revocation hearing associated with the previous compost operation. While the compost operation has been removed from the proposed project, odors associated with the Landfill are still considered a significant impact.

Noise – Noise associated with the Landfill comes from various sources. These sources include transportation noise, stationary noise sources (i.e. use of heavy equipment, use of the tub grinder for green waste, etc.), activities at the RRP, activities at the MRP, and other miscellaneous noise sources such as bird whistles and back-up beepers. Consistent with the Noise Element, the County is recommending mitigation measures identified in the FEIR to reduce noise levels produced by the Landfill, that have been determined to effect surrounding noise sensitive land uses. Noise remains a significant impact after implementation of all feasible mitigation measures. As discussed above, staff is recommending that your Commission waive the Noise Element standards because all feasible mitigation measures that may be implemented at the project site have been recommended to reduce noise related impacts throughout the life of the landfill operations.

Water Resources – The FEIR found that the project would not result in significant impacts to water resources. Appropriate measures have been proposed as part of the project (detention and retention basins) to control runoff and minimize off-site discharge of sediments or other stormwater contaminants. Additional mitigation measures have also been recommended as part of the FEIR to fully mitigate water related project impacts. As a final measure, staff contacted the Regional Water Quality Control Board (RWQCB) on May 10, 2012 to verify compliance with all existing permits including Waste Discharge Requirements (WDR) and stormwater regulations.

Based on staff discussions with the RWQCB, the Landfill has been issued four Notice of Violations (NOV) over the last several years, dated February 10, 2010, February 22, 2011, May 18, 2011, and June 27, 2011. The 2010 NOV was issued primarily for compost/greenwaste impacted discharge from the compost area and greenwaste applied slopes of the landfill. The 2011 NOVs were issued primarily for waste impacted stormwater runoff resulting from uncontained leachate seeps and related issues. The RWQCB uses NOVs as a warning system and typically require a responsible party to evaluate, correct, and monitor compliance issues identified during inspections or monitoring. The RWQCB also has the option of pursuing more formal enforcement actions including: Administrative Civil Liability assessment, Time Schedule orders, Cease and Desists orders, or Clean-up and Abatement orders. According to the RWQCB, the Landfill has implemented additional stormwater monitoring since the 2010 NOV, implemented corrective measures during the summer of 2010 to address greenwaste and compost impacted stormwater runoff issues, and implemented aggressive corrective measures during the summer of 2011 to address leachate and waste impacted stormwater runoff issues. Since the June 2011 NOV, RWQCB staff has inspected the Landfill seven times to evaluate corrective actions and ensure compliance with the RWQCB NOVs, WDRs, and stormwater permits. The RWQCB has indicated that their agency is satisfied with the Landfill's most recent corrective actions and overall compliance during the 2011/2012 wet weather season. The RWQCB will continue to be the primary agency that oversees monitoring and compliance with water quality issues and expects to be able to coordinate with the recommended environmental monitor.

COMMUNITY ADVISORY GROUP COMMENTS

None

AGENCY REVIEW

The agencies below may have also provided comments associated with the NOP and/or DEIR. Comments associated with the EIR process can be found in the FEIR (Volume II). If additional agency comments were provided outside of the EIR process, those comments are summarized below.

- Public Works** – Concerns with erosion and sediment control including appropriate containment of stormwater
- Environmental Health** – Assure protection of all wells and it should be referred to the LEA (Jeff Hackett with the CIWMB)
- Ag Commissioner** – Potentially significant impacts on Ag resources (see attached letters)
- Cal Fire** – Refer to Fire Safety Plan
- County Airport Manager** – No comment
- APCD** – Numerous comments (see attached letters)
- Department of Fish and Game** – No response
- Caltrans** – No comment
- RWQCB** - No comment
- City of San Luis Obispo** – No comment
- City of Pismo Beach** – No comment
- City of Arroyo Grande** – Strongly support proposed expansion – consider site ideal for this essential facility
- City of Grover Beach** – No comment
- Integrated Waste Management Authority** – Support the option of anaerobic digestion at the Cold Canyon Landfill (see attached letter)

LEGAL LOT STATUS

One of the two existing parcels was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL87-064, Parcel #2 (Book 3091, Pages 177-181 of Official Records) at a time when that was a legal method of creating parcels.

One of the two existing parcels is Lot A of the Partition of the Patchett Tract, according to the map of the survey of said Patchett Tract surveyed by A. F. Parsons, February 1905 filed in Book 1, at Page 84 of Record of Surveys, and was legally created by deed at a time when that was a legal method of creating parcels.

CONCLUSION

The Landfill is a critical public facility that serves the needs of the north coast communities and southern San Luis Obispo County communities. The 1991 Solid Waste Facility Siting Study recommended that the County pursue (or continue) a regional approach to waste disposal.

After completion of the FEIR, review of project alternatives, and completion of the project analysis contained herein, staff has determined that the proposed project should be brought forward as staff's recommendation for approval (see Section V.I. – Alternatives Analysis, for further discussion on project alternatives). While the environmentally superior alternative was determined to be Alternative 2 (Redesigned Project), staff's recommendation also considers ownership of the adjacent parcel which was included as part of Alternative 2. The Landfill does not own a portion of the area that Alternative 2 would utilize. While this parcel is current for sale, the environmental benefits obtained from this alternative would not appear to significantly

improve the project, considering the applicant does not own all of the land that would be required to implement Alternative 2 (see Table VI-2, Section V.I for a comparison of project alternatives).

Extensive environmental studies have been performed to identify the environmental impacts and formulate mitigation measures to minimize those impacts. It has been determined that the proposed project will require the adoption of overriding findings if your Commission decides to approve the proposed project. With inclusion of the recommended mitigation measures, the project would avoid, minimize, and balance impacts to the identified resources to the extent feasible. These measures are included as conditions of approval for your Commission's consideration. Therefore, staff concludes that the project is consistent with the policies contained in applicable sections of the General Plan and Land use Ordinance and is recommending approval of the proposed project.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Certify the Final Environmental Impact Report (FEIR) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Conditional Use Permit DRC2005-00170 based on the findings listed in Exhibit A and the conditions listed in Exhibit B including the adoption the CEQA findings and overriding considerations in Exhibit C.

Staff report prepared by Murry Wilson and reviewed by John Nall.

EXHIBITS

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – CEQA Findings and Overriding Considerations

Exhibit D – Conditions of Approval from Previous Actions

Exhibit E – Referrals

Exhibit F – Project Graphics

EXHIBIT A – FINDINGS

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 including the following pursuant to Agriculture Policy 24:
- 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. Where adjustments are required to applicable provision of Title 22, the adjustment is described in the staff report and findings in support of the adjustment are included in Exhibit A – Findings.
- 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/Waivers

- 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 height limitation will not result in substantial detrimental effects on the enjoyment and use of adjoining properties.
- 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 waiver 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

Approved Development

1. This approval authorizes:
 - a. 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.);
 - b. Increasing the total facility allowable tonnage limit from 1,620 to 2,050 tons per day;
 - c. Expanding and relocating the Resource Recovery Park to the eastern corner of the site;
 - d. Expanding and enhancing the Materials Recovery Facility (68,800 square feet);
 - e. Constructing a new scalehouse and entrance approximately one-half mile south of the existing entrance on Highway 227;
 - f. Increasing the operating hours for 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;
 - g. Increasing the staffing levels from 75 to 114; and
 - h. Other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building).
 - i. A maximum heights for various Landfill components, as follows:

Landform/Structure	Allowed/Required	Proposed
Landfill:	500 feet above sea level (asl) <i>Note: Top deck maximum elevation taken from previous permit</i>	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 <i>Note: Allowed by modification procedure</i>
Resource Recovery Park (RRP):	35 feet	28 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.*

- j. 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.
- k. This Conditional Use Permit (DRC2005-00170) shall expire and become void when the designated fill elevations, as approved, are reached 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.

Conditions required to be completed prior to issuance of the Notice to Proceed and/or at the time of application for construction permits

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; 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 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 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 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)
- 5. **(HAZ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall notify all customers in the service area of the facility of the change, through 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 five years, and include at a minimum:

- a. Descriptions of current litter control practices.
 - b. Provisions for bi-monthly 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. 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 shall be able to contact the Landfill within one week of the scheduled date 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 fences 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 and working faces should 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 refuse that is found along the truck haul routes within five miles of the Landfill. Such 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.
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 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 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. This information shall also be posted on the Landfill website directly or by a link to another site.

10. **(NS/mm-1) Prior to issuance of the initial Notice to Proceed**, 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 earthen berm (or garbage-filled berms within the disposal area if they can be shown to be as effective as earthen berms) 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 berms shall be located either at the property line and/or near the active working face, 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. 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 meet the County's threshold. 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.

11. **(NS/mm-2) Prior to initiation of proposed activities, 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 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles 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.
13. **(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.
14. **(NS/mm-6) Prior to issuance of the initial Notice to Proceed**, 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, within six 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.

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 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. As needed if compliance is not met, additional noise attenuation measures shall be installed to meet the County's stationary noise thresholds.
16. **(AES/mm-3) 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 slopes constructed by the project shall be contour-graded and shall include variable slope angles where feasible ranging from 2:1 to 4:1 or flatter to reduce the uniform appearance of the embankments. If needed, contour grading could be done on the exterior of modules to avoid loss of module capacity.
 - b. Slope-rounding shall be used on all access roads and slope benches to eliminate sharp earthwork angles.
 - c. All interim (five years or more) and finished slopes shall emphasize native shrubs and naturalized grasses in the erosion control seeding mix. 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.
 - d. All concrete lined drainage ditches used on slope benches and access roads shall be colored dark brown-grey.
17. **(AES/mm-4) Prior to issuance of the initial Notice to Proceed**, the applicant shall show the following:
 - a. An earthen berm around the edges of the "top deck" to reduce visibility of equipment and trucks associated with the green waste storage, chipping, and loading operations.
 - 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.
18. **(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.
19. **(AES/mm-10) Prior to issuance of the initial Notice to Proceed**, the applicant shall show the following:
 - a. All 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.
21. **Prior to issuance of the initial Notice to Proceed**, the applicant shall designate a responsible party available 24 hours a day with the authority to receive and correct any notification of permit violation. 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.
22. **(AES/mm-2) Prior to issuance of the initial Notices to Proceed**, the applicant shall provide funding for an environmental monitor for all phases requiring environmental mitigation to ensure compliance with County Conditions of Approval and EIR mitigation measures. The environmental monitor shall be under contract to the County of San Luis Obispo. The monitor shall prepare a construction monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.
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. **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.
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:
- 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 repower 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. **Prior to issuance of the initial Notice to Proceed**, 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.
- 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.
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.
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 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:
- Minimize the number of large pieces of construction equipment operating during any given period.
 - Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
 - 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.
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:
- 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.
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:

- 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 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 15 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 where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - j. Streets shall be swept 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.
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) Prior to issuance of the initial Notice to Proceed, the applicant shall submit an Oak Woodland Protection and Restoration Plan 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 a conservation easement 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. If Method 1 is selected, it may account for no more than 50% of the required mitigation required for oak woodland impacts and mitigation measures BR/mm-2 would apply. Method 3 shall only be allowed if it is clearly infeasible to accomplish Methods 1 and 2.**

35. **(BR/mm-2)** The Oak Woodland Protection and Restoration Plan shall include the following:
- 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 impact, one of the following measures, or a combination thereof, shall be used:
- a. **Prior to approval of the initial Notice to Proceed**, the applicant shall record a conservation easement that protects 2,000 square feet of existing oak woodland habitat for each tree removed from the oak woodland in perpetuity. The conservation 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. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impacts.
 - 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 for

each tree removed. Each impacted tree shall be assessed a fee of \$485.00 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.
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 perpetuity 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-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. Compliance shall be determined in conjunction with SLOAPCD and based on the feasibility of GHG control measures available to the applicant at the time of excavation.

Potential GHG Control Strategies. There are a number of methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill. 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.

- 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. Implement an anaerobic digestion system for the Compost Operation. 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.
42. **(PR/mm-1) 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 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) 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 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).
44. **(GEO/mm-1) Prior to issuance of the initial Notice to Proceed and at the time of application for construction/grading permits for individual structures**, 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, special consideration to 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.
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.
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.
 47. **(GEO/mm-7) 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.
 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.
 50. **(WR/mm-7) Prior to issuance of the initial Notice to Proceed,** 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.
 51. **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 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.

53. **Prior to issuance of the initial Notice to Proceed and 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.
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.
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.
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.
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.
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. 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.

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

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:
- The plans shall show screen planting along the western, southern, and eastern sides of the RRP.
 - 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.
 - 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:
- 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.
 - 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).
 - 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:
- The point source of all exterior lighting shall be shielded from off-site views.
 - All required security lights shall utilize motion detector activation.
 - Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
 - Lumination from exterior lights shall be the lowest level allowed by public safety standards.
 - Lighting shall not be directed such that it illuminates areas beyond the property line, or hills and slopes visible from offsite.
 - 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.
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

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-10)** **Within two weeks 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.
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 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.
77. **(AR/mm-2)** **During all applicable ground disturbing construction activities**, the applicant shall implement the AMRP measures.

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.

Height Limits

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

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

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.
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.

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

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:
- 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. These BMPs may include, but are not limited to:

Odors During Receiving:

- a. Mix materials upon receipt (increase material porosity).
- b. Stockpile bulking agent or high carbon amendments as receiving basin.
- c. Stockpile bulking agents or high carbon amendments for unexpected deliveries.

- d. Consider blanketing odiferous materials with a six-inch to one-foot layer of bulking agent, high carbon amendments (watered lightly to reduce odor releases).
- e. Reject odorous loads if possible (or add odor absorbing material at the originating location, such as sawdust to a load of manure).
- f. Increase collection frequency.

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.
85. **(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.
86. **(BR/mm-4) Prior to ground disturbance for each of the project components in the expansion area (within seven days),** 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.

If work occurs between September 1 and March 1, within seven 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.

87. **(GHG/mm-1)** The Landfill shall employ all feasible methods to limit GHG production for the life of the project. Bi-annually, the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control programs implemented at the Landfill. The report shall describe control 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.
88. **(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.
89. **(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.
90. **(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.
91. **(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.
92. **(NS/mm-10) Heavy Equipment.** 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.
93. 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.
94. The applicant shall comply with all local, state and federal laws and regulations concerning sorting facilities.
95. Grading of earth materials shall be conducted on an as needed basis to minimize surface disturbance. No rough grading (i.e. module construction, road construction, pad construction) 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).
96. All disposal areas shall be protected from washout and erosion of wastes or cover materials.
 97. The operator shall check incoming loads for inappropriate materials.
 98. The applicant shall institute daily cover of solid waste pursuant to CCR Title 14, Section 17682 in order to control odors.
 99. 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 the safe operation of equipment and use of personnel protective equipment.
 100. The landfill shall continue its prohibition of the acceptance of asbestos. **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.
 101. Material salvaging operations currently underway at the landfill shall continue.
 102. 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.
 103. 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.
 104. 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.
 105. 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**.
 106. There shall be no uncovered storage of processed recyclables outside of the sort facility, except for paper storage which shall be located in the areas previously approved or as approved herein. In addition, there shall be no storage of unprocessed recyclables outside of the proposed facility.
 107. 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.

108. The applicant shall maintain a fund for landfill closure and postclosure activities pursuant to Title 14 of the California Code of Regulations Chapter 5, Sections 18250 et. Seq. Preliminary and final closure and post-closure plans, as required pursuant to Title 14 of the California Code of Regulations, Chapter 3, Sections 17760 et. seq. and Chapter 5, Sections 18250 et. seq. and Title 23, Subchapter 15, Sections 2580 et. seq.; and shall be submitted to the Department of Planning and Building once the plans are approved by the Regional Water Quality Control Board and CalRecycle. In addition, this fund shall include provision for funding for ground water remediation if necessary.
109. 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 sec.
110. If refuse slope failure occurs, the extent of the failure shall be evaluated by a geologist 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 CalRecycle.
111. The cover placed on all previous fill areas shall be inspected for cracking on a monthly basis and filled as necessary.
112. The applicant shall retain a registered civil 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.
113. The applicant shall have a site 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.
114. 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.
115. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - 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.
116. This land use permit is valid for a period of 60 months (five 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 once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080, and for purposes of the proposed Landfill, substantial site work shall be considered

complete when Landfill operations have been commenced consistent with Section 22.64.080 C – Surface Mining Operations.

117. 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 14 of the California Code of Regulations, Section 17796 et. seq.
118. The applicant shall, as a condition of the approval and use of this conditional use permit, defend 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 applicant shall 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.

3-44

Exhibit C - CEQA Findings and Overriding Considerations

Conditional Use Permit ED06-126; DRC2005-00170

I. PROJECT DESCRIPTION

The proposed project involves an expansion of the existing Cold Canyon Landfill, located in San Luis Obispo County, California. The applicant is proposing to expand the Landfill footprint by approximately 88 acres (including approximately 46 acres of disposal area footprint); increase permitted tonnage limits from 1,620 to 2,050 tons per day (TPD); expand and relocate the Resource Recovery Park (RRP); increase RRP tonnage limits from 100 to 450 TPD; eliminate the compost operation from future consideration; expand the Materials Recovery Facility (MRF); increase MRF tonnage limits from 120 to 400 TPD; expand the hours of operation; add 39 staff; and construct a new scalehouse and entrance. The modifications have been proposed to allow the Landfill to more efficiently and effectively divert recoverable waste from the disposal area and increase disposal capacity, extending its life for 25 years to approximately 2040 (assuming approximately six years of disposal capacity remaining). If the Proposed Project is approved, many of the existing support activities and operations at the Landfill such as leachate collection and removal and groundwater monitoring would continue as they do currently.

II. THE RECORD

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearings on the project.
2. The Cold Canyon Landfill Expansion Project Final Environmental Impact Report (EIR) (May 2012).
3. The Cold Canyon Landfill Expansion Project Conditional Use Permit application and supporting materials.
4. The Cold Canyon Landfill Expansion Project Staff Report prepared for the Planning Commission.
5. Scoping Session held May 7, 2007.
6. Matters of common knowledge to the Planning Commission, which it considers, such as:
 - a. The County General Plan, including the land use maps and elements thereof;
 - b. The text of the Land Use Element;
 - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
 - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
 - e. The County Annual Resources Summary Report;
 - f. The Clean Air Plan;
 - i. The Countywide Smart Growth Ordinance;
 - j. The Countywide Growth Management Ordinance;
 - k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
 - l. Additional documents referenced in the Final EIR for the Cold Canyon Landfill Expansion Project.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission certifies the following with respect to the Cold Canyon Landfill Expansion Project Final EIR:

- A. The Planning Commission has reviewed and considered the Cold Canyon Landfill Expansion Project Final EIR.
- B. The Final EIR for the Cold Canyon Landfill Expansion Project has been completed in compliance with the California Environmental Quality Act.
- C. The Final EIR, and all related public comments and responses have been presented to the Planning Commission, and they have reviewed and considered the information contained in the Final EIR and testimony presented at the public hearings prior to approving the Cold Canyon Landfill Expansion Project.
- D. The Cold Canyon Landfill Expansion Project Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that each of the following effects have been avoided or will have a less than significant impact, as identified in the FEIR. The less than significant effects (Impacts) are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

A. Aesthetics (Class III): No Class III impacts for Aesthetics were identified.

B. Agricultural Resources (Class III):

1. Conversion of Agricultural Soils to Non-Agricultural Use. Implementation of the proposed project would result in non-agricultural development on potentially productive soils on the 88-acre expansion area, designated for agriculture, to the south of the existing Landfill. The County's Agricultural Element Policy 24 provides direction to "discourage the conversion of agricultural lands to non-agricultural uses." However, the policy also states various criteria for allowing the conversion of agricultural lands to non-agricultural uses. The FEIR determined that the proposed project would meet those criteria. This assessment is provided for review by the public and decision-makers when considering the project and associated mandatory findings. For these reasons, the project-specific conversion of agricultural land to non-agricultural use resulting from the proposed project is considered less than significant (Class III). No mitigation is required.

2. Conversion of Williamson Act Lands. The proposed project would not require the removal of any parcels under Williamson Act contract. Lands currently under contract in the area are located to the north and east of the proposed project. The proposed project would expand the landfill boundary to the south. As a result, the proposed expansion is not expected to directly impact any agricultural lands under Williamson Act contract.

Because the Landfill expansion is occurring in the opposite direction from existing Williamson Act lands, it is not expected that the expansion would encourage landowners with land under contract to prematurely cancel their contracts in anticipation of future expansions or incompatibilities. Direct and indirect impacts to Williamson Act lands would be less than significant, Class III. No mitigation is required.

3. Water Usage. The Landfill would increase water consumption at the facility 0.9 acre-feet/year (AFY) to a total of 10.2 AFY. The Water Resources section of the FEIR concluded that this project-specific increase in consumption would have an less than significant affect on groundwater supply and well levels in the local groundwater basin. The Water Resources section also concluded that drawdown of neighboring wells would be less than significant at a rate necessary to satisfy average daily Landfill demand. Therefore, the proposed project would not significantly reduce water available for agricultural intensification. The impact would be less than significant.

C. Air Quality (Class III):

1. Area Source Emissions. Area source emissions would result from operation of the buildings on the project site and long-term vehicle use. These emissions from the proposed project area less than significant (Class III).

2. Daily Equipment Operations. The proposed project would include a number of additional operations that may result in the use of heavy equipment. The operations include construction and demolition sorting, MRF sorting and processing, and wood

3-47

waste grinding. When combining the Area Source emissions with potential future heavy equipment emissions, the total emissions are less than baseline levels. This is true in the medium and long-term. The results of the FEIR indicate that air quality impacts associated with heavy equipment use, despite increased waste acceptance and processing, would be less than significant (Class III) because of expected improvements in cleaner engines, retrofit technology, and cleaner fuels by 2020.

D. Biological Resources (Class III):

1. **Agrestal (Abandoned Vineyard).** The proposed project would result in the loss of approximately 12 acres of agrestal habitat occurring on moderate slopes. Agrestal habitat in the expansion area contains one rare plant species, Obispo Indian paintbrush, and has the potential to support one special animal, American badger. Impacts to agrestal habitat are not significant except where occurrences of special-status species are involved. Impacts to these two special-status species potentially occurring within agrestal/annual grassland habitat are considered separately. Impacts associated with the loss of 12 acres of agrestal habitat are considered less than significant (Class III) and do not require any mitigation.
2. **Ruderal.** The proposed expansion of the RRP would result in the loss of approximately 9.5 acres of ruderal habitat occurring on moderate slopes. Impacts associated with the loss of 9.5 acres of ruderal habitat dominated by non-native herbaceous weeds are considered less than significant (Class III) and do not require any mitigation.
3. **Coastal Scrub.** The proposed expansion would result in the loss of approximately 0.5 acre of coastal scrub habitat. Impacts associated with the loss of this habitat dominated solely by coyote brush and lacking sensitive species are considered less than significant (Class III) and do not require mitigation.
4. **Annual Grassland.** The proposed expansion would result in the loss of approximately 11.7 acres of annual grassland habitat. Additionally, several small discontinuous patches of native perennial bunch grasses would be removed. The use of these species in revegetation and landscaping plans is recommended but not specifically considered a required mitigation measure. Impacts to annual grassland habitat are not significant except where special status species are involved. Annual grassland habitat on the property harbors one rare plant species, Obispo Indian paintbrush, and has the potential to support one special animal, American badger. Impacts for special-status species are addressed separately. Impacts to grassland habitat due to the loss of approximately 11.7 acres annual grassland habitat are considered less than significant (Class III).
5. **Anthropogenic Habitat (i.e., influenced by humans).** Impacts to anthropogenic habitat are less than significant (Class III) except where occurrences of special-status species are involved. Mitigation for special-status species is addressed separately. Other mitigation for loss of anthropogenic habitat is not required.
6. **Cumulative Impacts.** The cumulative development scenario did not identify additional projects that would significantly impact biological resources. In addition, development of vineyards and additional residential development in the area of the proposed project would be limited by the finite water supply and existing zoning, respectively. The proposed project would result in the loss of 1.3 acres of oak woodland habitat, the loss of up to 13 other individual oak trees in other habitats, impacts to seven oak trees, and impacts to 0.76 acre of wetlands, Other Waters (i.e., areas that lack one or more of the three wetland indicators but exhibit an ordinary high water mark), and riparian habitats. Impacts to these habitats would result in direct or indirect impacts for special-status

animal and plant species. The project specific impacts resulting from the proposed project would be mitigated to a less than significant level, and the project would not contribute to cumulatively significant impacts. Cumulative impacts would be less than significant (Class III). No additional mitigation is required.

E. Climate Change/Greenhouse Gas Emissions (Class III): No Class III impacts for Climate Change/Greenhouse Gas Emissions were identified.

F. Cultural Resources (Class III):

1. Cumulative Impacts- Paleontological Resources. Cumulative impacts on paleontological resources result when rock units become unavailable for study and observation by scientists and/or when significant disturbance in sensitive geologic formations is not monitored for fossil/resource identification. The destruction of fossils has a significant cumulative impact as it makes biological records of ancient life unavailable for study by scientists. Given the prevalence of the Monterey and Pismo Formations in the State, and the number of construction activities that involve excavation into these formations that are not regulated, it is likely that significant paleontological resources are often not identified and are permanently lost. However for the proposed project the applicant is required to implement mitigation measures that would ensure protection and documentation of significant resources, if present. Implementation of this measure would ensure that the cumulative impacts to paleontological resources as a result of this project would be less than significant (Class III). No additional mitigation is required.

2. Cumulative Impacts- Archaeological Resources. Implementation of the proposed project would contribute to the cumulative degradation of significant archaeological resources in the County. The destruction of archaeological resources has a significant cumulative impact as they are inherently important to the descendants of native peoples and make the study of pre-historic and historic life unavailable for study by scientists. Given the prevalence of cultural resource sites in San Luis Obispo, and the number of construction activities that involve disturbance of archaeologically sensitive areas that are not regulated, it is likely that significant pre-historic and historic resources are often not identified and are permanently lost. For the proposed project, impacts to known potential subsurface pre-historic archaeological resources would be avoided, and impacts to historic archaeological resources would be mitigated by implementation of data recovery and monitoring. Based on implementation of mitigation measures recommended in the FEIR, potential cumulative impacts resulting from the proposed project are considered less than significant (Class III). No additional mitigation is required.

G. Geology and Soils (Class III):

1. Cumulative Impacts. Additional development, including the proposed project, would increase the number of people and structures exposed to a variety of geologic and soils hazards within the county. Potential impacts related to geologic, soils, and seismic hazards are all site-specific, and mitigation measures are applied to each project to minimize the potential for significant geologic impacts. All development projects are required to comply with State and local regulations regarding grading and construction; therefore, cumulative impacts are less than significant (Class III).

H. Hazards and Hazardous Materials (Class III):

1. Construction Activities. Accidental releases of hazardous materials, such as fuels or lubricants during construction activities, have the potential to adversely affect on-site

3-49

workers, public health, and/or the environment. Spillage of fuels or chemicals could result in a threat of fire or explosion or other situations that may pose a threat to human health and/or the environment. Releases could occur as a result of vehicular accidents, equipment malfunction, or improper storage. Based on discussions with CalRecycle staff, the Landfill is in compliance with applicable occupational safety regulations, such as Cal-OHSA and Title 27.

Projects are required to have designated staging/maintenance areas, standard operating procedures, and emergency response planning. Compliance with Cal-OSHA and Title 27 requirements would reduce any potential impacts to a less than significant level (Class III). No additional mitigation is required.

2. **Household, Electronic, and Universal Hazardous Waste Collection and Storage.** Increases in population in the Landfill service area would likely result in an increase in the amount of hazardous waste, E-waste, and U-waste accepted at the Landfill, potentially creating significant hazards associated with improper storage and handling. The proposed project would, however, include moving the existing E-waste and U-waste collection facility to a metal building to store and process U-waste and E-waste, and to better receive customers and conduct operations. The proposed relocation would provide an opportunity to make it more convenient for the public to use the E-waste facility (due to its size and location) than it currently is, reducing the potential that these materials would be disposed of in the permanent disposal area.

The Landfill currently conducts random checks of tarped loads at the entrance and has personnel monitoring both the RRP and the disposal areas for hazardous materials. Compliance with Title 27, Section 20870 would reduce impacts associated with handling, storage, and safe transport of household hazardous, E-waste, and U-waste at the landfill to a less than significant level (Class III).

3. **Disease and Animal Vectors.** The proposed project would include an increase of daily tons of solid waste and compost materials. The increasing of capacity has the potential to attract additional vectors such as flies, rodents, and birds that can spread infectious diseases to humans.

Preventative measures are currently applied to decrease or eliminate accessibility of Landfill materials to vectors. No vector problems, other than birds (which are discussed separately), were noted by neighbors of the Landfill during scoping meetings, or by regulatory agencies, including CalRecycle.

Compliance with CalRecycle Title 27, Section 20810, would be adequate to control or prevent the propagation, harborage, or attraction of flies, rodents, or other vectors. There is no indication that measures other than these are necessary to control vectors. With the exception of birds (which is addressed in Section V), impacts associated with disease vectors would be considered less than significant (Class III). No additional mitigation is required.

4. **Cumulative Impacts.** Cumulative development in the County would result in the increased use and/or transport of household hazardous materials, including E-waste and U-waste, in the area and the potential exposure of an increased population to these materials. These increases have been addressed separately.

Potential hazards and use of hazardous materials are generally location-specific to the extent that they may result in significant impacts on the localized environment, but they are not cumulative as is applicable to other issues.

3-50

Another potential odor source in the vicinity of the proposed project is the Price Canyon Oilfield, located approximately one mile west. An EIR prepared for the Price Canyon Oilfield determined that odors from operation of the proposed water reclamation facility could be mitigated to a less than significant level. The oilfield is also known to produce odors, both from operation of the oilfield and naturally occurring odors associated with the petroleum deposits in the area. However there are no anticipated new odor sources in the area other than the proposed project. Cumulative impacts related to hazards and hazardous materials and odors would be less than significant (Class III). No additional mitigation measures are required.

I. Noise (Class III):

- 1. Transportation Noise Assessment.** The proposed project would increase the number of daily trips to and from the Landfill. Currently, there is a weekday average of 330 one way (660 two-way trip ends) trips at the Landfill; this is expected to increase to a weekday average of 414 one way (828 two-way trip ends) trips. The Average Daily Traffic (ADT) volume on Highway 227 in the vicinity of the project site would be expected to increase from 5,500 to 7,700 in 2028, not including the proposed project. Accounting for project-related traffic, the future ADT on Highway 227 near the project site would be up to 7,900.

The FHWA model predicted that at a setback of 150 feet from the center of the roadway, future annual average traffic noise exposure without the project would be 61.2 dB Ldn. This exceeds the County's 60 dB Ldn noise compatibility standard. Including project-related traffic, the future traffic noise exposure would increase by 0.8 dB to 62 dB Ldn. There are two residences located approximately 150 feet southwest from the centerline of the roadway. However, these residences, and the likely outdoor activity areas, are located approximately 15 feet below the grade of Highway 227. This elevation difference would reduce the dB level by approximately five, resulting in a noise exposure of approximately 57 dB. This resulting noise exposure is below the 60 dBA threshold and is considered less than significant (Class III). No mitigation is required.

- 2. Expansion of the Materials Recovery Facility.** The MRF capacity would be increased by adding upgraded equipment and increasing hours of operation. Based on noise measurement data, MRF operations produce a Leq of approximately 66 dB at approximately 100 feet from the southeastern side of the MRF building and 46 dB at a distance of 300 feet. While the project is also getting closer to the northeastern property line, it is further away than the southeastern property line and noise levels will be slightly less than what is described for the southeastern property line.

The closest property line is located directly southeast of the MRF at a distance of approximately 250 feet. The location of this corner of the MRF would not change as a result of the proposed project. There is an existing noise berm located approximately 150 feet from the MRF and 100 feet from the nearest property line. This noise berm would reduce the project's ongoing operational dBA by as much as 15 dBA at the property line given its height and location. This would result in the noise levels being reduced below the 50 dBA threshold at the closest property line. Due to the existing berm that would remain in place, impacts associated with the MRF expansion would be less than significant (Class III). No mitigation is required.

J. Transportation and Circulation (Class III):

- 1. Level of Service – Roadways.** The expansion of the disposal area would not necessarily increase traffic volumes because the permanent disposal daily tonnage limit

3-51

would remain at 1,200 tons per day. However, traffic to and from the Landfill would increase as a result of the expanded processing limits for the RRP and MRF. The extended hours and additional employees would also generate new trips to and from the Landfill. The employee increases are expected to occur incrementally over the life of the proposed project as the local demand for the Landfill services increase.

The expanded hours for the receipt of material and increased processing limits at the RRP and MRF would increase a.m. and p.m. peak hour demands on an average weekday. It was estimated that the expanded hours and increased processing limits would increase weekday a.m. peak hour demands at the facility by at least 25 percent (medium and large vehicles). It was estimated that the project trips during the p.m. peak hour trips would be at least 50 percent greater than the a.m. peak hour. Traffic associated with the expanded hours and increased processing limits would also increase daily demands by about 25 percent.

A review of the project traffic volumes demonstrates that the proposed project would increase traffic volumes by 150 average daily trips on Highway 227 north of the Landfill. Existing plus project daily traffic along this segment of Highway 227 would remain within acceptable limits (LOS C or better). Because these changes to the traffic volumes on Highway 227, as a result of the proposed project, do not reduce LOS below County or Caltrans thresholds, they are considered less than significant (Class III). No mitigation measures are required.

2. **Project Access/Safety.** The existing Landfill entrance can be seen from at least 1,500 feet when traveling southbound on Highway 227. Traveling northbound, this driveway is visible from about 1,000 feet (crest of vertical curve). The line of sight looking south from the proposed driveway is relatively obstructed for at least 2,000 feet. Southbound vehicles can see the proposed driveway location from at least 860 feet. Passing in the southbound direction is allowed from the vertical curve crest located about 1,200 feet north of the proposed entrance (passing is prohibited for northbound vehicles).

The data demonstrates that stopping distance on Highway 227 at the existing and proposed driveway locations is adequate for vehicles traveling at 75 to 80 mph. Stopping sight distance from the vertical curve located 860 feet north of the driveway is adequate for 65 to 70 mph. This vertical curve crest also limits the line of sight looking north from the proposed driveway location. Based on the Caltrans 7.5 second criterion, corner sight distance for vehicles exiting the proposed driveway and proceeding south would be acceptable for 65 to 70 mph. Because there would be adequate stopping sight distance at the proposed driveway location for vehicles traveling on Highway 227 entering and passing the Landfill, impacts are considered less than significant, (Class III). No mitigation measures are required.

3. **Cumulative Impacts.** Cumulative traffic conditions are typically comprised of existing volumes, plus traffic generated by other known approved and/or pending projects; however the Department of Planning and Building did not identify any specific projects that would significantly increase weekday traffic volumes on Highway 227 adjacent to the Landfill. Data in the 2005 Regional Transportation Plan (RTP) shows that 20 year traffic projections could increase traffic volumes on Highway 227 by about 40 percent between Printz Road and Price Canyon Road (two percent per year). To develop a cumulative development scenario, existing traffic on Highway 227 adjacent to the Landfill was increased by 40 percent to account for the growth over the next 20 years predicted by the RTP. The total cumulative traffic volumes were then estimated by combining this volume with the increase in project trips resulting from the proposed project. A review of

these volumes demonstrates that total cumulative daily traffic volumes on Highway 227 adjacent to the Landfill would be within the LOS B range (4,000 to 8,000 ADT).

The project traffic volumes would not substantially increase traffic in relation to existing load and capacity, or exceed the established LOS standard (LOS C or better). Provided that TC/mm-1 is implemented, cumulative traffic safety and traffic volume impacts to Highway 227 would be considered less than significant (Class III). No additional mitigation measures are required.

K. Water Resources (Class III):

- 1. Well Interference Effects from Simultaneous Pumping.** The total water needs for the proposed project is 10.2 AFY, although wells can sustainably produce more than 25 AFY. The predicted drawdown at the neighboring Gomez well would be approximately five feet after one year which would be within the range of seasonal water level variations which occur in the basin and therefore not create an unreasonable or adverse impact to the Gomez well or other wells in the groundwater basin. This finding, combined with the overall reduction of water (including groundwater) required for proposed project from approximately 34.5 afy to 10.2 afy (due to elimination of the compost operation) results in groundwater drawdown (i.e., interference) impacts being considered less than significant (Class III). No mitigation is required.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the following significant effects as identified in the FEIR, changes or alterations (Mitigation Measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The significant effects (Impacts) and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each Impact:

A. Aesthetics (Class II)

1. **Impact AES-3: Greenwaste processing activities and other staging activities, including trucks and equipment, at the uppermost portion of the Landfill would appear as a perpetual construction site and would draw attention to the Landfill.** At this time, and into the foreseeable future, green waste would continue to be processed on the top deck of the Landfill. Processing of the greenwaste includes hauling to the top deck, storing in piles, chipping, and hauling to the working face on an as-needed basis. Equipment required for processing green waste includes a chipper, loader, and roll-away dumpsters. In addition to processing green waste on the top deck, the applicant proposes to utilize the top deck for other activities in the future due to its accessibility, flatness, and close proximity to the working face.
 - a. **Mitigation –**

AES/mm-4 – Prior to receipt of the Notice to Proceed, the applicant shall show the following: a. An earthen berm around the edges of the "top deck" to reduce visibility of equipment and trucks associated with the green waste storage, chipping, and loading operations. 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.

AES/mm-5 – Within one year of issuance of the Notice to Proceed (or incrementally as portions of the top deck are completed), the berm required by AES/mm-4 shall be constructed.
 - b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence –** Please refer to pages V-12 through V-13 of the Final EIR.
2. **Secondary Impact of AES/mm-4 and AES/mm-5:** The construction of an earthen berm around the edges of the top deck would increase construction and operational emissions and result in air quality impacts.
 - a. **Mitigation –**

AQ/mm-2 -- Prior to issuance of the 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: a. Use APCD-approved BMPs and dust mitigation measures; 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

3-54

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. Monitoring 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.

AQ/mm-3 – Prior to issuance of Notice to Proceed, the following mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM10 emissions during earth moving activities: 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 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 15 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 where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. j. Streets shall be swept 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-12 through V-13 and V-86 through V-87 of the Final EIR.

- 3. **Impact AES-4: Buildings and equipment associated with the RRP would increase the industrial appearance of the Landfill, adversely affecting the local rural character.** The RRP would be relocated to the southeast portion of the property and expanded from two to four acres in size. The existing topography in that area would be leveled by cutting into the existing slope along the eastern side. A new 30-foot by 80-foot metal building would be constructed, along with a maintenance building and an approximately 28-foot tall elevated construction and demolition sorting line structure. Because of intervening topography and vegetation, visibility to the RRP and its associated earthwork and buildings would be limited to a brief glimpse along Highway

3-55

227 at the new entrance road. From this viewpoint, however, the industrial appearance of the RRP would be evident.

a. Mitigation –

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.

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 a 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.

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.

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 fully 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, agree to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-13 through V-15 of the Final EIR.

- 4. Impact AES-5: Buildings, overhead covers, and equipment associated with the MRF would increase the visibility and industrial appearance of the project, adversely affecting the existing rural character.** Expansion and enhancement of the MRF would involve increasing the square footage of the processing building from 55,000

3-56

to 65,800 square feet. The new construction would have a maximum height of approximately 40 feet, similar to the existing building. Covered outdoor storage and an office building would also be included. Due to existing and proposed topography and vegetation, the expanded MRF would only be partially visible when viewed from Highway 227 near the new entrance road. Construction of the proposed stockpile south of the relocated entry road would in time entirely block views to the MRF.

a. **Mitigation –**

AES/mm-6 – See above.

AES/mm-7 – See above.

AES/mm-8 – See above.

AES/mm-9 – See above.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** Please refer to page V-14 through V-15 of the Final EIR.

5. **Impact AES-6: The interim and final topography of the stockpiles and the associated on-going construction activities of the Landfill would be evident from public roads, substantially degrading the short- and long-term visual quality of the surrounding area.** The proposed stockpile adjacent to the relocated gatehouse would be visible from Highway 227 near the new facility entrance. By its nature, the stockpile would look like an on-going construction operation. Views from this location on Highway 227 would be brief, and would change depending on the timing and phasing of construction needs, as well as the success of the proposed oak tree planting west and south of the stockpile. The expansion of existing Stockpile 3 at the northern portion of the project would be seen from locations on northbound Corbett Canyon Road. From this viewpoint, the deposition and removal construction activities associated with the stockpile would draw attention to the proposed project and would contribute to the engineered appearance of the project. After the closure of the Landfill and stockpiles, Stockpile 3 would contribute to the unnatural appearance of the land form due mostly to its uniform south facing slope.

a. **Mitigation –**

AES/mm-10 – Prior to issuance of Notice to Proceed, the applicant shall show the following: a. All 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.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** Please refer to pages V-15 through V-16 of the Final EIR.

6. **Impact AES-7: The entry monument sign, gate, or gatehouse would potentially contrast with the existing setting, adversely affecting the existing rural character.**

The proposed new entrance would be relocated south on Highway 227 approximately 2,800 feet from the current location. No specific plans or elevations for the proposed entry gate or scalehouse are available at the time of this report, although the proposal does indicate that the gate would be lighted and would identify the facility. This report assumes that new entry monument walls similar to the existing ones would be constructed. The existing entry road, walls, gate, scalehouse, and scales would be removed. Left and right turn lanes would be constructed on Highway 227 at the new entrance. If the new entry feature is visually compatible with the rural setting, adverse visual effects of constructing the new entry feature and widening the highway may be offset by the removal of the existing entry and roadway. The scalehouse would be located approximately 1,200 feet east of Highway 227, and, as such, would have limited visibility from off-site locations.

a. Mitigation –

AES/mm-11 – Prior to submittal of construction permits for the entry monument sign, gate, and gatehouse, the applicant shall develop construction plans. These plans shall include the following: a. Exterior colors of the gatehouse 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. 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.

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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-16 through V-17 of the Final EIR.

- 7. Impact AES-8: Visibility of the Landfill along Highway 227 near the existing entrance combined with potential inadequacy of the proposed screen planting to the south would adversely affect the visual setting and character.** Approximately 43 mature oak trees would be removed. In addition, dozens of non-native landscape trees would require removal in the vicinity of the existing entrance, RRP, and nearby detention basin. Most of these existing trees can be seen directly from Highway 227. The cumulative effect of this tree removal would adversely change the scenic character of the area.

a. Mitigation –

3-58

AES/mm-13 – Prior to approval 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 a 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-17 through V-18 of the Final EIR.

8. Impact AES-9: Visibility of new night lighting associated with structures, work areas, parking areas, and the entry signs would adversely affect the visual setting and character. Although no lighting plan was included with the project proposal, new sources of night lighting are expected to be included with all new or expanded buildings proposed by the project. Security and safety lighting associated with staff and public parking areas, the entry gate, and road would likely be required. Proposed extended hours of operation would require increased night lighting needs. Because of this increase in lighting, the project has the potential to create an adverse effect on night-time views due to visibility of source glare, light spillover onto adjacent properties, as well as reflective illumination of adjacent landforms.

a. Mitigation –

AES/mm-12 – See above.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-17 through V-19 of the Final EIR.

B. Agricultural Resources (Class II)

1. Impact AG-2: Implementation of the proposed project would result in compatibility impacts relating to dust, lights, noise, and disease vectors. Industrial uses such as a municipal landfill have the potential to be incompatible with agricultural operations. The noise and lights can affect livestock, traffic can make it more difficult to move farm equipment from location to location, and dust can impact crop productivity. Because the Landfill accepts greenwaste that may be infected with pathogens, it may act as a source of disease that could affect neighboring agricultural operations.

a. Mitigation –

AQ/mm-2 – Prior to issuance of the Notice to Proceed, a Dust Control Plan for all potential dust-creating activities shall be prepared and submitted to the SLOAPCD

3-59

for approval prior to commencement of activities. The Dust Control Plan shall: 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.

AES/mm-12 – See above.

NS/mm-1 – Noise Mitigation Plan – Preparation. Prior to issuance of the Notice to Proceed, 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 earthen berm (or garbage-filled berms within the disposal area if they can be shown to be as effective as earthen berms) 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 berms shall be located either at the property line and/or near the active working face, 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. 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 meet the County's threshold. 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.

HAZ/mm-6 – Plant Disease Education Program. Prior to Issuance of the Notice to Proceed, the applicant shall develop educational materials regarding SOD and 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. This information shall also be posted on the Landfill website directly or by a link to another site.

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

3-60

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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-17, V-68 through V-70, V-86 through V-87, V-199, and V-224 through V-225 of the Final EIR.

C. Air Quality (Class II)

1. **Impact AQ-1: Emissions generated from construction activities during periods of module excavation would result in an exceedance of combustion emissions thresholds.** Combustion emissions are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. Emissions can vary substantially from day to day, depending on the level of activity and the specific type of operation. ROG and NOX are the critical pollutants from construction work because of the high output of these pollutants by heavy diesel equipment normally used in grading operations. In addition to ROG and NOX, diesel particulate matter is of special concern. The proposed project would occur in a semi-rural area, where there are existing single-family residences located in close proximity, and there would be potential exposure to humans from diesel particulate matter. Components of the proposed project that result in short-term construction emissions include non-module earthwork (relocating the RRP, entrance, access road, and demolition activities), the excavation of seven new modules, and drainage layer and liner construction.

a. Mitigation –

AQ/mm-1 – Prior to issuance of Notice to Proceed for all project activities, 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: 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

3-61

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 NOX 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-82 through V-86 of the Final EIR.
2. **Impact AQ-2: PM10 emissions resulting from Landfill activities would result in direct short and long-term impacts on air quality, further exacerbating the County non-attainment status for PM₁₀.** Heavy equipment performing earth-moving during module and other construction activities would generate fugitive dust that would result in substantial temporary impacts on local air quality. Fugitive dust emissions would result from land clearing; module excavation; application of the daily, intermediate and final covers; and, equipment traffic over temporary dirt roads. Fugitive dust emissions in the form of PM₁₀ would occur at a rate of approximately 55 lbs/acre/day of disturbed land. Impacts from fugitive dust emissions would be significant because they potentially could cause a public nuisance or would exacerbate the existing PM₁₀ non-attainment status of the SLOAPCD.

a. **Mitigation** –

AQ/mm-2 – Prior to issuance of the 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: a. Use APCD-approved BMPs and dust mitigation measures; 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.

AQ/mm-3 – Prior to issuance of Notice to Proceed, the following mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM10 emissions during earth moving activities: 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

3-62

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 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 15 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 where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. j. Streets shall be swept 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.

AQ/mm-4 – During operations, the applicant shall maintain monthly compliance logs verifying that all equipment and operations continue to comply with the APCD requirements.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-86 through V-88 of the Final EIR.

3. **Impact AQ-3: Demolition and relocation activities have the potential to result in adverse air quality impacts associated with hazardous building materials.** Local residents and contractors could deliver hazardous construction materials to the Landfill. Individual loads from residents and construction contractors are currently routed to the Resource Recovery Park and processed for reuse or proper disposal. Materials are separated by material type, which allows Landfill employees to identify potentially hazardous materials and ensure they are handled and disposed of properly. This process would continue with the proposed project and would minimize impacts associated with hazardous air pollutants that are unknowingly delivered to the Landfill. In the event that materials were delivered to the permanent disposal area, they would be subject to the dust control efforts and the daily cover process, which would minimize the potential that hazardous air pollutants would become airborne.

Demolition and/or remodeling activities have the potential to negatively impact air quality. Relocating the RRP, and moving the entrance and shop to the new proposed locations would involve the demolition of several older buildings and pipelines. The possibility exists that these structures could include asbestos-containing building materials or other hazardous building materials. Demolition and remodeling activities would be subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants pertaining demolition activities.

- a. **Mitigation** –

3-63

AQ/mm-5 – Prior to issuance of Notice to Proceed for commencement of 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to page V-88 of the Final EIR.
4. **Cumulative Impact: Mitigable impacts associated with general development in the area of the Landfill and mitigable impacts associated with the proposed project would result in cumulative impacts.** The County has not identified any other significant projects in process in the vicinity of the Landfill. Generally, development in the area would include winery and residential construction. Dust generation from these projects would be mitigated by existing SLOAPCD and County Department of Planning and Building dust control regulations. Emissions from off-road heavy equipment (construction vehicles) use would be less than current levels.
- a. **Mitigation** –
 - AQ/mm-1** – See above.
 - AQ/mm-2** – See above.
 - AQ/mm-3** – See above.
 - AQ/mm-4** – See above.
 - AQ/mm-5** – See above.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to page V-85 through V-88 and V-91 of the Final EIR.

D. Biological Resources (Class II)

- 1. **Impact BR-1: The proposed project would result in the loss of approximately 1.3 acres of oak woodland habit containing approximately 30 mature coast live oaks.** Coast live oak trees with a diameter at breast height greater than 5 inches would be removed, depending on final plans for widening Highway 227.

- a. **Mitigation** –

BR/mm-1 – Prior to issuance of the Notice to Proceed, the applicant shall submit an Oak Woodland Protection and Restoration Plan 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 a conservation easement 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

3-64

Conservation Easements. If Method 1 is selected, it may account for no more than 50% of the required mitigation required for oak woodland impacts and mitigation measures BR/mm-2 would apply. Method 3 shall only be allowed if it is clearly infeasible to accomplish Methods 1 and 2.

BR-2/mm-2 – The Oak Woodland Protection and Restoration Plan shall include the following: 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 used 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.

BR/mm-3 – To mitigate the balance of the oak woodland impact, one of the following measures, or a combination thereof, shall be used: a. Prior to approval of the Notice to Proceed, the applicant shall record a conservation easement that protects 2,000 square feet of existing oak woodland habitat for each tree removed from the oak woodland in perpetuity. The conservation 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. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impacts. 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 for each tree removed. Each impacted tree shall be assessed a fee of \$485.00 per

3-65

impacted tree. This mitigation measure may be used to satisfy the mitigation requirement for the oak woodland impact.

BR/mm-4 – Prior to ground disturbance for each of the project components in the expansion area (within seven days), 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.

If work occurs between September 1 and March 1, within seven 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-113 through V-115 of the Final EIR.

2. Impact BR-2: The proposed project would permanently impact approximately 0.25 acre of State slope wetlands, 0.51 acre of jurisdictional wetlands, and temporarily impact other waters, and riparian habitats. Potential impacts from the proposed expansion include equipment use in the riparian corridor, removal of riparian vegetation, and increased amounts of trash and debris in the riparian habitat and channel. Close proximity to large areas of bare soil could result in increased sediment deposition in the drainage. Road widening of Highway 227 and culvert replacement would also require removal of willow riparian habitat.

a. Mitigation –

BR/mm-5 – Prior to issuance of the 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: 1. Avoid federal and state wetlands and provide with protective construction and erosion control fencing, to the extent feasible. 2. Mitigate impacts to federal wetlands at a 3:1 ratio. Mitigation for impacts to federal wetlands shall be performed onsite. 3. Mitigate impacts to state wetlands at a 1:1 ratio. Mitigation for impacts to state wetlands shall be performed onsite. 4. 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

3-66

channel and riparian habitat onsite. 5. 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. 6. 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.

BR/mm-6 – To guarantee the success of the riparian and wetland mitigation, prior to issuance of the 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, number 7. The bond shall not be released until mitigation requirements have been met, as determined by the County Department of Planning and Building, in consultation with applicable regulatory agencies.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-115 through V-117 of the Final EIR.
3. **Impact BR-3: The proposed project would remove up to 13 mature oak trees and impact up to 7 more greater than five inches dbh.** Coast live oak trees scattered in annual grassland would be removed by either the proposed project or during construction of earthen noise berms along the southern boundary.

a. **Mitigation –**

BR/mm-7 – Prior to issuance of the 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

3-67

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 shall 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-118 through V-120 of the Final EIR.

- 4. Impact BR-4: The proposed project would potentially impact nesting birds, including raptors and other protected species.** The expansion area is located south of the existing disposal area, west of a vineyard, and east of Highway 227, both of which partially hinder wildlife movements across the expansion area. The proposed project is not expected to significantly affect wildlife movement. Common wildlife species currently living on the expansion site or using the property as transients would be displaced. Take of common species may occur during construction activities. Common wildlife expected to occur on the property includes common species such as red fox, mule deer, coyote, striped skunk, raccoon, black-tailed jackrabbit, and several species of rodents.

a. Mitigation –

BR/mm-4 – See above.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to page V-120 of the Final EIR.

- 5. Impact BR-5: The proposed project would potentially impact directly and/or indirectly, habitat for 13 special-status animals.** Special-status animals with potential to occur include two reptiles, six bird taxa (including the "other nesting birds" grouping), and five mammals.

3-68

Silvery legless lizard has potential to occur in patches of oak woodland within the project site. Approximately 1.3 acres of potential habitat for this reptile would be removed by the proposed project. Oak tree removal and grading activities could result in take of this CSC species.

Southwestern pond turtles do not presently occur on the property, but could enter the drainage or the perennial reservoir from outside source populations. Project activities that disturb the drainage could result in disturbance or take of pond turtles. Turtles are also known to over-summer in underground burrows; therefore, grading activities conducted adjacent to potential turtle habitat could also result in take of pond turtles.

Sharp-shinned hawk, loggerhead shrike, white tailed kite, and various other nesting birds could nest onsite. Take could occur during tree and shrub removal. Peregrine falcons forage on the subject site, but no potential nesting habitat is present at the Landfill. The local falcons currently forage successfully above and near the Landfill, and are accustomed to equipment operation in the vicinity; therefore, this project is not expected to have a significant impact on this species and no mitigation is required. While ferruginous hawks are not expected to nest onsite there is the potential this species could winter onsite.

Pallid bat, Townsend's big-eared bat, western red bat, and western mastiff bat could occur in oak tree cavities and small abandoned buildings on the property. Removal of trees and abandoned structures could impact special status bats.

American badger could use annual grasslands, coastal scrub, ruderal, and agrestal habitats in the expansion area. Approximately 33.8 acres of habitat usable by badgers would be removed. Indirect impacts to badgers include the loss of foraging and denning habitat. Direct impacts could occur if a badger takes up residence on the site prior to grading activities.

a. Mitigation –

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.

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.

BR/mm-10 – Within two weeks 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.

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

3-69

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.

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.

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 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-120 through V-122 of the Final EIR.

- 6. **Impact BR-6: The proposed project would remove approximately 90 percent of the Obispo Indian paintbrush population located in the expansion and earthen noise berm areas.** The applicant has submitted an Obispo Indian Paintbrush Mitigation and Monitoring Plan (MMP) that identifies an area onsite that should be used as a mitigation site. However, this site, although designated as “closed” on maps provided by the applicant, would be re-disturbed during construction of Module 10 and would not provide habitat in perpetuity.

- a. **Mitigation** –

BR/mm-14 – Prior to issuance of the Notice to Proceed, the Obispo Indian Paintbrush Mitigation and Monitoring Plan (MMP) that has been prepared for this project shall be revised and a proposed new location for the mitigation shall be identified. The new site (preferably onsite) shall be protected in perpetuity 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 grading permit.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-122 through V-123 of the Final EIR.

E. Climate Change/Greenhouse Gas Emissions (Class II)

1. **Cumulative Impact: Mitigable impacts associated with the proposed project would contribute to worldwide cumulative impacts.** No single project is considered large enough to individually affect climate change. GHG impacts, including those described above, all contribute cumulatively with those produced worldwide, to affect climate change.

a. Mitigation –

GHG/mm-1 – The Landfill shall employ all feasible methods to limit GHG production for the life of the project. Bi-annually, the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control programs implemented at the Landfill. The report shall describe control 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.

GHG/mm-2 – Potential GHG Control Strategies. There are a number of methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill. 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. 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

3-71

waste can be biogested 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. 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 a less than significant 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. Maintain or expand the existing gas export to the oilfield or construct onsite LFG-to-energy conversion system to offset existing power demands. h. Utilize alternative fuel vehicles and low carbon fuels. i. Develop a trip reduction plan for the site. j. Comply with ARB Early Action Measure "Landfill Methane Control Measures." k. Shut off delivery vehicle engines within two minutes of arrival in the area unless maneuvering. l. Stagger scheduling of deliveries to the extent feasible. m. Vehicle operators shall be made aware of the no idle zone, including a notification by letter to companies controlling out of the area drivers. n. Prominently lettered signs shall be posted in the receiving dock area to remind drivers to turn off their engines.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-134 through V-138 of the Final EIR.

- 2. Secondary Impact of GHG/mm-2: The renewable energy option may have secondary impacts** associated with aesthetic resources as solar panels and/or wind turbines may be visible from public roads. Development of wind turbines may also result in biological impacts as they could be incompatible with the raptor program. Implementing bioreactor technology may increase water consumption and result in additional aesthetic impacts.

a. Mitigation –

AES/mm-13 – See above.

BR/mm-1 to -14 – See above.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-11 through V-18, V-113 through V-123, V-279 through V-282, and V-135 through V-137 of the Final EIR.

F. Cultural Resources (Class II)

1. **Impact PR-1: Disturbance of native materials associated with construction of the RRP and excavation of Modules 10 through 16 and the detention basin/storage ponds, have the potential to impact significant paleontological resources.** Potential impacts are expected to occur where proposed construction activities such as trenching, boring, grading, and excavation would result in the disturbance of a significant paleontological resource. The Edna Member of the Pismo Formation has a high potential to produce significant paleontological resources. These sediments would be impacted by proposed new cut areas for Modules 10 through 16; the two new westerly detention basins; a portion of the northern detention basin; a portion of the proposed changes to the Materials Recovery Facility (MRF); the construction of the new entrance, scalehouse, and other access roads; and, installation of proposed landscaping along the southwestern and southern property boundaries. The upper (diatomaceous) Monterey Formation has a high potential to produce significant paleontological resources. These sediments would be impacted by the proposed new Resource Recovery Park (RRP), changes to the MRF, new northern detention basin, and proposed landscaping along the southeastern property boundary of the Landfill.

a. Mitigation –

PR/mm-1 – 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 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.

PR/mm-2 – During all applicable ground disturbing construction activities, the applicant shall implement the PMRP measures as delineated in the PMRP.

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

3-73

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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-141 through V-143 of the Final EIR.
2. **Impact AR-1: Earthwork and other ground-disturbing activities associated with construction of the new entrance road and Modules 12, 14, 15, and 16 may impact Areas 1 through 4, potentially impacting subsurface pre-historic or historical archaeological resources.** Excavation of Modules 14, 15, and 16 would potentially result in impacts to Area 1. Proposed new grading for a new entrance will destroy foundations and possible subsurface historic archaeological features associated with Area 2. Excavation of Modules 12 and 14 would potentially impact known historic archaeological resources and probable subsurface historic archaeological resources associated with Area 3. The proposed new cut area for Module 14 would create impacts to known historic archaeological resources and probable subsurface historic archaeological resources associated with Area 4.

a. **Mitigation** –

AR/mm-1 – Prior to issuance of the 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 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).

AR/mm-2 – During all applicable ground disturbing construction activities, the applicant shall implement the AMRP measures.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-148 through V-149 of the Final EIR.

G. Geology and Soils (Class II)

- 1. **Impact GEO-1: Grading activities have the potential to result in unstable cut and fill slopes, a potentially significant impact.** A potential for slope instability may exist if grading for the Landfill expansion results in excavation into the existing fill along the northeastern side of the existing disposal area. Significant grading may also occur in

3-74

conjunction with the construction of the RRP, road construction, and the construction of the new entrance. Significant fill slopes would result when the spoils from the excavation are stockpiled in the three designated stockpile areas for later use as cover material. Grading activities could result in slope instability due to the situation of fill over cut slopes, or if slope support is compromised, such as if material is removed from the base of slopes, slopes are over-steepened, runoff is allowed to flow in an uncontrolled manner over the faces of slopes, grading results in the introduction of subsurface water, fill is improperly placed over cut slopes, or if inappropriate fill materials are used. Drainage patterns can be disturbed, and concentration of runoff can occur if grading is performed in an improper manner.

a. Mitigation –

GEO/mm-1 – Prior to issuance of the Notice to Proceed, 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, special consideration to 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-171 through V-172 of the Final EIR.

- 2. Impact GEO-2: Proposed grading activities would result in exposed soils, including stockpiled soils that would be susceptible to the erosive effects of wind, rain, and surface runoff.** The soils at the site have a moderate to very high erosion potential, which could be increased when the soils are exposed during grading activities. Stockpiled soils would also be vulnerable to erosion. The extent and severity of increased erosion potential is related to the type of soil, the velocity of concentrated runoff that may come into contact with unprotected soil, and the length of time during which unprotected soils are in contact with concentrated runoff. Generally, the steeper the slopes, the less cohesive the soils, and the longer the soils are unprotected and exposed to environmental elements, the greater the impact.

a. Mitigation –

GEO/mm-2 – Prior to issuance of the Notice to Proceed, 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, special consideration to 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.

3-75

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-172 through V-173 of the Final EIR.
- 3. **Impact GEO-3: The surficial soils at the Landfill where buildings are proposed have the potential to be expansive.** Expansive soils tend to swell, or expand, with seasonal increases in soil moisture, and shrink, or contract, as the soils become drier during the summer months. The expansion-contraction cycle can create a substantial risk to property, and can contribute to downslope creep of soils on slopes. Test results indicated a low expansion potential for soil sampled at the existing MRF, and in the borings drilled in other areas of the Landfill, the overburden soils were described as silty sands, which typically exhibit little, if any, expansiveness. There may be other localized areas of the Landfill, however, where more expansive soils may be present.
 - a. **Mitigation** –
 - GEO/mm-3 – Prior to issuance of the grading permit or building 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.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to page V-173 of the Final EIR.
- 4. **Impact GEO-4: Grading activities would potentially encounter springs and seeps, which could affect erosion control efforts and drainage facilities.** There is a moderate potential for springs and seeps to occur within the claystone and siltstone of the Monterey formation. Groundwater may flow along fracture and bedding planes within the bedrock, or as perched water along the surface of the bedrock. If a water-bearing layer within the bedrock or perched water flowing at the soil/rock interface daylights, either naturally or as a result of grading, springs or seeps could occur.
 - a. **Mitigation** –
 - GEO/mm-4 – During construction,** the Soils Engineer shall observe grading operations, and any unusual subsurface conditions encountered during grading should 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.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-173 through V-174 of the Final EIR.

3-76

- 5. Impact GEO-5: Habitable buildings sited over Monterey formation materials may be subjected to radon gas.** Accumulation of radon gas within a structure can create significant health risks. The Monterey formation, a Tertiary marine sedimentary rock unit, is a potential source of radon. Monterey formation is present in the northwest region of the expansion area, where the RRP is planned.
- a. Mitigation –**
- GEO/mm-5 – Prior to issuance of construction 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.
- b. Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence –** Please refer to page V-174 of the Final EIR.
- 6. Impact GEO-6: Buildings and other improvements may be subjected to strong ground shaking and associated damage due to seismic activity.** The site is located in a region traditionally characterized by moderate to high seismic activity, which could result in damage to structures and other improvements due to ground shaking.
- a. Mitigation –**
- GEO/mm-6 – Prior to issuance of the Notice to Proceed and/or building 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.
- b. Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence –** Please refer to page V-175 of the Final EIR.
- 7. Impact GEO-7: Seismically-induced slope failure has the potential to impact the permanent and interim waste slopes within the modules.** While most of the landfill is underlain by shallow rock that would not be prone to seismically-induced slope failure, there is a potential for seismically-induced slope failure to occur in the stockpile slopes.
- a. Mitigation –**
- GEO/mm-7 – Plans for landfill expansion modules shall be in accordance with the recommendations presented by Shaw Environmental, Inc. that are consistent with those required for Class III landfills.** These recommendations include, but are not limited to: Maximum waste elevation for interim slopes shall be

340 feet and maximum interim waste sideslopes shall not exceed 3.5 horizontal to one vertical.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-175 through V-176 of the Final EIR.
- 8. Impact GEO-8: Seismically-induced slope failure has the potential to impact the stockpile slopes and the slopes surrounding the basins.** While most of the landfill is underlain by shallow rock that would not be prone to seismically-induced slope failure, there is a potential for seismically-induced slope failure to occur in the stockpile slopes and in slopes surrounding the basins.
- a. **Mitigation** –
 - GEO/mm-8** – Prior to issuance of the 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.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-175 through V-176 of the Final EIR.
- 9. Impact GEO-9: Seismically-induced settlement has the potential to impact the landfill expansion modules.** While most of the Landfill is underlain by shallow rock that would not be prone to seismically-induced settlement, there is a potential for seismically-induced settlement of the filled modules.
- a. **Mitigation** –
 - GEO/mm-7** – See above.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to page V-176 of the Final EIR.
- 10. Impact GEO-10: The proposed compost runoff pond, the new detention basin, and existing basins may be impacted by seiches (i.e., a single water wave in a pond, reservoir, etc. generated by earthquakes).**
- a. **Mitigation** –
 - GEO-mm-9** – 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.

3-78

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-176 through V-177 of the Final EIR.
- H. Hazards and Hazardous Materials (Class II)**

1. **Impact HAZ-2: Increasing waste disposal has the potential to attract birds, increasing potential hazard to air traffic using the San Luis Obispo County Regional Airport.** The proposed increase of waste and addition of accepted materials is expected to be an attractant to gulls and other scavenging birds. These birds may impact the windshields, engines, or propellers of aircraft associated with the San Luis Obispo Airport, making the aircraft partially or completely inoperable.
 - a. **Mitigation** –
 - 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.
 - HAZ/mm-4 – Birdstrike Monitoring. Prior to the Notice to Proceed and prior to construction of each subsequent disposal area module,** the applicant shall provide verification that birdstrikes for approaching airplanes (those most 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).
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-195 through V-196 of the Final EIR.
2. **Secondary Impact of HAZ/mm-3: Using an overhead wire “grid” system to control birds would potentially introduce an additional visual element to the disposal area and could periodically silhouette from some public roads when work occurs near a ridgeline or topographic highpoint on the site.** Poles would need to be erected to support the grid. These would potentially be 20 to 30 feet in height and visible from public view corridors. Grids are made of thin wire spaced between one and two meters and would not necessarily be visible enough to significantly impact visual resources – particularly when considered in conjunction with the other activities in the disposal area (e.g., heavy equipment, Landfill infrastructure, litter fencing, etc.) No additional mitigation is required.
 - a. **Mitigation** –
 - AES/mm-13** – See above.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-11 through V-18 and V-195 through V-196 of the Final EIR.

3-79

- 3. Impact HAZ-3: Construction activities, expansion, and ongoing operation of the Landfill would potentially expose employees and adjacent residents to accidental fire.** A fire at the Landfill would result in smoke, odors, structural damage, injury, and the release of potentially toxic fumes. The Landfill is located in a moderate fire hazard zone due to surrounding vegetation and local climate. The proposed project expansion is not expected to alter this ranking nor affect emergency response from local services, which has been estimated to be between five and ten minutes by CAL FIRE. Potential fire hazards at the Landfill include: 1) Household, electronic, and universal hazardous waste that could be highly flammable. The increased amount of this material will have a commensurate increase of potential toxic air contaminants should a fire occur. 2) Uncontrolled accumulation of landfill gas that increases the potential for explosion and fire hazard. 3) Construction and operation of structures and facilities and use of heavy equipment that would expose employees and neighboring residences to accidental fire.
- a. Mitigation –**
- HAZ/mm-5 – Fire Prevention, Control, and Mitigation Plan.** Prior to issuance of the 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.
- b. Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence –** Please refer to page V-197 of the Final EIR.
- 4. Impact HAZ-4: The Landfill would potentially result in the unintended spread of plant disease such as SOD and unwanted pests such as the LBAM.** The practice of accepting and using green waste as ADC has the potential to transfer vegetative and arboreal diseases. Pathogens and noxious pests include the pine pitch canker that could spread to pines surrounding the Landfill property, Sudden Oak Death (SOD) that could be transported by commercial haulers or members of the public to oaks and other species at the facility, and Light Brown Apple Month (LBAM) that could be introduced to the area by unprocessed green waste. LBAM is of particular concern because it can damage a wide range of crops and other plants including redwoods, oaks and many other varieties commonly found in California's urban and natural environment. The list of agricultural crops that could be damaged by this pest includes grapes, citrus, stone fruit (peaches, plums, nectarines, cherries, apricots).
- a. Mitigation –**
- HAZ/mm-6 – Plant Disease Education Program.** Prior to Issuance of the Notice to Proceed, the applicant shall develop educational materials regarding SOD and 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. This information shall also be posted on the Landfill website directly or by a link to another site.
- 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

3-80

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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-198 through V-199 of the Final EIR.

I. Noise (Class II)

1. **Impact NS-2: Noise from the use of existing Stockpile 1 (located on the top deck) would intermittently exceed the County's daytime hourly Leq standard of 50 dBA at adjacent property lines.** The proposed project would require use of existing stockpiles and the development of a new stockpile. The new stockpile near the center of the southern boundary of the expansion area would acoustically shield a portion of the southeastern property line; however, any noise level reductions provided by the stockpile would be offset by the ongoing activities associated with use of the stockpile. Given that the stockpile locations are nearly adjacent to the nearest property line(s), noise resulting from activity at the stockpiles would exceed the stationary noise threshold.

- a. **Mitigation** –

AES/mm-4 – See above.

AES/mm-5 – See above.

NS/mm-4 – Noise – Stockpile Management. Prior to issuance of the 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 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-13 and V-226 through V-227 of the Final EIR.

2. **Impact NS-3: Noise levels from green and wood waste processing using the tub grinder would exceed the County's Leq standard of 50 dBA at the nearest property line where the tub grinder would be located.** Noise would be generated by the tub grinder and other equipment on the top deck of the Landfill. This impact, relating to green and wood waste processing for ADC and cogeneration, stems from us of a chipper, loader, and roll-away dumpsters. The former CO produced a Leq of approximately 85 dBA and an Lmax of 90 dBA at 100 feet when the tub grinder is in use. At the nearest property line (Site B), the Leq is approximately 73 dBA. At Site D, the Leq

3-81

is as high as 55 dBA. Once equipment is moved to the top deck, the distance to the nearest property line (to the north) would also be approximately 900 feet; therefore it can be concluded that the Leq at the nearest property line would also be 60 dBA. This exceeds the 50 dBA threshold.

a. Mitigation –

AES/mm-4 – See above.

AES/mm-5 – See above.

NS/mm-5 – Noise Attenuation – Tub Grinder. Prior to issuance of the 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.

NS/mm-6 – Noise Monitoring, 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). If the Leq is still above 50 dBA, within six months from the confirmation of noise levels the applicant shall implement the following measure: 1. 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.

NS/mm-7 – Noise Monitoring – 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-13 and V-227 through V-229 of the Final EIR.

3. Impact NS-5: Noise levels from the entrance relocation would exceed the County's Leq standard of 50 dBA at the nearest property line. The proposed entrance relocation would result in moving traffic entering the facility to as close as 200 feet from the southeastern property line. The FHWA Model was used to calculate hourly Leq values for on-site traffic along the main entrance road during a peak hour. The analysis showed that the peak hour Leq at 350 feet (approximate distance to closest residence) would be 52.6 dBA for 2031 traffic conditions. Therefore, the operational noise would exceed the County's 50 dBA daytime Leq standard, as measured at the property line (as this is closer to the noise source than the measured residence).

a. Mitigation –

NS/mm-1 – See above.

3-82

NS/mm-2 – See above.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to pages V-231 through V-232 of the Final EIR.
4. **Impact NS-8: Heavy machinery used for construction activities could produce excessive noise, if the equipment is not adequately muffled.** Noise from construction activities will be generated at various locations within the Landfill for limited time periods throughout the project's life. Noise-producing construction activities would include: a) construction of the entrance, scalehouse, RRP, and MRF; b) grading activities, such as for the module excavation, and the noise mitigation berms; and, c) demolition activities. Generally these individual activities would occur over a period of weeks or months, but in less than a year's time. Some would occur simultaneously, and others would require conclusion of one activity before another begins.

Generally, significant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. With the exception of the demolition and pavement breaking activities related to the removal of the existing scalehouse RRP, and other structures at the Landfill entrance, these activities are not proposed. The primary vibration source during the construction and operation of the project would be from the large engines running heavy equipment and loaded trucks.

a. **Mitigation** –

NS/mm-10 – Construction Noise – Heavy Equipment. 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.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to pages V-234 through V-236 of the Final EIR.

J. Transportation and Circulation (Class II)

- 1. **Impact TC-1: Development of the proposed road improvements, if not done to Caltrans standards, would impact the level of service on Highway 227 at the facility entrance and may create an unsafe intersection at Highway 227 and Patchett Road.** Total average delays at the Highway 227/proposed driveway intersection would remain within the LOS A range during the a.m. and p.m. peak hour periods. Vehicle delays on the westbound approach would be within the LOS B range. Existing plus project traffic at the proposed Landfill driveway would be below the minimum peak hour traffic signal warrant criteria. The total cumulative peak hour traffic demands would not satisfy the minimum criteria requiring a separate northbound right turn lane on Highway 227. Proposed improvements, if they do not consider Patchett Road, a local, County-maintained road, would potentially conflict with turning movements on Patchett Road.

a. **Mitigation** –

TC/mm-1 Prior to issuance of 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.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-245 through V250 of the Final EIR.

2. Secondary Impact: The proposed improvements along Highway 227 would impact wetlands and riparian vegetation associated with the existing drainage. During construction of the new entrance, Highway 227 would be widened and existing culverts under Highway 227 would be replaced with oversized culverts to improve the hydrology and drainage of water onto neighboring property. This would require temporary disturbance of wetland waters, and permanent removal of up to 7,500 square feet (0.2 acre) of jurisdictional wetland.

a. Mitigation –

BR/mm-5 – See above.

BR/mm-6 – See above.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to pages V-116 through V-117 and V-245 through V-250 of the Final EIR.

K. Water Resources (Class II)

1. Impact WR-4: The proposed on-site water supply may be incapable of providing potable water supply for employees of the Landfill. The Landfill currently meets potable water demands through use of bottled water. There is no water quality data from the Weir wells, however they were previously used as the potable water source for the Weir residences, and therefore most likely would be able to meet potable water quality standards, particularly if treated.

a. Mitigation –

WR/mm-7 – Transient Water Supply. Prior to issuance of the Notice to Proceed, 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.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts.

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Planning Commission finds that, for each of the following significant effects and project alternatives as identified in the FEIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible. The following are brief explanations of the rationale for this finding for each Impact:

A. Aesthetics (Class I):

1. **Impact AES-1: The interim and final topography of the Landfill would be highly noticeable, appear unnatural, and contrast with the existing natural settings of the Highway 227, Corbett Canyon Road, and Price Canyon Road corridors.** The proposed project would increase the disposal area from 88 acres to 134 acres, but the height would not exceed the maximum of 500 feet above sea level. The landform of the project would take many forms throughout its service life, and be in a continual state of visual change. During the approximately 25 years of project construction, the disposal area would be seen with angular slope faces and engineered-appearing topography. Because of the variability of module locations and continually changing elevations of lift construction, the proposed disposal area would appear scarred and as an unnatural landform from many of the viewpoints surrounding the site.

After approximately 25 years, the overall topography of the site would still appear unnatural due primarily to the uniform slope angles, benching, and the flattened "top-deck" proposed at the northern portion of the Landfill. Permanent and temporary access roads and slope benching for drainage purposes would be highly noticeable and would contribute to the unnatural appearance of the disposal area in the short- and long-term. Concrete lined drainage swales would be seen as contrasting elements from great distances. Visibility of on-going construction activities would increase noticeability of the engineered landforms throughout the life of the proposed project.

Although the visual context already includes the existing Landfill and related operations, by approximately doubling the size of the landform the proposed project would substantially increase visibility of the facility in the surrounding landscape. The visual scale would greatly increase and the expanded uses would intensify activity associated with the Landfill operation.

The proposed larger landform would block views of the natural ridgelines of distant hills as seen from viewpoints on Highway 227, Corbett Canyon Road, and Price Canyon Road. From several viewpoints along Highway 227, the new landform would block views of a portion of the ridgeline now created by the existing Landfill.

a. Mitigation

AES/mm-1 – Prior to initiation of any components of the proposed project, the applicant, 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 mitigation measures and conditions of approval have been met. Additional Notices shall be required prior to initiation of each module.

AES/mm-2 – Prior to issuance of the Notices to Proceed, the applicant shall provide funding for an environmental monitor for all phases requiring environmental mitigation to ensure compliance with County Conditions of Approval and EIR

3-86

mitigation measures. The environmental monitor shall be under contract to the County of San Luis Obispo. The monitor shall prepare a construction monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

AES/mm-3 – Upon submittal to the Department of Planning and Building, the grading plans for the proposed project shall include the following: (a) All slopes constructed by the project shall be contour-graded and shall include variable slope angles where feasible ranging from 2:1 to 4:1 or flatter to reduce the uniform appearance of the embankments. If needed, contour grading could be done on the exterior of modules to avoid loss of module capacity; (b) Slope-rounding shall be used on all access roads and slope benches to eliminate sharp earthwork angles; (c) All interim (five years or more) and finished slopes shall emphasize native shrubs and naturalized grasses in the erosion control seeding mix. 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; and (d) All concrete lined drainage ditches used on slope benches and access roads shall be colored dark brown-grey.

- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. **Supportive Evidence** – Please refer to pages V-10 through V-12 of the Final EIR.
2. **Impact AES-2: The interim and final topography of the Landfill would silhouette above ridgelines as viewed from Highway 227, Corbetter Canyon Road, and Price Canyon Road, significantly impacting the short- and long-term visual quality of the surrounding area.** See discussion of Impact AES-1 for supporting information.
- a. **Mitigation** –
AES/mm-3 – See above.
 - b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. **Supportive Evidence** – Please refer to pages V-10 through V-12 of the Final EIR.
3. **Cumulative Impacts:** The Highway 227 corridor through the region has undergone a moderate amount of visual change in recent years. Commercial development has been occurring approximately four miles north of the project, near the San Luis Obispo County Airport. Residential development has been steadily increasing along the Highway 227 and Corbett Canyon Road corridors, with substantial new development visible on the adjacent hillsides. Implementation of the proposed project would contribute to the developed character of the area. This change in character would not be based on the

3-87

visibility of new structures at the facility, but rather on the manipulated landforms and engineered topography of the project.

With the expansion of the disposal area, the RRP, and the MRF, a cumulative increase in visible construction, maintenance, and vehicles hauling material on and off site is expected. Throughout the approximately 25 year life of the project, much of this activity would be visible on the disposal area slopes and vicinity. This increased visibility of vehicles and equipment would draw attention to the site and would detract from the rural character of the area. Visibility of heavy earthmoving equipment combined with potential hillside scarring would at times appear similar to a mining operation as seen from certain viewpoints.

a. Mitigation –

AES/mm-1 – See above.

AES/mm-2 – See above.

AES/mm-3 – See above.

AES/mm-4 – **Prior to receipt of the Notice to Proceed**, the applicant shall show an earthen berm as described in the full text of AES/mm-4 in Class II Impacts.

AES/mm-5 – **Within one year of issuance of the Notice to Proceed (or incrementally as portions of the top deck are completed)**, the berm required by AES/mm-4 shall be constructed.

AES/mm-6 – **Prior to issuance of construction permits for the RRP, the applicant shall submit architectural and engineering plans.** See full text of AES/mm-6 in Class II Impacts.

AES/mm-7 – **Prior to issuance of construction permits for the RRP, the applicant shall submit landscape plans.** See full text of AES/mm-7 in Class II Impacts.

AES/mm-8 – **Prior to issuance of construction permits for the RRP, a cost estimate and associated activities shall be completed.** See full text of AES/mm-8 in Class II Impacts.

AES/mm-9 – **To guarantee the success of landscaping, the applicant shall retain a qualified individual to handle landscaping requirements and monitoring.** See full text of AES/mm-9 in Class II Impacts.

AES/mm-10 – **Prior to issuance of Notice to Proceed, the applicant shall show requested information on stockpiles and slopes.** See full text of AES/mm-10 in Class II Impacts.

AES/mm-11 – **Prior to submittal of construction permits for the entry monument sign, gate, and gatehouse, the applicant shall develop construction plans.** See full text of AES/mm-11 in Class II Impacts.

AES/mm-12 – **Prior to issues of construction permits for any new structures, the applicant shall submit lighting plans.** See full text of AES/mm-12 in Class II Impacts.

AES/mm-13 – **Prior to approval of any new construction permits, the applicant shall submit landscape plans.** See full text of AES/mm-13 in Class II Impacts above.

3-88

NS/mm-1 – Noise Mitigation Plan – Preparation. Prior to issuance of the Notice to Proceed, 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 earthen berm (or garbage-filled berms within the disposal area if they can be shown to be as effective as earthen berms) 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 berms shall be located either at the property line and/or near the active working face, 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. 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 meet the County's threshold. 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.

NS/mm-2 – Noise Mitigation Plan – Implementation. Prior to initiation of proposed activities, including the relocation of the entrance and module excavation, the applicant shall have completely implemented applicable components of the Noise Mitigation Plan.

- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supportive Evidence** – Please refer to pages V-10 through V-20 and V-226 through V-227 of the Final EIR.

B. Agricultural Resources (Class I)

1. **Impact AG-3: Implementation of the proposed project could result in a cumulatively significant, adverse effect on nearby potentially productive agricultural soils.** The proposed project is located in the Edna Valley, an area that has been characterized as semi-rural and has seen an increase in residential development in recent years. Many of these developments result in the loss of potentially productive agricultural soils. The development of the proposed project would further impact the agricultural potential of the area by contributing to the cumulative loss of potentially productive soils and finite groundwater resources.

Conversion of this property to a more intensive use, such as the Landfill, would increase the likelihood of conflicts between the facility and agricultural uses in the area. The proposed project, along with anticipated additional residential development would contribute cumulatively to the encroachment of non-agricultural uses in traditionally agricultural areas. Implementation of mitigation measures in this EIR would reduce potential project specific incompatibilities to a less than significant level; however, the

3-89

proposed project would contribute cumulatively to significant unavoidable adverse impacts resulting from conversion of potentially productive soils and agricultural incompatibilities.

a. Mitigation –

AQ/mm-2 – Prior to issuance of the Notice to Proceed, a Dust Control Plan for all potential dust-creating activities shall be prepared. See full text of AQ/mm-2 in Class II Impacts.

AQ/mm-3 – Prior to issuance of the Notice to Proceed, mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM₁₀ emissions during earth moving activities. See full text of AQ/mm-3 in Class II Impacts.

AES/mm-12 – Prior to issues of construction permits for any new structures, the applicant shall submit lighting plans. See full text of AES/mm-12 in Class II Impacts.

HAZ/mm-6 – Plant Disease Education Program. See full text of HAZ/mm-6 in Class II Impacts.

HAZ/mm-7 – Export/Transfer of Green waste. See full text of HAZ/mm-7 in Class II Impacts.

- b. Findings –** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence –** Please refer to pages V-71, V-85 through V-86, and V-201 of the Final EIR.

C. Air Quality (Class I): No Class I impacts for Air Quality were identified.

D. Biological Resources (Class I): No Class I impacts for Biological Resources were identified.

E. Climate Change/Greenhouse Gas Emissions (Class I):

- 1. Impact GHG-1: Implementation of the proposed project would increase total GHG emissions significantly at such time as the facility reaches full capacity.** Current and potential future GHG emissions resulting from the proposed project include disposal area methane production associated with the decay of garbage (landfill gas), onsite electricity consumption, diesel gasoline combustion in equipment, natural gas and acetylene for welding, de minimus activities, and vehicle emissions from private vehicles and commercial haul trucks.

The largest components of landfill gas are methane and CO₂, both at about 45 percent (though, in general, methane released to the atmosphere is about 23 times more potent a GHG than CO₂). The remainder of landfill gas is primarily nitrogen, oxygen, and water vapor, although trace amounts of sulfurous and organic compounds can present a distinct odor. In the early 1990s Landfill operators installed a capture system. Currently GHG is captured through an engineered system of piping and has an estimated effectiveness of 63 percent.

3-90

a. Mitigation –

GHG/mm-1 – The Landfill shall employ all feasible methods to limit GHG production for the life of the project. Bi-annually, the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control programs implemented at the Landfill. The report shall describe control 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.

GHG/mm-2 – Potential GHG Control Strategies. There are a number of methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill. 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.

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. 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

3-91

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 a less than significant 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. Maintain or expand the existing gas export to the oilfield or construct onsite LFG-to-energy conversion system to offset existing power demands. h. Utilize alternative fuel vehicles and low carbon fuels. i. Develop a trip reduction plan for the site. j. Comply with ARB Early Action Measure "Landfill Methane Control Measures." k. Shut off delivery vehicle engines within two minutes of arrival in the area unless maneuvering. l. Stagger scheduling of deliveries to the extent feasible. m. Vehicle operators shall be made aware of the no idle zone, including a notification by letter to companies controlling out of the area drivers. n. Prominently lettered signs shall be posted in the receiving dock area to remind drivers to turn off their engines.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to pages V-136 through V-139 of the Final EIR.

2. Secondary Impact of GHG/mm-2: The renewable energy option may have secondary impacts associated with aesthetic resources as solar panels and/or wind turbines may be visible from public roads. Development of wind turbines may also result in biological impacts as they could be incompatible with the raptor program. Implementing bioreactor technology may increase water consumption and result in additional aesthetic impacts.

a. Mitigation –

AES/mm-13 – See above.

BR/mm-1 to -14 – See above.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to pages V-11 through V-18, V-113 through V-123, V-279 through V-282, and V-135 through V-137 of the Final EIR.

F. Cultural Resources (Class I): No Class I impacts for Cultural Resources were identified.

G. Geology and Soils (Class I): No Class I impacts for Geology and Soils were identified.

H. Hazards and Hazardous Materials (Class I):

1. **Impact HAZ-1 – Fugitive trash would migrate or be disposed of outside of the Landfill property due to collection trucks, windblown materials, illegal dumping, and flowing water.** The public has expressed concerns regarding fugitive trash in surrounding residential areas and along road systems used by haulers to reach the Landfill. In 1989, the applicant established a litter control program to reduce potential litter-related nuisances. To prevent fugitive trash, the Landfill compacts waste immediately after disposal in modules, implements a tarping/cover program for all delivery vehicles, and minimizes the size of the working face of the disposal area. To prevent windblown litter, portable and stationary metal and plastic litter control fences are located downwind and near the disposal area working face. Manual pick-up also occurs. The Landfill is also responsible for patrolling Highway 227 near the entrance and one mile in either direction.

Noise mitigation, which would require the construction of an earthen berm along the southeastern boundary of the site, and implementation of the proposed landscaping plan may also assist in controlling blowing debris from the site, as prevailing winds blow from the northwest to the southeast. However, even with these measures, and the litter control program, fugitive trash is expected to be a continuing problem for neighbors of the Landfill.

In addition, there are occurrences where waste is illegally dumped outside the entrance to the Landfill on neighboring driveways and property because the Landfill was not open when the load was being delivered. This illegal dumping, another form of fugitive trash, may be reduced due to the proposed increase in operating hours at the Landfill; however, it is still considered a potentially significant impact requiring mitigation.

- a. **Mitigation –**

AES/mm-13 – Prior to approval of any new construction permits, the applicant shall submit landscape plans. See full text of AES/mm-13 in Class II Impacts above.

NS/mm-1 – Noise Mitigation Plan – Preparation. See above.

NS/mm-2 – Noise Mitigation Plan – Implementation. See above.

HAZ/mm-1 – Project Notification. To encourage legal disposal of waste material, prior to issuance of the Notice to Proceed, the applicant shall notify all customers in the service area of the facility of the change, through 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.

HAZ/mm-2 – Litter Control Plan. Prior to issuance of the 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 five years, and include at a minimum: a. Descriptions of current litter control practices. b. Provisions for bi-monthly 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. The phone number of the litter control staff at the Landfill shall be provided to the

3-93

neighbors, and permanently posted at the project entrance at a location that is easily visible from the closed gate. Neighbors shall be able to contact the Landfill within one week of the scheduled date 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 fences 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 and working faces should 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 refuse that is found along the truck haul routes within five miles of the Landfill. Such 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.

- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supporting Evidence.** Please refer to pages V-193 to V-196 of the Final EIR.
2. **Secondary Impact of HAZ/mm-2. Installation of temporary litter control fences would not result in any new aesthetic impacts.** Ten feet is lower than the active workface and they would not necessarily be more noticeable than the heavy equipment and the workface. Visual resources mitigation previously proposed to screen the Landfill and activities as seen from Highway 227 would also provide some screening for the fences. No additional mitigation is required.
- a. **Mitigation** – See mitigation for Aesthetics.
- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supportive Evidence** – Please refer to pages V-11 through V18 and V-193 through V-194 of the Final EIR.
3. **Impact HAZ-6 – Waste processing at the permanent Landfill disposal area would potentially result in increased odors.** Odor generation would vary based on the types of organic material received on any given day, by the processing of these materials, and by the weather. This increase in quantity would potentially release more odorous gasses and would potentially cause a nuisance to downwind residents.

3-94

Odor complaints were generally focused on the former compost operation, and neighbors have suggested that odors were most offensive during warmer weather periods and/or when the former compost rows were turned. Odors may also be produced by decomposing waste on the working face of the disposal areas, although these are minimized through application of daily cover. The prevailing winds at the site are from the northwest, and as a result odors are most noticeable to residents living southeast of the Landfill. Leachate water, which is used for dust control, may also emit odors.

a. Mitigation –

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. These BMPs may include, but are not limited to, those described in the Final EIR.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supporting Evidence. Please refer to pages V-202 to V-203 of the Final EIR.

I. Noise (Class I):

1. Impact NS-1: Noise levels from disposal activities would intermittently exceed the County's daytime hourly Leq standard of 50 dBA and the Lmax standard of 70 dBA at the southeastern and southwestern property lines. The proposed project would increase the disposal area of the Landfill by approximately 46 acres. This expansion would potentially move noise-producing activities closer to the southern and eastern property lines, but would not change the nature of noise-producing activities or equipment. The disposal area would be expanded in phases with activities moving around the expansion area over the life of the project.

Typical disposal activities produce a Leq of approximately 70 dBA at 200-300 feet from simultaneous activities. This equipment is generally at ground level, and can be slightly elevated above the working face. In some cases the working face would be within an excavated module and therefore topographic shielding may occur. In other cases, the working face would be substantially elevated above the elevation of the nearest property line.

The proposed project would move these disposal activities to as close as 350 feet from the southeastern property lines. Modules 14-16 in particular would be constructed in close proximity to either the southeastern or southwestern property lines. There is neither significant topographic shielding nor distance between proposed Modules 10, 11, 12 and 14 and the nearest property lines. Disposal activities at these locations, and at Modules 15 and 16, would be expected to exceed the County's daytime hourly Leq standard of 50 dBA by more than 10 dB. Noise levels from Landfill activities would exceed the County's daytime hourly Lmax standard of 70 dBA as well. It should be noted that at the nearest sensitive receptors (residences), noise levels would likely be similar to those measured at Sites D and E, which are between 45-55 dBA.

a. Mitigation –

NS/mm-1 – Noise Mitigation Plan – Preparation. See above.

3-95

NS/mm-2 – Noise Mitigation Plan – Implementation. See above.

~~**NS/mm-3 – Noise Barrier Contingency Plan.** Prior to issuance of the Notice to Proceed, a Residential Noise Barrier Contingency Plan shall be prepared by the Applicant and reviewed and approved by the County. The intent of this plan would be to provide relief to surrounding residences (within 1,800 feet from the landfill operation's outer property perimeter) that can demonstrate noise levels of 50 decibels Leq or more from ongoing landfill operation activities. The point of measurement would be from the edge of the 'outdoor activity area.' An 'outdoor activity area' is considered an active and maintained area (e.g., backyard with maintained vegetation) existing at the time of approval of a proposed project. Once identified, the Applicant would complete one of the following options within 90 days of identification: 1) install approved on-site measure that is intended to substantially reduce noise at the residence to acceptable levels, and then re-measure after installation to verify adequate reduction, or 2) install well-constructed noise barrier (as designed by qualified noise expert) at edge of active outdoor area of affected residence (and verifying noise measurement taken after installation for effectiveness), or 3) if such a noise barrier would be ineffective or undesirable for the property owner, make a one-time payment to property owner of affected residence for estimated cost of the noise barrier identified in option 2 above. This payment would be required to be used by the property owner for noise reduction purposes only. If either option 2 or 3 are selected and successfully executed, the Applicant has no further financial obligation or noise mitigation maintenance obligation to that property or subsequent owners of that property relating to noise and this mitigation measure.~~

NS/mm-3 has been determined to be infeasible for the following reasons and has therefore been removed from further consideration: 1) Surrounding properties that meet the 1,800-foot criteria are not owned or controlled by the project applicant; 2) Defining the outdoor activity areas on the semi-rural properties within 1,800-foot would pose serious challenges due to differing opinions as to what constitutes an outdoor activity area and potentially result in cost prohibitive noise reduction structures (e.g., barriers exceeding several hundred feet in length); 3) Future maintenance of noise reduction structures would not be within the applicant's control and could quickly fall into disrepair and/or be removed; 4) Significant costs could be incurred by the applicant as part of negotiating noise solutions with applicable property owners as well as part of designing, permitting, and potentially conducting environmental review for such solutions; and, 5) Should Options 1 or 2 not be implementable, significant challenges would likely exist as part of the process of the applicant and the neighbors negotiating a "one time payment."

b. Findings – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supporting Evidence. Please refer to pages V-226 to V-228 of the Final EIR.

2. Secondary Impact of NS/mm-1: Implementation of NS/mm-1 may result in removal of at least two additional oak trees and an additional population of Obispo Indian paintbrush, not identified in the original Biological Resources analysis.

a. Mitigation –

3-97

50 dBA threshold at the northern and southern property line(s) due to use of Stockpile 3 the proposed stockpile.

b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supporting Evidence.** Please refer to pages V-226 to V-227 of the Final EIR.

5. **Impact NS-4: Noise produced by the relocated RRP would exceed the County's 50 dBA noise threshold at the northeastern and southeastern property lines.** The RRP would be expanded from two to four acres and relocated to the southeastern corner of the Landfill, northeast of the MRF, and approximately 50 feet from the northeastern property line. The proposed RRP location would be recessed into a hillside at the location just northeast of the MRF. The top of the crest above the cutslope would be approximately 40 feet above the working area. The proposed expansion of the RRP would include a sort line that is elevated approximately 15 feet above the ground. There is an existing earthen berm approximately 25 feet high between the MRF and the southeastern property line, constructed as noise mitigation for the previous Landfill expansion. The southeastern property line is approximately 300 feet away.

The existing RRP operation produces an Leq of about 69 dBA and an Lmax of approximately 75 dBA at 100 to 200 feet from loaders engaged in the movement and sorting of materials. These are typical ongoing, operational activities at the RRP. Noise levels produced by the proposed elevated sort line would be comparable to glass cleaning equipment currently located on the east side of the MRF building, which is a Leq of approximately 77 dBA at 50 feet.

Given the proximity of the northeast property line to the RRP, if there was no topographic shielding the RRP would produce a Leq of approximately 77dBA. However, the proposed cutslope adjacent to the RRP would reach a height of 40 feet above the work area (25 feet above the top of the sort line), and act as a noise berm, reducing the noise by as much as 15 dBA, to approximately 62 dBA at the northeastern property line. This level still exceeds the threshold by 12 dBA.

Noise generated by the RRP at the southeastern property line, which would be as close as 275 feet from the RRP would be reduced due to the location of the MRF and the existing noise berm. It is estimated that the berm and MRF together would provide a 15 dBA reduction in noise levels, to approximately 62 dBA. This level still exceeds the threshold by 12 dBA.

a. **Mitigation** –

NS/mm-1 – Noise Mitigation Plan - Preparation. See above.

NS/mm-8 – Noise Monitoring – RRP Redesign & Verification. Prior to relocation of the RRP, to reduce noise levels at the property lines resulting from the RRP, 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

3-98

sorting of materials. Once installed and in full operation, a qualified noise expert shall take measurements to verify compliance. As needed if compliance is not met, additional noise attenuation measures shall be installed to meet the County's stationary noise thresholds.

- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. **Supporting Evidence.** Please refer to pages V-232 to V-233 of the Final EIR.
- 6. Impact NS-6: Noise from back-up warning devices could exceed the 70 dBA Lmax threshold when used within 200 feet of a property line.** Back-up warning devices on trucks are distinctly audible at various noise measuring sites. Because the back-up warning devices are used intermittently, the Lmax threshold of 70 dBA is applied. Measurements taken at Site D indicate that noise levels from the back-up warning devices range from 52 to 53 dBA. Lmax generated by back-up alarms at a distance of 100 to 200 feet from the existing RRP reached 75 dBA. This second measurement includes some other noises from the RRP, but because it was taken in closer proximity to the noise source, it is considered a more reliable measurement. Based on these results, back-up warning devices would likely exceed the Lmax threshold when used within 200 feet of a property line.
- a. **Mitigation** –
 - NS/mm-1 – Noise Mitigation Plan - Preparation.** See above.
 - NS/mm-2 – Noise Mitigation Plan – Implementation.** See above.
 - NS/mm-4 – Noise – Stockpile Management.** See full text of NS/mm-4 in Class II Impacts.
 - NS/mm-5 – Noise Attenuation – Tub Grinder.** See full text of NS/mm-5 in Class II Impacts.
 - NS/mm-6 – Noise Monitoring.** See full text of NS/mm-6 in Class II Impacts.
 - NS/mm-7 – Noise Monitoring – During Green and Wood Waste Processing.** See full text of NS/mm-7 in Class II Impacts.
 - NS/mm-8 – Noise Monitoring – RRP Redesign & Verification.** See above.
 - b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. **Supporting Evidence.** Please refer to pages V-235 to V-236 of the Final EIR.
- 7. Impact NS-7: Bird deterrence measures such as whistles and pyrotechnics could exceed Lmax thresholds at property lines.** The noise from bird whistles has been measured at levels that exceeded the County's Lmax threshold of 70 dBA at Site E, approximately 1,500 feet from the nearest property line. However, due to neighborhood complaints about the noise of the whistles and the apparent success of the hawk/falcon

3-99

program, the applicant has ended the bird whistle program and is placing a greater emphasis instead on the falcon and hawk program. The County, though, has received correspondence from the public stating that the falcon/hawk program may not be as effective as it once was.

a. Mitigation –

HAZ/mm-3 – Additional Bird Deterrent Program. See full text of HAZ/mm-3 in Class II Impacts.

NS/mm-9 – Noise – 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.

- b. Findings –** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. Supporting Evidence.** Please refer to pages V-197 and V-236 of the Final EIR.

- 8. Cumulative Impacts.** The proposed project includes a number of significant noise-producing activities, such as the disposal activities, RRP, and the MRF. Cumulative noise impacts due to the combined effect of all of these activities would be difficult to quantify due to the fact that the active disposal area would move throughout the life of the project, and therefore change in relation to the other project components and property lines. Of the noise-producing activities listed above, it is generally one activity that is the dominant noise source even when multiple activities occur simultaneously.

However, given the proposed proximity of some of these components to each other and their proximity to the property lines, it is reasonable to conclude that the proposed project components, when considered together would result in cumulatively considerable impacts. This is particularly true at the southeastern and southwestern property lines, where the MRF, RRP, entrance, and disposal area expansion and construction activities are clustered.

a. Mitigation –

NS/mm-1 – Noise Mitigation Plan - Preparation. See above.

NS/mm-2 – Noise Mitigation Plan – Implementation. See above.

NS/mm-4 – Noise – Stockpile Management. See full text of NS/mm-4 in Class II Impacts.

NS/mm-5 – Noise Attenuation – Tub Grinder. See full text of NS/mm-5 in Class II Impacts.

NS/mm-6 – Noise Monitoring. See full text of NS/mm-6 in Class II Impacts.

NS/mm-8 – Noise Monitoring – RRP Redesign & Verification. See above.

NS/mm-9 – Noise – Bird Deterrents. See above.

NS/mm-10 – Construction Noise – Heavy Equipment. See full text of NS/mm-10 in Class II Impacts.

3-100

b. Findings – Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supporting Evidence. Please refer to pages V-225 to V-239 of the Final EIR.

J. Transportation and Circulation (Class I): No Class I impacts for Transportation and Circulation were identified.

K. Water Resources (Class I): No Class I impacts for Water Resources were identified.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The Planning Commission finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this Project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the Planning Commission determines that it would stand by its determination that the remaining benefit(s) is or are sufficient to warrant project approval.

- A.** The Revised Project 's significant, unmitigable, unavoidable adverse effects are as follows:
1. The Proposed Project would be highly noticeable, appear aesthetically unnatural, and contrast with the existing natural settings of the Highway 227, Corbett Canyon Road, and Price Canyon Road corridors.
 2. The Proposed Project would result in topographic and aesthetic changes that would silhouette above ridgelines as viewed from the Highway 227, Corbett Canyon Road, and Price Canyon Road corridors.
 3. The Proposed Project would result in the appearance of large engineered landforms combined with visibility of on-going construction and maintenance activities, and when considered cumulatively in conjunction with other visible development, including residential development would alter the rural aesthetic character of the Highway 227, Price Canyon, and Corbett Canyon Road corridors.
 4. The Proposed Project would result in a cumulatively significant, adverse effect on nearby potentially productive agricultural soils.
 5. The Proposed Project would increase total greenhouse gas (GHG) emissions significantly at such time as the facility reaches full capacity.
 6. The Proposed Project would result in increased quantities of fugitive trash which would migrate or be disposed of outside of the Landfill property due to collection trucks, windblown materials, illegal dumping, and flowing water.
 7. As a result of waste processing at the permanent Landfill, the Proposed Project would potentially result in increased odors.

3-101

8. Noise levels from Proposed Project disposal activities would intermittently exceed the County's daytime hourly Leq standard of 50 dBA and the Lmax standard of 70 dBA at the southeastern and southwestern property lines..
 9. Proposed Project noise due to use of the existing (i.e., Stockpile 3) and proposed new stockpile (i.e., located adjacent the southeastern property line) would intermittently exceed the County's daytime hourly Leq standard of 50 dBA at adjacent property lines.
 10. Noise produced by the Proposed Project's relocation of the Resource Recovery Park (RRP) would exceed the County's 50 dBA noise threshold at the northeastern and southeastern property lines.
 11. Proposed Project noise resulting from back-up warning devices could exceed the 70 dBA Lmax threshold when used within 200 feet of a property line.
 12. Proposed Project bird deterrence measures such as whistles and pyrotechnics could exceed Lmax thresholds at property lines.
 13. Proposed project components, when combined, would result in cumulatively considerable noise impacts at property lines.
- B. Supporting Evidence** – The Planning Commission has weighed the benefits of the Proposed Project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission finds that there is substantial evidence in the record as a whole to conclude that the benefits of the project outweigh its unavoidable adverse environmental impacts. In support of this Finding, the Planning Commission has determined that the following benefits, each of which is sufficient to support this Finding, support approval of the Proposed Project.
1. Social, Economic and Environmental Benefits. The Proposed Project would result in the following social, environmental and economic benefits:
 - a. One of the most important undertakings of local government is to establish and maintain adequate infrastructure to protect the health and welfare of the community and to support economic vitality and growth. Examples of required critical infrastructure include electric power, water, wastewater treatment, solid waste disposal, telecommunications and roads. Without this critical infrastructure, the County's continued economic prosperity and growth, quality of life, and the environment will be put at risk and under increasing pressure. The approval of the proposed Project will ensure that the solid waste disposal and waste recovery infrastructure necessary for the service area (i.e., from San Simeon south to Nipomo and other coastal regions of San Luis Obispo County), will be in place over the long term by extending the facility's service life to the year 2040.
 - b. California State law (i.e., Assembly Bill 939) requires that local jurisdictions have a countywide siting element that identifies disposal capacity sufficient to accommodate the projected amounts of solid waste to be generated within each jurisdiction for a minimum period of 15 years (Public Resources Code §41701). State law provides that the siting element "demonstrate that there is a county-wide or region-wide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities" (14 CCR §18755(a)). Approval of the Proposed Project would assist the County of San Luis Obispo in ensuring that it can meet this important legal requirement.

3-102

- c. Waste diversion capacity for the Landfill service area will be increased from 120 tons per day (TPD) to 400 TPD as a result of expansion of the materials recovery facility (MRF) and resource recovery capacity for the Landfill service area will be increased from 100 TPD to 450 TPD as a result of relocation and expansion of the Resource Recovery Park (RRP). This enhanced diversion will enable the County to meet its current AB 939 obligations to divert waste from landfilling, and assist with the County's effort to meet the state's newly established goal of 75% diversion by 2020.
- d. San Luis Obispo County coastal region solid-waste disposal and recycling needs will continue to be served by a local facility as opposed to having to export waste to areas outside of the service area. Exporting waste away from the local area would result in increased expenses to the consumer, produce added traffic, and create a larger carbon footprint for the County by generating additional greenhouse-gas emissions from the transport of exported waste. The added greenhouse-gas emissions would adversely affect air quality and potentially create other environmental impacts. By thus reducing vehicle miles traveled, the Project will reduce greenhouse gas emissions and help the County comply with AB 32 (California Global Warming Solutions Act of 2006). Reducing export and miles travelled also helps reduce costs for residents and businesses, and reduces traffic congestion on regional roadway systems.
- e. The project is proposed at a location adjacent to the existing Landfill facility on three parcels that are currently used for Landfill materials staging and the existing MRF. The use of these existing solid-waste facilities for the Project reduces the need to site and develop new solid-waste disposal and/or resource-recovery facilities elsewhere in the service area.
- f. Approval of the Proposed Project will enable the applicant to take advantage of and optimize the use of the existing landfill infrastructure to most efficiently meet the community's solid-waste disposal and resource-recovery needs. The approved and in-place infrastructure includes the MRF, leachate-collection and removal system, drainage and detention basin system, and numerous monitoring systems for groundwater, surface water, leachate, landfill gas, and the landfill-gas collection system. The landfill-gas collection system transfers the gas to the nearby PXP Oilfield where it is used as a supplement to natural gas in the production of steam.
- g. Increased tax revenues would be generated due to county per ton taxes on waste disposed within the County. Without approval of the project, there is the potential for waste to be disposed out of the county, thereby reducing potential tax revenue.
- h. The project will create 39 additional new permanent jobs over the course of expansion which are expected to be filled by County residents. Local employment helps stimulate local economic activity and growth, and increases County tax revenues which support essential public services to the community.
- i. Would optimize the use of the landfill footprint by providing the largest feasible waste volume for the area of ground used. The use of the existing facility avoids the need to develop additional resource recovery and landfill disposal facilities in a new location, thus avoiding disturbance of undeveloped off-site lands for such purposes in the County.

3-103

- j. The Project will enhance access to the facility and traffic flow for the public by relocating the entrance, thereby providing a longer driveway, adding additional lanes and providing a larger more accessible RRP. This will ensure that traffic flow on Highway 227 is not disrupted, and that Project facility's waste management services continue to be convenient to the community. Locally convenient and accessible waste management services will also serve to reduce instances of illegal dumping.
 - k. Daily waste acceptance times would increase which will provide the public and commercial waste generators a broader timeframe to bring their waste to an appropriate disposal facility. This will likely reduce the amount of illegal dumping caused by customers coming to the facility after closure and not wanting to return at a later time.
2. Mitigation Enhancement. The Final EIR contains mitigation measures that will lessen the significant effects of the project. The following are some of the more substantial environmental offsets of the mitigation measures:
- a. Ensure the restoration of 1.3 acres of oak woodland habitat through replanting, establishment of a conservation easement, or providing funds to the Wildlife Conservation Board.
 - b. Ensure the restoration of state wetlands at a 1:1 ratio and federal wetlands at a 3:1 ratio.
 - c. Ensure the replacement of Obispo Indian Paintbrush either on or off-site.
3. Alternatives. The Planning Commission considered a redesigned project alternative (on-site), an off-site project location alternative, a waste diversion alternative, and the required no project alternative. Of these alternatives, the FEIR identified the Redesigned Project Alternative as the environmentally superior alternative. Pursuant to CEQA, the Planning Commission considered the following alternatives to the Proposed Project as described in the FEIR, which would reduce or avoid project-specific and cumulative impacts, and rejected them as infeasible as follows:
- **No Project Alternative**. This Alternative assumes that the Redesigned Project is not constructed, and that the RRP and MRF continue to operate, although their processing capacities would remain static. The disposal area currently has approximately six years of service life remaining. The RRP and MRF may be able to accommodate the increase in waste diverted to them over six years. After six years, waste would need to be diverted to other facilities in the County. There most likely would not be enough capacity at any one of those locations to accommodate waste generate in San Luis Obispo County, resulting in the need to develop a new landfill at another location or haul waste out of San Luis Obispo County. A summary of a range of sites and their relative potential as new landfill locations as described in the 1991 County Siting Element is included in the Alternative 3 – Alternative Project Location discussion of the FEIR.
- The No Project Alternative would appear to result in fewer impacts than the proposed project; however, that would result in the Landfill closing in approximately six years. As a result, new landfill capacity would need to be developed at a new site or waste would need to be transferred to another existing, permitted landfill. It is unclear at this time which alternate landfills would have enough capacity to accommodate the waste that would be

3-104

disposed of by the proposed project. Ultimately, those landfills would also need to increase capacity to accommodate long-term waste generation by the residents of San Luis Obispo County. Those expansion plans may result in impacts similar to or greater than the proposed project, depending on their size and location. For the above reasons, the No Project is rejected and is considered infeasible.

Redesigned Project Alternative. This alternative would relocate the proposed disposal area to the eastern side of the site, and would require the applicant to purchase or lease a portion of an adjacent parcel. The entrance road would be relocated to the southern and eastern side of the disposal area, but not as far south as currently proposed. A conceptual site layout is shown in Figure VI-1. The proposed RRP and MRF would remain the same size and in approximately the same location as currently proposed. Two detention basins and a stockpile would be relocated. This alternative design allows the disposal area contours to continue in a more consistent, efficient manner, rather than having to “bend” around the sharp property line, as is currently proposed. With the use of a portion of the neighboring property, it appears that the disposal area footprint may be slightly reduced, but the total volume would be approximately equal to the proposed project. This alternative would appear to meet all of the applicant’s project objectives. However, the “cost-effectiveness” of this alternative is perhaps less than the proposed project due to the applicant not currently owning or leasing any of the proposed alternative disposal area. This alternative would not increase the intensity of any impacts, nor would it increase the impact class of any issue area. This alternative would meet all of the project objectives but would require the applicant to purchase or lease an additional portion of land (approximately four acres). Because this alternative would lessen significant impacts of the proposed project and meet the basic objectives of the proposed project it is considered the environmentally superior alternative. However, the applicant has evaluated the feasibility of this alternative through discussions with the owner of the neighboring property and as a result of the dollar amount associated with acquisition or control of the property has determined that this alternative is financially infeasible. In addition, any such acquisition costs could also potentially be passed-on to service area customers. For these reasons, this alternative is rejected.

- **Alternative Project Location.** This alternative started with consideration of several off-site locations identified as part of the 1991 Siting Element. These sites included Gragg Canyon, Shell Canyon, Ontario, Little Cayucos North, and Sycamore. The FEIR rejected all but one of these alternative off-site locations because they do not meet the objective of optimizing fill space on the project site and generally move impacts offsite rather than reduce overall impacts. Ontario, the fourth ranked site, was carried forward in the FEIR as a potential off-site project alternative because it met most of the applicant’s project objectives and appears to be consistent with the Siting Element. This alternative appears to meet most of the project objectives with the exception of “optimizing fill space on the project site,” although this is true of any alternative not located on the proposed project site.

3-105

The applicant does not own or control the Ontario site and obtaining such title would be financially infeasible from an operational standpoint and would also potentially result in acquisition costs being passed-on to service area customers. Because the applicant does not control the Ontario site and no other entity is pursuing land use entitlements for a regional landfill facility at this site, such an endeavor would likely require an amount of time to successfully complete that is in excess of the six years of waste disposal capacity currently remaining at the Landfill. For the reasons of the Alternative Project Location not optimizing fill space, the applicant not owning or controlling the site, and land use entitlements requiring an amount of time in excess of the existing capacity at the existing project site, this alternative is rejected and considered infeasible.

- **Waste Diversion Alternative.** This alternative would include all of the components of the proposed project except the disposal area. The current disposal area would close after approximately eight years and waste that requires permanent disposal would be sent via truck or train to an alternate facility. The landfill entrance would be modified but not entirely relocated. This alternative does not meet the long-term disposal capacity objective, nor does it optimize fill capacity on the project site. This alternative appears to reduce the number of Class I impacts resulting from the proposed project. However, it is unclear what secondary impacts may result from diverting waste from San Luis Obispo County to other landfills. Even if alternate locations could accommodate the waste in the short-term, ultimately the waste material would require capacity somewhere, and developing new capacity would result in impacts that may or may not be more significant than those associated with the proposed project. Because of these unknowns, the Waste Diversion Alternative is rejected and considered infeasible.

Based on the above Findings, these three alternatives and the No Project Alternative are rejected as infeasible. The Proposed Project is adopted because it would meet the project objectives of providing long-term waste diversion capacity, long-term disposal capacity, and minimizing the impacts of waste diversion and disposal activities in a manner environmentally superior to all other alternatives.

VIII. CEQA GENERAL FINDINGS

- A.** The Planning Commission finds that changes or alterations have been incorporated into the project to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Cold Canyon Landfill Expansion Final EIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII.
- B.** The Planning Commission finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.
- C.** Per CEQA Guidelines § 15126.4(a)(1)(B), the proposed project includes performance-based conditions relating to environmental impacts and include requirements to prepare more detailed plans that will further define the mitigation based on the more detailed plans to be submitted as a part of the construction phase. For instance, each of the following conditions and mitigation measures contain performance-based standards and therefore avoid the potential for these conditions or measures to be considered deferred mitigation under CEQA:
1. AES/mm-2: Environmental Monitor
 2. AES/mm-3: Grading Plan
 3. AES/mm-6: Architectural and Engineering Plans
 4. AES/mm-7 and AES/mm-13: Landscape Plan
 5. AES/mm-8: Planting Plan
 6. AES/mm-9: Landscaping Monitor
 7. AES/mm-11: Construction Plans
 8. AES/mm-12: Lighting Plans
 9. AQ/mm-1: Construction Activities Management Plan
 10. AQ/mm-2: Dust Control Plan
 11. AQ/mm-4: Monthly Compliance Logs
 12. BR/mm-1 and BR/mm-2: Oak Woodland Protection and Restoration Plan
 13. BR/mm-4: Pre-Construction Nesting, Roosting, Bird/Bat Survey
 14. BR/mm-5: Wetland and Riparian Habitat Restoration Plan
 15. BR/mm-7: Oak Tree Inventory, Avoidance, and Protection Plan
 16. BR/mm-8: Pre-Construction Training
 17. BR/mm-9: Biological Monitor

18. BR/mm-10: Pre-Construction Roosting Bat Survey
19. BR/mm-11: Pre-Construction Southwestern Pond Turtle Survey
20. BR/mm-12: Pre-Construction Animal (including Badger) Survey
21. BR/mm-13: Pre-Construction California Red Legged Frog Survey
22. BR/mm-14: Obispo Indian Paintbrush Mitigation and Monitoring Plan
23. GHG/mm-1 and GHG/mm-2: GHG Emissions Reporting and Control Strategies
24. PR/mm-1: Paleontological Monitoring and Recovery Plan
25. AR/mm-1: Archaeological Monitoring and Recovery Plan
26. AR/mm-3: Paleontologist Report on Monitoring/Mitigation Activities
27. GEO/mm-1: Conformance with Codes and Ordinances by Soils Engineer
28. GEO/mm-2: Sedimentation and Erosion Control Plan
29. GEO/mm-3 and GEO/mm-6: Soils Engineering Report(s) by Soils Engineer
30. GEO/mm-4: Soils Engineer Monitoring
31. GEO/mm-5: Radon Gas Testing
32. GEO/mm-7: Geologist Report on Slope Stability Analysis
33. HAZ/mm-1: Customer Notification of Acceptable Materials
34. HAZ/mm-2: Litter Control Plan
35. HAZ/mm-3: Additional Bird Deterrent Program
36. HAZ/mm-4: Birdstrike Monitoring
37. HAZ/mm-5: Fire Prevention, Control, and Mitigation Plan
38. HAZ/mm-6: Plant Disease Education Program
39. NS/mm-1 and NS/mm-2: Noise Mitigation Plan
40. NS/mm-7 through NS/mm-9: Noise Monitoring
41. NS/mm-9: Bird Deterrents
42. TS/mm-1: Transportation and Circulation Improvements Verification
43. WR/mm-7: Verification or Exemption from Water Potable Water Standard
44. WR/mm-8: Verification Addressing Water Resources Violations

IX. MITIGATION MONITORING PROGRAM
--

- A.** The Applicant, Cold Canyon Landfill, Inc., a wholly owned subsidiary of Waste Connections, Inc., will be primarily responsible for ensuring that all project mitigation measures are complied with. They will be assisted in this effort by the County Department of Planning and Building, Planning and Environmental Divisions. Mitigation measures will be programmed to occur at, or prior to, the following milestones for each phase of the project. For example, if a mitigation measure states that it is required to be completed prior to issuance of a construction permit, final inspection, or occupancy, it is only required prior to issuance of the construction permit, final inspection, or occupancy for the applicable phase of the Project.
- *Prior to issuance of Notice to Proceed.* These are measures where the County needs to assure certain conditions of approval have been met, funds have been submitted (e.g., to pay for the County Environmental Monitor), field verify condition of approval implementation, and review and approve the Plans before they are implemented.
 - *Prior to construction permit issuance.* These are measures where the County needs to review and approve the Plans before they are implemented.
 - *Prior to commencement of construction/vegetation removal.* These are measures that need to be undertaken before earth moving activities begin. These measures include items such as conducting wildlife surveys, submitting mitigation plans to resource agencies, and including pertinent design details in the project plans.
 - *During project construction/vegetation removal.* These measures are those that need to occur as the Redesigned Project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
 - *During operation of the project.* These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the Landfill.
 - *Prior to decommissioning of the project.* These are measures that will be completed prior to decommissioning/closure of the Landfill.

Connecting each of the mitigation measures to these milestones and consistent with Project phasing will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B.** As lead agency for the Cold Canyon Landfill Expansion Project Final EIR, the Planning Commission hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

Exhibit D – Conditions of Approval from Previous Actions

Note: Conditions of approval that are no longer applicable are shown in strike-through. Conditions of approval that have been replaced with new and/or updated and specific conditions of approval are shown in strike-through with an asterisk (*). Conditions of approval that are still applicable and have been brought forward in their entirety are shown in standard formatting.

Cold Canyon Landfill, Development Plan D000281D (Compost Operation Expansion)

Approved Development

1. ~~This approval authorizes the expansion and operation of a green waste compost facility as shown on the approved plans.~~

Site Development

2. ~~Site development shall be consistent with the approved site plan, floor plans and elevations.~~
3. ~~Hours of operation shall be 8:00 a.m. to 3:00 p.m.~~
4. ~~The operator shall check incoming loads for inappropriate materials. *~~

Grading and Drainage

5. ~~Prior to issuance of a grading permit, grading and drainage plans shall be submitted to the County Public Works Dept and Building Division for review and approval. *~~
6. ~~The required grading and drainage plan shall include Best Management Practices (BMP) to be utilized in the design, construction and operation of the project. BMP's may include but are not necessarily limited to the Regional Water Quality Control Board's BMP Guidelines and as described in the application. *~~

Fire Safety Plan

7. ~~Prior to issuance of a grading permit, the applicant shall provide proof of compliance with an approved safety plan from the County Fire Dept. *~~
8. ~~A minimum 20 foot wide fire access lane shall be maintained around the site.~~
9. ~~Prior to issuance of a grading permit, the applicant shall submit a Wetland Mitigation Plan to the Department of Planning and Building, US Army Corps of Engineers and the Dept. of Fish and Game for review and approval. The Wetland Mitigation Plan shall include at a minimum, the following:
 - a. ~~Wetland mitigation ratios of 2:1 for wetlands and 1:1 for other waters as may be approved by the US Army Corps of Engineers.~~
 - b. ~~The proposed reservoir storage pond shall be designed to provide wetland habitat around its lower perimeter. The basin configuration shall be designed with gently sloping sides to allow establishment of riparian and wetland vegetation along the lower banks. The outlet shall be placed at a height that will retain some water in the basin after storm flows pass.~~~~

3-110

- e. ~~Proposed drainage swales, channels and brow ditches shall be designed to both provide conveyance of runoff and act as wetland and other water habitats where feasible. After construction, these swales shall be revegetated with native wetland species appropriate to the area such as rushes and native rye grass as specified in the Wetland Mitigation Plan.~~
 - d. ~~The banks of the degraded drainage channel below the expansion area shall be planted with native riparian species to stabilize the banks and decrease erosional activity. Species suitable for planting include willow, blackberry, juncus and wild rye.~~
 - e. ~~Performance standards or criteria for success for wetland creation that includes survival of planted stock, cover of emergent areas and cover of nuisance or exotic plant species in years 1-5.~~
 - f. ~~Other wetland mitigation as may be required by the Corps of Fish and Game including but not limited to provision of open space easements covering created wetlands or other wetland areas.~~
10. ~~Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio all oak trees removed as a result of the development of the project. No more than 1 oak tree shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).~~

Traffic

- 11. ~~Retail sales could result in adverse traffic impacts and are not part of the project description. The applicant has agreed that the project shall not include onsite retail sales.~~
- 12. ~~The road between the landfill and the green waste facility is unpaved. In the event that use of the road as access to the green waste facility produces dust problem, the applicant agrees to stabilize the road surface with an appropriate dust palliative or by paving the road.~~
- 13. ~~The applicant acknowledges that bio-solids will not be accepted as feedstock for the green waste compost facility.~~
- 14. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - 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.

3-111

Air Quality

15. ~~Prior to issuance of a grading permit, amend APCD permits #341-2, #26-2 and #34-2 as may be required by APCD.~~
16. ~~Prior to issuance of a grading permit, submit a construction emission reduction plan to the APCD for review and approval. The plan shall include, at a minimum, the following:~~
- a. ~~equipment list with oxidation catalysts on the two pieces of equipment estimated to cause the highest level of combustion emissions during construction. The APCD must be consulted during the determination of which pieces of equipment will be retrofitted.~~
 - b. ~~Equipment must be operated in-tune per the manufacturer's specifications.~~
 - c. ~~Use CARB motor vehicle diesel fuel in all construction equipment including portable and stationary engines.~~
 - d. ~~Fugitive dust reduction measures.~~
17. ~~During compost operations, the following measures shall be observed:~~
- a. ~~Compost material processed shall possess sufficient residual moisture or added moisture to prevent visible dust emissions from crossing the site boundary.~~
 - b. ~~Traffic areas shall be watered or equivalently controlled to prevent dust emissions from crossing the site boundary.~~
 - c. ~~Visible dust emissions from the compost turning operations, the compost turner exhaust or the trommel screen shall not exceed Ringleman Number 2 or 40% capacity.~~
 - d. ~~Diesel fuel burned in the trommel screen engine shall not contain more than 0.5% sulfur or 10% aromatic hydrocarbon.~~

Other Permits

18. ~~Prior to issuance of a grading permit, the applicant shall submit evidence that the following agencies have either issued required permits or do not have a permit requirement:~~
- a. ~~Army Corps of Engineers~~
 - b. ~~California Dept. of Fish and Game~~
 - c. ~~Air Pollution Control District *~~
19. ~~The applicant shall fund a mitigation monitor to be retained by the County Planning Department. The monitor shall review construction phase of the project and report back to the County until completion of grading operations. The monitor will also be responsible for monitoring biological resources mitigation measures. *~~
20. ~~Staff will report back to the Planning Commission regarding the projects compliance with conditions, 3 months after issuance of grading permit and 3 months and 12 months after start of expanded compost operations. The report back shall be noticed as a public hearing. The applicant agrees that the Planning Commission will retain discretionary jurisdiction and may place additional conditions on the project over this permit until the final 12 months report back hearing.~~

Cold Canyon Landfill, Development Plan D950113D (Compost Operation)**Approved Development**

1. This approval authorizes the development and operation of the Cold Canyon landfill green waste compost facility with the following project components:
 - a. Compost will be produced in windrows with ten-foot aisles based with red rock.
 - b. Site plans, cross-sections and details depicting the layout and proposed drainage of the proposed project as shown on the approved plans.
 - c. Acceptable waste material would include, but not necessarily be limited to, tree trimmings, wood residues, construction woodwaste, grass, leaves, shrub clippings and agricultural wastes (i.e., orchard and vineyard prunings and manure).
 - d. Equipment requirements will include: a tub grinder, compost turner, trammel screen, loader, dump truck, water truck, and long stem thermometers.
 - f. The compost facility will accept waste from 8 a.m. to 3:00 p.m., Monday through Sunday. Other composting activities, that do not include acceptance of composting material, may occur between the hours of 6:00 a.m. and 5:00 p.m., Monday through Sunday, except for the use of mechanical equipment which shall be limited to between the hours of 8 a.m. to 5 p.m. Back-up beepers shall be adjusted to the minimum level approved by OSHA.
 - g. A program that will check incoming loads for inappropriate materials.

Air Quality

2. The access road between the existing landfill and the compost facility shall be stabilized with an appropriate dust palliative. If dust becomes a problem, the Local Enforcement Agency (LEA) or the Air Pollution Control District (APCD) shall have the authority to require more stringent dust prevention measures, including paving.
3. In the event that a tub grinder and tommel screen are powered by an internal combustion engine with greater than 50 brake horsepower, a permit from the Air Pollution Control District may be required. *
4. The area beneath the designated windrows must be maintained in a dust free condition in the event that this area is not occupied by a windrow. This can be achieved either by using a chemical dust binder or placement of gravel or pavement in the unused windrow footprints.
5. Feedstock is material that has not been sized and is not yet actively composting. No more than 10% of the feedstock shall be stockpiled manure. Although the mix of the active compost may exceed 10% of the feedstock.
6. No biosolids (septage or treatment plant sludge) will be accepted as feedstock for the proposed compost facility.
7. In the event that odor becomes a problem, the LEA has the authority to require that the applicant either mitigate the problem or cease operation of the green waste facility.

3-113

Traffic

8. ~~Access to the compost facility will be via the Gold Canyon Landfill entrance which fronts on State Highway 227.~~
9. ~~No retail sales of finished compost product shall occur onsite at any time.~~

Permitted Volume

10. ~~Feedstock to be stored onsite shall never exceed 10,000 cubic yards at any one time.~~

Visual Resources

11. ~~The proposed use is limited to the five-acre portion located in the northwest of the 88-acre parcel shown on the approved plans.~~
12. ~~This approval does not authorize the placement of permanent structures on the subject property.~~
13. ~~All cut and fill slopes shall be revegetated with a seed mix approved by the Department of Planning and Building.~~

Archaeological Resources

14. ~~If any archaeological resources are found during site preparation, all earthwork within 50 feet of the object(s) shall cease until the resources have been evaluated by a qualified archaeologist from the County approved list. Any additional mitigation measures recommended by the archaeologist shall be evaluated by the Environmental Coordinator and upon Coordinator approval, implemented by the applicant. Upon completion of any such mitigation measures, and prior to final inspection, the applicant shall have the archaeologist prepare a letter stating that all the mitigation measures have been implemented. *~~
15. ~~Prior to issuance of a grading permit, the applicant shall submit a landscape screening plan to be reviewed and approved by the Environmental Coordinator. The screening plan shall provide a downwind dust barrier for properties located to the southeast of the subject property. The newly planted trees shall be fast-growing and maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.~~

Cold Canyon Landfill, Development Plan D960087D (Sort Facility)

Approved Use

1. ~~This development plan authorizes the construction and operation of recyclable materials sorting facility consisting of the following elements:~~
 - a. ~~Construction of a 44,520 sq. ft. structure for materials sorting, administrative and educational uses;~~
 - b. ~~one structure of 2,700 sq. ft. for paper storage;~~
 - c. ~~one structure of 3,675 sq. ft. for paper bale storage;~~
 - d. ~~drainage basin;~~
 - e. ~~(1) 110,000 gallon water storage tank;~~
 - f. ~~demolition of an existing building;~~
 - g. ~~fifty employee and visitor parking spaces;~~
 - h. ~~access road paving;~~
 - i. ~~educational center;~~
 - j. ~~grading totaling approximately 45,600 c.y.~~

~~all as shown on the approved site plans.~~
2. ~~This approval is subject to the time provisions of LUO section 22.02.034.~~

Traffic

3. ~~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.~~

~~*~~
4. ~~The number of vehicles entering the facility shall be limited to a net increase of 154 ADT (average daily trips). Any increase in the number of vehicle trips above 154 ADT will require review by the County Engineering Department and may result in a new analysis of traffic impacts and possible requirements for traffic impact mitigation.~~
5. ~~Sort facility personnel shall keep a daily log of commercial trucks hauling recyclables to and from the sort facility. The applicant agrees to submit daily truck trip counts to the LEA as part of the Weight and Volume Report. The truck trip counts would supplement the Weight and Volume Report which is a report that the applicant is already required to submit to the LEA on a monthly basis. The applicant also agrees to submit the truck trip log book inspection upon request from the LEA during their regular inspections of the facility. In addition, the applicant agrees to submit the truck trip log book to the County Department of Planning and Building, the County Engineering Department and the Environmental Monitor, upon request. *~~

3-115

Litter Control

6. ~~A six foot high litter fence shall be installed so as to prevent windborn litter from migrating offsite as shown on the Screening and Revegetation Concept Plan dated September 25, 1996, revised on December 19, 1996 and May 1997 and as shown on the approved plan. If it is determined by the mitigation monitor or the LEA that a six foot high fence does not adequately prevent litter from migrating offsite, the applicant understands that a higher fence shall be required based on the recommendation of the mitigation monitor or the LEA.~~
7. ~~The litter fence shall be a permanent structure and shall be constructed at the highest elevation of the berm. The litter fencing shall be constructed of a material which will blend with the proposed landscape features of the proposed berm, and act as a catchment for windblown litter.~~
8. ~~The applicant shall inspect surrounding properties each day and if litter is discovered to have migrated off-site, shall immediately remove the litter if the permission of the property owner is granted.~~
9. ~~Prior to submittal of an application for construction permits, the applicant shall submit a litter abatement program to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The litter abatement program shall include, but not be limited to:~~
- ~~a. Daily site inspections for fugitive litter will be conducted. Litter shall be retrieved on a daily basis by facility personnel.~~
 - ~~b. No less than three (3) times each week, facility personnel shall inspect the on-site areas directly adjacent to the proposed facility including but not limited to: existing residences, entry road from the compost facility and perimeter fencing along the property lines.~~
 - ~~c. 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.~~
10. ~~The applicant agrees 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 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. *~~

Odor

11. ~~There shall be no uncovered storage of processed recyclables outside of the proposed facility, except for paper storage which shall be located in the areas shown on the site plan. In addition, there shall be no storage of unprocessed recyclables outside of the proposed facility. *~~
12. ~~Odor control shall be enforced by the Air Pollution Control District (APCD) consistent with APCD Rule 402 - Nuisance. In the event it is determined by APCD that odor thresholds have been exceeded, the APCD shall investigate the odor complaints using ASTM Method Number E544-75 (Standard Practice for Referencing Supra-thresholds Odor Intensity) or other processes approved by APCD. The cost of this type of~~

3-116

investigation will be the responsibility of the applicant and may result in additional mitigation measures such as containerizing of recyclable materials. *

Noise Reduction**Operations**

13. ~~Prior to issuance of a construction permit, the applicant shall submit a Comprehensive Operational Noise Reduction Plan to the Planning Director for review and approval. The Plan shall at a minimum, include the following noise reduction measures:~~
- ~~a. All unloading, sorting, densifying and consolidation activities shall take place within the enclosed structures.~~
 - ~~b. Vehicle trips in and out of the facility will take place as shown in the Additional Acoustical Analysis dated April 1997 on file with the Department of Planning and Building. The Plan shall identify these vehicle trips and the times they will take place.~~
 - ~~c. Backup beepers shall be turned down to the maximum extent allowed by OSHA.~~
 - ~~d. Open and close truck doors in sort structure only when trucks need to enter and exit.~~
 - ~~e. Trucks and tractor trailers waiting to load or unload shall shut engines off.~~
 - ~~f. Engines shall not be left running for a period longer than 3 minutes. *~~

Design and Construction

14. ~~Construction and grading plans submitted to the Building Division for review and approval shall include design and construction measures to reduce noise. These measures shall include, at a minimum the following:~~
- ~~a. Finished floor elevation of the sort building shall be no higher than 251 feet msl.~~
 - ~~b. Finished floor elevation of the two paper buildings shall be no higher than 252 feet msl.~~
 - ~~c. Areas within structures dedicated to unloading, sorting, densifying, and consolidation activities shall be identified on the plans.~~
 - ~~d. Eliminate all maintenance and emergency doors on the east side of the sort structure.~~
 - ~~e. Use electrically operated, insulated doors.~~
 - ~~f. Construct a stem wall at truck entrance to sort structure.~~
 - ~~g. Use typical insulated stud wall construction on the east gable wall and provide for sound insulation on the easterly one-third of the main sort building.~~
 - ~~h. A noise berm shall be constructed so as to maximize its noise attenuation effectiveness from the neighboring property at the mobile home. The break in line of sight between the noise source and the receiver shall be a minimum of five feet higher than the line of sight. The berm layout and height shall achieve the required 50 dBA at the southeast property line (see Applicant's Exhibit 1 attached to these conditions entitled Site Section at Landscaped Berm, Proposed Sort Facility, Cold Canyon Landfill, dated July 22, 1997 as presented and adopted by the Board of Supervisors). *~~

3-117

~~15. Within the first six months of operation of the proposed facility, the applicant is responsible for conducting additional noise measurements, and if necessary, additional mitigation could be required as a result.~~

~~After the initial six month monitoring process, noise complaints shall be received by the Dept. of Planning & Building. Investigation of the noise complaint may include an applicant funded monitoring period to determine if noise levels are being met. The results of the noise monitoring may result in identification and implementation of additional noise mitigation measures. *~~

Complaints

~~16. Prior to application for construction permits, the applicant shall designate a responsible party available 24 hours a day with the authority to receive and correct any notification of permit violation. A telephone number shall be supplied to the Department of Health and the Department of Planning and Building by which the responsible party may be contacted. *~~

~~17. Any unresolved written complaints regarding the facility will cause a review of the permit by the Planning Commission.~~

Vector Control

~~18. Prior to issuance of construction permits, the applicant shall submit a vector control program to the Department of Planning and Building and the Division of Environmental Health for review and approval. *~~

Visual Mitigation

~~19. The proposed use is limited to the area of disturbance shown on the proposed site plan dated December 12, 1996 and as shown on the approved site plan.~~

~~20. A landscaped berm shall be installed between the proposed sort facility and the southeast subject property line as shown on the Screening and Revegetation Plan dated December 12, 1996 and May 1997. The berm shall be 10-12 feet in height with an angle of repose resulting in a 120 foot base. The base of the berm shall be no less than 50 feet from the sort structure. The berm and landscaping shall be installed prior to final inspection.~~

~~21. The berm shall be landscaped as shown on the Screening and Landscape Plan dated December 12, 1996 and May 1997.~~

~~22. The sort facility structure shall be set back from the property line a minimum of 200 feet. *~~

~~23. Prior to final inspection, the applicant shall implement the proposed color board showing exterior finish materials, colors and height above the existing natural ground surface, as shown on the approved File Exhibit A. *~~

24. Outdoor lighting sources shall be designed and adjusted to direct light away from any offsite road or street, and away from any dwelling outside the ownership of the applicant.

3-118

25. No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets.
26. Any light source used for ground area illumination shall be shielded from above in such a manner that the edge of the shield is below the lowest edge of the light source.
27. Any light source intended for ground illumination that is located at a height greater than eight feet shall have shielding which extends below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture.
- ~~28. Prior to issuance of construction permits, the applicant shall submit landscape, irrigation, landscape management plans and specifications, consistent with the Screening and Revegetation Concept Plan, dated September 25, 1996 and revised December 19, 1996 and May 1997, to the Department of Planning and Building for review and approval in consultation with Environmental Coordinator. *~~
- ~~29. Prior to final inspection, landscaping shall be installed as shown on the Screening and Revegetation Plan Concept Plan, dated September 25, 1996 and revised December 19, 1996 and May 1997. *~~
- ~~30. Contours, elevations and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Border of cut slopes and fills shall be rounded off to a minimum radius of five feet to blend with the natural terrain. *~~

Air Quality

- ~~31. During construction:
 - a. All disturbed surfaces shall be watered twice daily, or more often if needed.
 - b. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented within 60 days following completion of any soil disturbing activities.
 - c. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
 - d. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved by the Air Pollution Control District.
 - e. All roadways, driveways, sidewalks, etc. to be paved shall be completed within 30 days unless seeding or soil binders are used to stabilize the areas.
 - f. Building pads shall be laid within 30 days after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site or on roads accessing the construction site.~~

3-119

- ~~h. All trucks hauling dirt, sand, soil or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.~~
- ~~i. All paved streets in the vicinity of the proposed project are to be swept at the end of each work day if visible soil material has been transported offsite. *~~

~~32. In order to mitigate air quality impacts as a result of the operational phase of the project, the applicant agrees to the following:~~

- ~~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. Development of 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. Replace or repower at least one existing onsite mobile equipment (i.e. fork lifts, etc.) with electric or CNG powered equivalents within 5 years. *~~

~~33. The landfill is currently a source of air borne particulate matter. In order to mitigate the impacts of air borne particulate matter, the applicant agrees to accomplish the following, prior to or at the time of final inspection:~~

- ~~a. Pave the entire portion of the access road between the approved compost facility and the proposed sort facility.~~
- ~~b. Provide dust control treatment along the existing unpaved portions of the access road between Highway 227 and the approved compost facility in a manner approved by the Air Pollution Control District (APCD).~~
- ~~c. The applicant understands that if maintenance of the dust control treatment becomes problematic or if the dust control treatment is ineffective, as determined by the Air Pollution Control District, the applicant agrees to pave the entire section of the access road from Highway 227 to the proposed sort facility.~~

Hours of Operation

~~34. The sort facility may accept, sort and ship materials between the hours of 8:00 am - 4:30 p.m. only, Monday through Friday with no weekend operation. However, if a holiday occurs within the week, operations are allowed on Saturday only within the same hours.~~

~~*~~

Local, State and Federal Compliance

35. The applicant shall comply with all local, state and federal laws and regulations concerning sorting facilities.

Drainage

~~36. The applicant agrees to incorporate all recommendations from September 4, 1996 geotech report prepared by Earth Systems.~~

~~37. All drainage facilities shall be built to a 50-year storm standard and shall be protected from washout, erosion or sedimentation. *~~

~~38. No rough grading associated with the proposed project shall be conducted during the rainy months from October 15 to April 15. No finish grading shall be conducted from October 15 to April 15, unless the applicant prepares a Sedimentation, Erosion Control Plan consistent with the requirements of the Land Use Ordinance and approved by County Engineering. *~~

Water Quality

~~39. If discharge into surface water bodies is detected, quarterly (or other interval as may be required by the Regional Board) monitoring of surface water shall be conducted and results submitted to the Regional Water Quality Control Board. If monitoring indicates that contaminants are present, the permittee shall conduct an investigation under the supervision of the Regional Water Quality Control Board to identify the contaminant source and appropriate mitigation measures.~~

Hazardous Wastes

~~40. The applicant agrees to control incoming hazardous wastes by instituting all of the hazardous waste policies, practices and procedures identified and required as conditions of approval for the Gold Canyon Landfill Expansion Development Plan D860156D.~~

Biological Resources

~~41. There shall be no cutting, alteration, or disturbance of the existing wetland vegetation located downstream of the agricultural reservoir (stock pond) located on the subject property, except as approved by the Environmental Coordinator in consultation with the environmental monitor and the Department of Fish and Game.~~

~~42. If it is necessary to replace wetland vegetation, as determined by the Department of Planning and Building in conjunction with the environmental monitor and the Department of Fish and Game, the applicant shall prepare a Revegetation Plan for the wetlands following Fish and Game Wetlands Resources Policy requirements, and indicating the vegetation to be removed and the location where it will be replaced. The Revegetation Plan shall be reviewed by Fish and Game. The applicant shall obtain a letter from Fish and Game indicating that the wetland vegetation has been adequately replaced. This letter, if available, shall be submitted to the County within 90 days of completion of replanting. These areas will be subject to inspection by a representative of the Department of Fish and Game on an annual basis until vegetation has been successfully established. *~~

~~43. The proposed drainage system will detain runoff from a 50-year storm in order to minimize damage downstream. In order to maintain downstream wetland vegetation, the applicant agrees to allow an amount of runoff equivalent to that generated by a two year storm to pass continuously. In addition, the applicant agrees that the drainage system will not function to prevent existing volumes of drainage water from entering the swale, but shall function to prolong the time that water will flow in the swale, thereby having the effect of merely controlling the rate of flow or runoff during large storms.~~

Archaeological Resources

44. ~~If any archaeological resources are found during site preparation, all earthwork within 50 feet of the object(s) shall cease until the resources have been evaluated by a qualified archaeologist from the County approved list of archaeologists. Any additional mitigation measures recommended by the archaeologist shall be evaluated by the Environmental Coordinator and upon Coordinator approval, implemented by the applicant. Upon completion of any such mitigation measures, and prior to final inspection, the applicant shall have the archaeologist prepare a letter stating that all the mitigation measures have been implemented.~~

Expanded Drop-Off Facility

45. ~~As part of the project description, the public will be unable to access the proposed sort facility for purposes of dropping off recyclable materials. Therefore, prior to final inspection the applicant agrees to construct a permanent recyclable materials drop-off facility in the vicinity of the scale house for use by the public.~~

Mitigation Monitoring

46. ~~Prior to application for construction permits, including grading permits, the applicant shall establish a fund with the county in an amount approved by the Environmental Coordinator to cover costs of mitigation monitoring and condition compliance associated with this land use permit and subsequent construction permits. The monies maintained in the fund shall also include reimbursement of county staff for mitigation monitoring efforts. *~~

47. ~~The cost of the mitigation monitor shall be borne by the applicant. The mitigation monitor shall be approved by the Environmental Coordinator and shall work under contract with the county. The mitigation monitor shall submit a work program to the Office of the Environmental Coordinator for review and approval prior to issuance of construction permits. The work program shall include monitoring of all activities identified above and shall include tasks associated with bi-annual mitigation compliance over a five-year period. *~~

48. ~~Prior to issuance of a construction permit, the applicant shall submit fire safety plan to GDF/County Fire for review and approval.~~

49. ~~Applicant shall as a condition of the approval and use of this development plan defend, 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 development plan or the manner in which the county is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this development plan. Applicant shall 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 applicant of its obligation under this condition. *~~

Agricultural Preserve Contract

50. ~~Prior to the issuance of a construction permit, the Land Conservation Act contract shall be cancelled for the project site and a Notice of Non-renewal shall be applied for on the balance of the property.~~

3-123

Cold Canyon Landfill, Development Plan D860156:A (Landfill Expansion)

Notice to Proceed

~~A-1. In order to facilitate the preparation of the proposed project subsequent to conditional approval of the Development Plan, Solid Waste Facilities Permit, Waste Discharge Requirements and Caltrans encroachment permit, a Notice to Proceed shall be issued by the Planning Director when certain pre-preparation and pre-operational conditions are met by the applicant. The Notice to Proceed is required prior to acceptance of waste.~~

~~a. The Notice to Proceed shall be issued prior to acceptance of any waste in the approved expansion area. Prior to issuance of the Notice to Proceed, the following conditions shall be met:~~

- ~~i. A-3 Landscaping~~
- ~~ii. A-5 Permitting~~
- ~~iii. A-7 Performance Securities~~
- ~~iv. A-9 Mitigation Monitoring Fund~~
- ~~v. A-11 Grading~~
- ~~vi. A-12 Sedimentation Basins~~
- ~~vii. A-16 Water Quality Monitoring~~
- ~~viii. A-20 Traffic and Circulation~~
- ~~ix. A-21 Litter Control~~
- ~~x. A-22 Litter Control~~
- ~~xi. A-24 Personnel~~
- ~~xii. A-26 Fire Safety Plan~~
- ~~xiii. A-27 Oak Tree Replanting Plan~~
- ~~xiv. A-28 Oak Tree Replanting Plan~~
- ~~xvi. A-32 Hazardous Waste~~

~~b. This Development Plan shall expire in three (3) years from the date of final approval of the Development Plan if the use is not occurring on the site pursuant to Land Use Ordinance Sections 22.02.042 and 22.02.044. Time extensions for establishing the use may be considered pursuant to Land Use Ordinance Section 22.02.050 (Extensions of Time for Land Use Permits) such that the total elapsed time for implementing this Development Plan shall not exceed five (5) years. *~~

Status of Approval

~~A-2. This approval authorizes expansion of the Cold Canyon landfill consistent with the following:~~

- ~~a. Acceptance of nonhazardous and inert refuse as defined by California Code of Regulations (CCR) Title 23, Division 3, Subchapter 15, (Sections 2523 et. seq.).~~
- ~~b. Placement of nonhazardous and inert material within the area shown on Exhibit D860156D:Q1 and Q3 and this material shall not exceed the fill and cross section contours shown on Exhibits D860156D:Q3, Q4, Q5 and Q8.~~
- ~~c. Excavations for site preparation as shown on Exhibit D860156D:Q2.~~

3-124

- d. ~~Fill the refuse column based on the phasing plans shown in Exhibit D860156D:Q4.~~
- e. ~~Plan sheets, cross sections and details depicting the engineering features of the landfill, including the liner and leachate collection and treatment systems, surface water control structures, excavation and fill phasing, soil stockpile areas and final cover as approved by the Regional Water Quality Control Board and the Local Enforcement Agency.~~
- f. ~~An approved drainage plan for on and off-site drainage improvements that meets the requirements of: (1) the Land Use Ordinance, (2) the County Engineering Department, and (3) the Regional Water Quality Control Board, 4) LEA.~~
- g. ~~A Fire Safety Plan approved by the County Fire Department.~~
- h. ~~Litter prevention requirements as required and approved by the Local Enforcement Agency.~~
- i. ~~An approved Waste Control Program if required by: (1) the Local Enforcement Agency, or (2) the Regional Water Quality Control Board and/or (3) the California Department of Health Services.~~
- j. ~~An approved groundwater and leachate monitoring program if required by the Regional Water Quality Board.~~
- k. ~~An approved preliminary and final closure plan and postclosure maintenance plan and approved final closure and post-closure maintenance plans as required by the Local Enforcement Agency and the Regional Water Quality Control Board.~~
- l. ~~Preliminary closure and postclosure activities as may be required by state law by the Regional Water Quality Control Board, LEA or Air Pollution Control Board or other enforcement agency of jurisdiction.~~
- m. ~~An approved leachate collection and removal system that includes a high density polyethylene geomembrane or approved alternative liner if required by the Regional Water Quality Control Board.~~
- n. ~~An approved hydraulic barrier separating future vertical expansion from the existing fill if required by the Regional Water Quality Control Board. *~~

Landscaping

A-3. ~~The applicant shall submit to the Planning Director for review and approval, final landscape and revegetation plans and long-term maintenance plans for the expansion area prior to issuance of the Notice to Proceed. The plans shall provide for, at a minimum, the following:~~

- i. ~~Screening of the site from State Highway 227;~~
- ii. ~~Screening along the easterly property boundary;~~
- iii. ~~A timetable for commencement and completion of landscaping requirements;~~
- iv. ~~Revegetation of landfill slopes immediately upon partial closure of each portion of the landfill. *~~

Time Limits

A-4. ~~This Development Plan shall expire and become void when the designated fill elevations in Exhibit D860156D:Q1, as approved, are reached or the use is abandoned or discontinued for a period greater than twelve (12) months pursuant to Land Use Ordinance Section 22.02.052a(3). 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 may be required by state law and/or the LEA. *~~

3-125

Permitting

~~A-5. The following permits are required to be issued or approved prior to issuance of the Notice to Proceed:~~

- ~~a. Waste Discharge Requirements (Regional Water Quality Control Board);~~
- ~~b. Solid Waste Facilities Permit (LEA);~~
- ~~c. Encroachment Permit (Caltrans). *~~

Permit Review

~~A-6. A summary report regarding compliance with required and recommended conditions shall be presented to the Planning Commission on an annual basis. The report may include but not be limited to, transmittal of compliance reports from the mitigation monitor, reports from the Planning Director regarding written evaluation of condition compliance submitted by the Mitigation Monitor and pursuant to the provisions of Land Use Ordinance Section 22.02.038 and Sections 22.10.040 et. seq.~~

Performance Security

~~A-7. Prior to issuance of the Notice to Proceed, the applicant shall submit a performance security, pursuant to Land Use Ordinance Section 22.02.060, in an amount to be based on an estimate prepared by the applicant for review and approval by the Planning Director and in a form approved by County Counsel. The performance security must be based on an estimate of the cost of the work involved for each item noted below plus an administrative fee.~~

~~A performance security shall cover the work for approved site perimeter landscaping, including landscape screening and the approved oak tree mitigation plan. Any portion of this work completed prior to issuance of the Notice to Proceed is not required to be made a part of the performance security. *~~

Mitigation Monitoring

~~A-8. Prior to issuance of the Notice to Proceed, the applicant shall establish a fund with the county in an amount approved by the Planning Director and the Environmental Coordinator to cover costs of condition compliance including mitigation monitoring activities associated with the County required conditions of approval of this land use permit. The monies maintained in the fund shall be used to fund the review of those mitigation measures where a County agency is designated as the responsible agency in the Mitigation Monitoring Plan.~~

~~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 AB 3180 and will act as the clearinghouse for all reports pursuant to the Mitigation Monitoring Plan. *~~

Stratigraphy

~~A-9. If whale bone fossil bearing deposits are unearthed from the Monterey Formation~~

3-126

~~during excavation activities, work within 100 feet of the uncovered resource shall cease and a qualified paleontologist approved by the Office of the Environmental Coordinator shall be retained by the permittee to evaluate resource significance. The paleontologist shall submit a written report to the Office of the Environmental Coordinator describing the resource and recommending any further actions. Work within the 100-foot prohibition area may recommence only with the written approval of the Office of the Environmental Coordinator.~~

Erosion Control

- ~~A-10. All disposal areas shall be protected from inundation, washout, and erosion of wastes or cover materials associated using a 100-year storm standard. *~~
- ~~A-11. Grading shall be consistent with County approved grading plans, policies and ordinances.~~
- ~~A-12. As-built plans for the two sedimentation basins designated as Basins A and B on Exhibit D860156D:QI shall be submitted to the Regional Water Quality Control Board for review and approval prior to issuance of the Notice to Proceed. Should the basin be shown not to conform to Title 23 the sedimentary basin shall be reconstructed to conform.~~
- A-13. 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.
- A-14. Areas of higher erosion potential shall be protected by water bars, jute netting, straw matting, sand bags and straw bales as necessary. These features shall be shown on the drainage, sedimentation and erosion control plan.
- A-15. All sediment laden runoff shall be passed through sedimentation/retention basins and shall be shown on the drainage plan.

Water Quality Monitoring

- ~~A-16. Prior to issuance of the Notice to Proceed, the applicant shall obtain approval of and place into operation, a groundwater monitoring plan pursuant to the requirements of Title 23, Chapter 15 and Chapter 5 and 10 of the California Code of Regulations. The quarterly (or other interval as may be required by the Regional Board) sampling will continue throughout the active life of the facility and be conducted during the postclosure period until adequate data are available to demonstrate that no significant impacts are occurring. All water quality data shall be submitted to the Regional Water Quality Control Board for review and approval. The plan, at a minimum, shall include four groundwater monitoring wells installed pursuant to the recommendations of the Final Environmental Impact Report (pages 4.B-46 through page 4.B-48) and/or as approved by the Regional Water Quality Control Board.~~

~~In the event that monitoring identifies significant levels of contaminants, the Regional Water Quality Control Board shall be contacted immediately. A corrective action plan shall be initiated per the requirements of Title 23, Chapter 15 and Chapters 5 and 10 of the California Code of Regulations. The plan shall include, but not be limited to, a subsurface investigation to assess the vertical and horizontal extent of the contaminant plume and potential sources. Additional studies of aquifer hydraulic gradients and~~

~~parameters may be required to fully evaluate the implications of any contamination.~~

~~If the RWQCB determines that any observed contaminant plume is significant, implementation of groundwater remediation shall be required. The remediation program shall be designed pursuant to the recommendations of the Final Environmental Impact Report and the Regional Water Quality Control Board.~~

~~The postclosure mitigation funds required by Title 23, and any other provisions of state law for covering costs associated with possible remediation shall be identified and verification of manner of which this occurs shall be provided to the Environmental Coordinator's Office.~~

Water Quantity

~~A-17. If groundwater pumping data shows availability to have dropped to under 8640 gpd, the Mitigation Monitor may require additional pumping capacity be installed. The applicant shall submit biennial pumping reports to the Mitigation Monitor.~~

Surface Water

~~A-18. If discharge into surface water bodies is detected, quarterly (or other interval as may be required by the Regional Board) monitoring of surface water shall be conducted and results submitted to the Regional Water Quality Control Board and LEA. If monitoring indicates that contaminants are present, the permittee shall conduct an investigation under the supervision of the Regional Water Quality Control Board to identify the contaminant source and appropriate mitigation measures.~~

Air Quality

~~A-19. A landfill gas control and extraction system shall be designed and installed if required by the APCD or the LEA. __ *~~

Traffic and Circulation

~~A-20. Prior to issuance of the Notice to Proceed, the following improvements shall have been constructed:~~

- ~~a. State Highway 227 shall be widened and restriped to provide left hand turn channelization pursuant to the requirements of Caltrans.~~
- ~~b. The sight distance improved at the intersection of Highway 227 and the site entrance under the direction of Caltrans.~~
- ~~c. All improvement plans shall be reviewed and approved and an encroachment permit issued by Caltrans. __ *~~

Litter Control

~~A-21. Prior to issuance of the Notice to Proceed, the applicant shall install litter fences which are a minimum of four feet high on the property boundary. __ *~~

~~A-22. Prior to issuance of the Notice to Proceed, the applicant shall expand involvement in the "Adopt a Highway" program to include both sides of State Highway 227, at least one mile~~

3-128

~~in each direction from the site entrance. *~~

~~A-23. The applicant shall inspect surrounding properties each day and if litter is discovered to have migrated off-site, shall immediately remove the litter 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. *~~

Personnel

A-24. The applicant shall designate a responsible party available at 24 hours a day with the authority to receive and correct any notification of permit violation. A telephone number shall be supplied to the Mitigation Monitor through which the responsible party may be contacted.

Hours of Landfill Operation

~~A-25. The landfill may accept wastes from 7:00 a.m. to 4:30 p.m., Monday through Sunday. Other landfill activities that do not include acceptance of waste may occur between the hours of 6:30 a.m. and 5:30 p.m., Monday through Sunday. *~~

Fire Safety Plan

A-26. Prior to issuance of the Notice to Proceed, the applicant shall submit to the Planning Director a fire clearance letter issued by the County Fire Department stating that all requirements of the Fire Safety Plan have been met.

Oak Tree Replacement Plan

~~A-27. The applicant shall provide for the planting of 500 oak trees pursuant to the approved Oak Tree Mitigation Plan attached as Exhibit D860145D.S.~~

~~A-28. Prior to issuance of the Notice to Proceed, the applicant shall implement the Oak Tree Mitigation Plan.~~

Local, State, and Federal Compliance

A-29. The applicant shall comply with all local, State and Federal laws and regulations concerning landfills.

A-30. The applicant shall maintain a copy of the approved land use permit, Solid Waste Facilities Permit and the Waste Discharge Requirements on-site at all times.

Status of Optional Area

~~A-31. The optional expansion area as shown in Exhibit D860156D:Q1 is not approved for landfilling purposes. The area's status as a borrow site pursuant to the 1979 Departmental Review and Approval (R780901:2) is not authorized for change through this Development Plan.~~

3-129

Hazardous Wastes

A-32. Prior to issuance of the 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.

Soil Importation

A-33. Prior to commencement of soil importation (low permeability or non-specific soil) the applicant shall submit a plan to 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.)

Recycling

~~A-34. The applicant shall expand recycling opportunities on the site by providing operational area, facilities and equipment, and the necessary personnel to establish a drop-off recycling area aimed at recycling usable materials and products.~~

Waste Characterization

~~A-35. 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.~~

~~*
-~~

Cold Canyon Landfill, Development Plan D860156:B (Landfill Expansion)

Closure and Postclosure Fund and Plans

~~B-1. The applicant shall maintain a fund for landfill closure and postclosure activities pursuant to Title 14 of the California Code of Regulations Chapter 5, Sections 18250 et. Seq. Preliminary and final closure and postclosure plans, as required pursuant to Title 14 of the California Code of Regulations, Chapter 3, Sections 17760 et. seq. and Chapter 5, Sections 18250 et. seq. and Title 23, Subchapter 15, Sections 2580 et. seq. shall be submitted to the Planning Director once the plans are approved by the Regional Water Quality Control Board and the Local Enforcement Agency. In addition this shall include provision for funding for ground water remediation if necessary. *~~

Hydrogeology

~~B-2. A low permeability high density polyethylene geomembrane or approved alternative liner shall be installed at the landfill/bedrock interface pursuant to the recommendations of the Final Environmental Impact Report (FEIR) and as approved by the Regional Water Quality Control Board. *~~

Seismicity

~~B-3. Landfill containment structures and peripheral slopes shall be designed to withstand a maximum peak ground acceleration of 0.65 g pursuant to the recommendations of the Final Environmental Impact Report.~~

Liquefaction

~~B-4. If alluvial and silty sand deposits contain groundwater, then groundwater migration and surface water flow shall be diverted away from the alluvial areas based on a plan prepared by the on site engineer and reviewed and approved by the LEA and RWQCB as required.~~

Slope Stability

~~B-5. A final excavation plan shall be prepared to address impacts associated with excavating landslide deposits along the southerly extremity and eastern boundary of the site and shall specifically mitigate any potential project related destabilization of these landslide areas both on and off site.~~

~~B-6. If refuse slope failure occurs, the extent of the failure shall be evaluated by a geologist approved by the County Department of Planning and Building and Office of the Environmental Coordinator prior to repair of the failed slope. The assessment and repair shall be monitored by the LEA. *~~

Soil Stockpile

~~B-7. The applicant shall submit to the LEA for review and approval, a soil stockpile plan~~

3-131

~~designating the locations of stockpiles for use during cover activities, intermediate cover purposes and closure. *~~

Soil Permeability

~~B-8. Imported low permeability soil demonstrated to pass site specific low permeability tests shall be utilized as water infiltration barriers. On-site soils can be improved by admixing with bentonite as approved by the Regional Water Quality Control Board.~~

B-9. Grading of earth materials shall be conducted on an as needed basis to minimize surface disturbance.

~~B-10. Revegetation shall occur in sequence immediately upon completion of final grading of landfill phases consistent with the provisions in Appendix H of the Final Environmental Impact Report and will be in accordance with the approved closure plan. Hydroseeding with an approved seed mix, mulch and a soil sealant, or equivalent measures as approved in writing by the Local Enforcement Agency shall be required to reduce water erosion potential.~~

Shrink-Swell Potential

~~B-11. Site specific soil engineering tests shall be performed on soils of the Lodo Series, prior to use of the soils for final cover, to determine the degree of expansiveness and the appropriate use of these soils in the proposed project design. Recommendations regarding the use of these soils shall be submitted to the LEA for approval and shall be implemented.~~

Leachate Control

~~B-12. A leachate collection and removal system (LCRS) shall be constructed for the expansion area unless equivalent measures are approved in writing by the Regional Water Quality Control Board. The system shall include a liner consisting of a high density polyethylene geomembrane overlying recompacted subgrade. The best available control technology shall be considered and incorporated if feasible in the design of the leachate detection and collection system. The remainder of the system shall consist of a drainage blanket system constructed prior to landfilling. A one foot thick drainage blanket and network of leachate drain pipes will be placed above the basal liner. The drains will convey the leachate to collection sumps from which the leachate can be removed. *~~

~~B-13. In the event the existing landfill area does not receive fill pursuant to the requirements of the Regional Water Quality Control Board and the LEA, a LCRS and liner shall be designed and installed.~~

~~B-14. An approved hydraulic barrier system separating future vertical expansion from the existing fill shall be included in the landfill plans if required and approved by the Regional Water Quality Control Board.~~

B-15. If leachate is detected in a previously dry leachate collection sump, or if a progressive increase in volume of fluid in a sump is detected:

a. The RWQCB shall be notified within 7 calendar days or as required by the Regional

3-132

Water Quality Control Board;

- ~~b. The leachate shall be sampled and analyzed to determine chemical characteristics;~~
- ~~c. The leachate may be removed from the sump and used for dust control if it is determined to be nonhazardous; or~~
- ~~d. Disposed of in an authorized disposal site.~~
- ~~e. Measures shall be formulated and implemented to reduce generation of leachate (reconstruction of runoff etc).~~
- ~~f. Leachate sumps shall be monitored by LEA on a weekly basis, or as otherwise determined by the LEA.~~

Air Quality

- ~~B-16. Grading shall be kept to a minimum to reduce surface disturbance.~~
- ~~B-17. The primary long term access roads, as identified on the Final Grading Plan (Exhibit D86045pD:Q1) shall be paved.~~
- ~~B-18. A water truck shall be used at least 2 times per day on all unpaved access roads, graded areas, excavation areas and any stockpiled soils or as directed by the LEA. Additional watering shall be used during high wind conditions (i.e. 15 mph or more).~~
- ~~B-19. A chemical sealant shall be used on all unpaved access roads leading to the active face as well as recently covered areas at the end of each week or as required by the LEA. Sealant shall also be applied to all unvegetated driveable surfaces as may directed by the LEA.~~
- B-20. The cover placed on the old fill area shall be inspected for cracking on a monthly basis and filled as necessary.
- ~~B-21. The old fill area will be covered with the required four feet of clean cover, then revegetated. Hydroseeding with an approved seed mix, mulch and a soil sealant will be used.~~

Litter Control

- ~~B-22. The entire surface of the active face area shall be covered daily with soil compacted to a minimum depth of 6 inches pursuant to requirements of CCR Title 14, Section 17682 or other acceptable cover materials that are designed to achieve comparable litter control.~~
- ~~B-23. All old fill area surfaces at final grade shall have final cover applied and drought tolerant vegetation established. Native vegetation is encouraged.~~
- ~~B-24. A movable 10 foot high barrier fence shall be used to cover the area in front of and around the working face.~~
- ~~B-25. A monofilament wire system consistent with the description in the Bird Population Control Plan shall be utilized over the working face of the landfill to impede the feeding and flight of gulls at the site.~~
- B-26. Cold Canyon Landfill, Inc. shall continue to perform Performance Standards inspection practices and implement procedures and recordkeeping as stipulated by the Local

3-133

~~Enforcement Agency and CCR Title 14, Section 17683 if Performance Standards operations continue.~~

~~B-27. A covered load program shall be reviewed and approved by the LEA and initiated at Cold Canyon Landfill prior to placement of refuse in the permitted expansion area.~~

~~B-28. A covered sign shall be maintained at the entrance to the facility stating that all open bed trucks that enter the site must be covered to prevent litter from blowing onto public roadways. *~~

Personnel

~~B-29. The applicant shall retain a registered civil 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 as required.~~

B-30. The applicant shall have a site manager on-site at all times during landfill or covering activities and shall be responsible for all site operations in coordination with the Mitigation Monitor and responsible agencies.

Material Salvaging

B-31. Material salvaging operations currently underway at the landfill shall continue.

Wastewood/Biomass Processing

~~B-32. The current wastewood/biomass operation described in the Final Environmental Impact Report page 2-37 shall continue to operate as part of the proposed project. All features of the operation including staging, stockpiling, chipping and postchipping stockpiling shall be located so as to not be visible from public roads and neighboring properties. *~~

Waste Control Program

~~B-33. The applicant shall institute all of the policies and practices identified in the "Waste Control Program" of the Final Environmental Impact Report pages 2-40 through 2-42 and pages 4.J-8 through 4.J-10 and shall expand the waste control program to include random checking of commercial and franchised haulers.~~

~~B-34. The applicant shall implement the use of one fixed microrad radiation detector and one portable radiation monitoring meter (capable of measuring gamma and beta radiation) in the Waste Control Program. The microrad detector shall be consistent with the description found on page 4.H-8 of the Final Environmental Impact Report.~~

Postclosure End Use

B-35. 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 14 of the California Code of Regulations, Section 17796 et. seq.

3-134

Odor Control

B-36. The applicant shall institute daily cover of solid waste pursuant to CCR Title 14, Section 17682 in order to control odors.

Asbestos

B-37. The landfill shall continue its prohibition of the acceptance of asbestos. Prior to establishment of the use, 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.

Bird Control Plan

~~B-38. The applicant shall use decoys in the trees near the working face if so directed by the LEA.~~

~~B-39. Confine unloading and the working face to as small an area as feasible.~~

~~B-40. Stepped up compaction activities on the working face as required by the LEA.~~

Training

B-41. 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.

~~B-42. The first row of a refuse lift at the extreme southerly corner of the expansion area is to be oriented so that a refuse noise buffer is established between the landfill operation and State Highway 227.~~

EXHIBIT E – REFERRALS

John McKenzie 3-136

10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED
JUL 26 2006

DATE: 7/24/06

TO: CDF

BY:

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2006-00001 Applicant: Corral de Piedra Land Co.
CUP => modify landfill use permit.
209 acres located off Carpenter Cyn. Rd. (Hwy. 227)
in SLO. APN: 044-171-014, 044-261-014, 049-048
Return this letter with your comments attached no later than: 8/8/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

REFER TO FIRE PLAN ISSUED FOR DRC 2005-00170

7-28-06
Date

Chad Zrelak
Name

543-4244
Phone

3-137



CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

May 26, 2006

South County Team
Planning & Building Department
County Government Center
San Luis Obispo, CA 93408

Subject: DRC2005-00170
Cold Canyon Landfill expansion

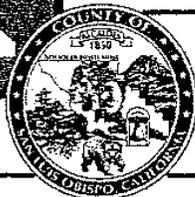
The proposal is to expand the Cold Canyon Landfill an additional 46 acres expanding the landfill footprint to 134 acres. The landfill is located at 2268 Carpenter Canyon Road, San Luis Obispo, CA. The landfill is located in State Responsibility Area in a Moderate fire severity zone under the jurisdiction of the CDF/San Luis Obispo County Fire Department. Fire department response to the site is five to ten minutes.

Expansion of the landfill shall require compliance with the following codes: California Code of Regulations, Title 14, Section 18223, Public Resources Code, Sections 4290, 4291, 4371 through 4373 and 4442, California Fire Code (2001 edition), Articles, 9, 10, 30, 79, 80, and Appendix II-A.

SITE ACCESS & ROADS

- The entrance address shall be clearly marked with six inch numbers and contrasting background color.
- All roads within the landfill site shall be a minimum of 18 feet wide, all weather surface, and meet a load capacity of 20 tons. Road grades that exceed 12% shall be non-skid surface such as paving or chip seal. All roads require ten feet of vegetation clearance on either side.
- Any portion of the landfill shall be accessible within 150 feet of a road.
- Any portion of the perimeter of a building shall be within 150 feet of a road.
- Any road exceeding 150 feet in length requires a vehicle turnaround with a minimum 40 foot radius.

3-138



CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

WATER STORAGE & SPRINKLERS

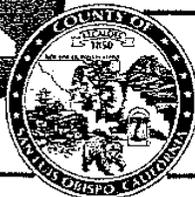
- Size of water storage tanks on site shall be determined by NFPA 1142 for buildings less than 5000 square feet and NFPA 13 for buildings exceeding 5000 square feet.
- All buildings exceeding 5000 square feet will require an NFPA 13 fire sprinkler system. Additionally, any building storing hazardous materials may require sprinklers regardless of square footage as per the requirements of Article 80, California Fire Code.
- All buildings are required to be served by a rural, draft fire hydrant. The hydrant shall be gravity flow from a water storage tank. The hydrant shall be supplied through a minimum four inch line, schedule 40 PVC. The hydrant shall have a minimum of one 2 ½" male, National Hose thread opening with cap and blue reflector. The hydrant shall be within eight feet of the road and 50 to 150 from the building.

OTHER BUILDING REQUIREMENTS

- All buildings shall have a minimum 30 foot setback from the property line.
- All buildings shall have a minimum class "B" roofing material.
- All buildings over 18 feet in height to the eave line require exterior fixed laddering.
- All buildings over 2000 square feet require a 24 hour monitored heat and smoke detection system.
- All buildings shall have portable fire extinguishers per Article 10 of the California Fire Code.
- All buildings shall have a minimum of 30 feet vegetation clearance.

GREEN WASTE

- Any portion of the landfill reserved for green waste or wood chip material shall comply with Article 30 of the California Fire Code.



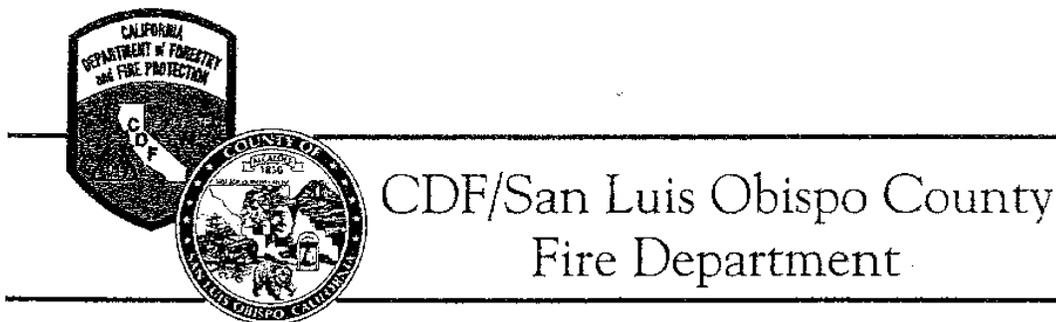
CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

OTHER REQUIREMENTS

- Public resources code, Section 4373 requires 150 feet of vegetation clearance around the periphery of the landfill.
- Any on site fuel tanks shall meet the requirements of Article 79, California Fire Code.
- Any hazardous materials stored on site shall meet the requirements of Article 80, California Fire Code.
- A burning permit (from CDF and APCD) is required for the burning of natural growing materials. All other burning is prohibited.
- Internal combustion engines must comply with Public Resources Code, Section 4442, which specifies spark arrester requirements. Vehicles equipped with exhaust and muffler systems as defined in the Vehicle Code are exempt from spark arrester requirements as are turbocharged engines.
- CCR Title 14, Section 18223 requires a Fire Prevention, Control & Mitigation Plan. The plan should include the following components.
 1. Description of the measures the operator will take to prevent fires and to control and extinguish fires at the site.
 2. Identification and description of the equipment the operator will have available to control and extinguish fires.
 3. Description of the measures the operator will take to mitigate the impacts of any fire at the site to the public health and safety and the environment.
 4. Description of the arrangements the operator has made with the local fire control authority having jurisdiction to provide fire prevention, control and suppression.
 5. Discussion of the ability of the local fire control authority to suppress fires at the site in light of the authority's personnel, expertise and equipment, the availability of water, access to the site and to flammable materials on the site, the nature of flammable materials on site, the quantity and dimensions of materials on the site, and the potential for subsurface fires in accumulations of flammable materials on the site.
 6. Evidence that the operator has submitted the Plan to the local fire control authority for review and that the authority has found it to be in compliance with the authority's applicable requirements.
 7. The operator must file amendments as necessary to maintain the accuracy of the Plan.

3-140



635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

Project supervisors and employees should be informed of some of the typical fire ignition components at landfill sites. Some ignition sources are as follows.

- Discarded cigarettes
- Faulty exhaust systems
- Engines not having required spark arrester
- Parking vehicles on dry vegetation
- Sparks from welding, grinding, and cutting operations
- Open flame devices used adjacent to combustible materials
- Illegal burning of debris
- Combustible debris adjacent to exhaust systems
- Leaking fuel systems on motorized equipment
- Faulty electrical systems on motorized equipment
- Spontaneous combustion in green waste or hazardous material areas

For further assistance, please contact me at (805) 543-4244

Sincerely,

Chad T. Zrelak

Chad T. Zrelak
Fire Captain

C: King

3-141

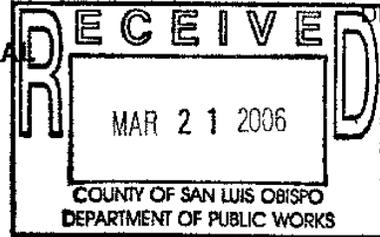
10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 3/20/06

From: PW gmr

To: FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00170 Applicant: Corral de Piedra Land Co.
CUP -> 46 acre landfill expansion. Site located
off Carpenter Cyn. Rd., SLO. APN: 044-171-014...

Return this letter with your comments attached no later than: 4-3-06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO CONCERNS w/ Public Works

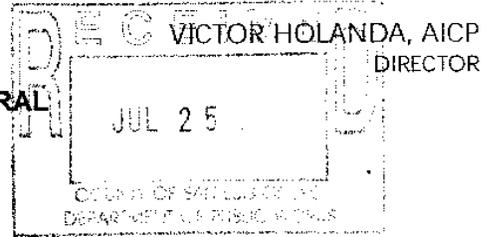
Date May 1-2006 Name DAN MANION Phone 781-5275

3-142

10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE: 7/24/06

From PW DM
To

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DPC-2006-00001 Applicant: Corral de Piedra
CUP -> modify landfill use permit. Land Co.
209 acres located off Carpenter Cyn. Rd. (Hwy. 227)
in SLO. APN: 044-171-014, 044-261-014, 044-048
Return this letter with your comments attached no later than: 8/8/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

A Grading Permit is Required to be Reviewed by Public Works' ~~Form~~ For
EROSION AND sediment control, containment of Storm water runoff.

Date Aug 9-2006

Name DAN MANION

Phone 781-5275

3-143

10



John Melrose
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 7/24/06

TO: City of SLO

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DPC-2006-0001 Applicant: Corral de Piedra
CUP -> modify landfill use permit. Land Co.
209 acres located off Carpenter Cyn. Rd. (Hwy. 227)
in SLO. APN: 044-171-014, 044-261-014, 044-049 & 048
Return this letter with your comments attached no later than: 8/8/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO COMMENT

12-18-06
Date

Jeff Hook
Name

781-7176
Phone

LO



**SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING**

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/20/06
TO: City of A.G.

FROM: - South County Team - North County Team - Coastal Team

Handwritten stamp:
March 23 2006
CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

PROJECT DESCRIPTION: File Number: DRC-2005-00170 Applicant: Piedra Land Co.
CUP -> 46 acre landfill expansion site located
off Carpenter Cyn. Rd., SLD. APN: 044-171-014...

Return this letter with your comments attached no later than: 4-3-06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

YES (Please go on to PART II.)
 NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
 NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Strongly support proposed expansion - consider site ideal for this essential facility

March 27, 2006
Date

Rob Strong, CDD
Name
City of Arroyo Grande

4735420
Phone

10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED

AUG 6 2006

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

DATE: 7/24/06

TO: City of A.G.

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DPC-2006-0001 Applicant: Corral de Piedra Land Co.
CUP -> modify landfill use permit.

209 acres located off Carpenter Cyn Rd. (Hwy. 227)

in SLO. APN: 044-171-014, 044-261-014, 044-049 & 048

Return this letter with your comments attached no later than: 8/8/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

YES
 NO

(Please go on to PART II.)
(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No comment

August 7, 2006
Date

Rob Strong, Comm. Dev. Director 4735420
Name City of Arroyo Grande Phone

COUNTY GOVERNMENT CENTER

SAN LUIS OBISPO

CALIFORNIA 93408

(805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

3-146

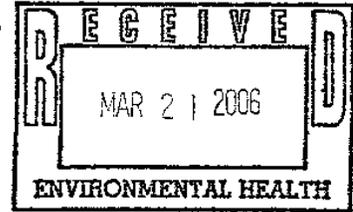
10



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 3/20/06

TO: Env Health

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00170 Applicant: Corral de Piedra Land Co.
CUP -> 46 acre landfill expansion. Site located off Carpenter Cyn. Rd., SLO. APN: 044-171-014...

Return this letter with your comments attached no later than: 4-3-06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No comment

3/31/06
Date

[Signature]
Name

781-5544
Phone



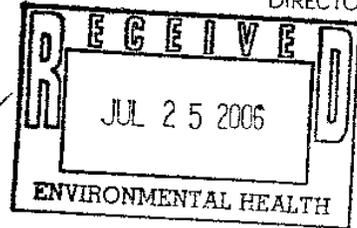
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

JM 3-147 CIWMB *Harriet Jeff Hackett*

10

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 7/24/06

TO: Env. Health

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DPC 2006-00001 Applicant: Corral de Piedra Land Co.
CUP -> modify landfill use permit.
209 acres located off Carpenter Cyn. Rd. (Hwy. 227)
in SW. APN: 044-171-014, 044-261-014, 044-2048
Return this letter with your comments attached no later than: 8/8/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL

Assure protection of all wells and it should be referred to the LEA - Jeff Hackett with the CIWMB. Thank you.

8/7/06
Date

Laurie Sal
Name

781-5551
Phone



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: April 13, 2006
TO: John McKenzie, Project Manager
FROM: Michael Isensee, Agriculture Department *MJel*
SUBJECT: Corral de Piedra Land Co/Waste Connections Conditional Use Permit, DRC2005-00170 (1136)

The Agriculture Department finds that the proposal has potential significant impacts to agricultural resources on the project site and on adjoining properties zoned for agricultural use. Potential impacts include:

- dust, noise, odor, or lighting that may impact existing or future agricultural operations in the area (Agricultural Goal [AG] 1, Agricultural Policy [AGP] 17 & 18);
- changes to either water quantity or quality (AG2; AGP11); and
- loss of the 89-acre site for agricultural production, including the loss of approximately 40 acres of soil classified as *soils of statewide importance* (AG3, AGP24);

The proposed project also raises issues of policy consistency relating to appropriate uses on lands zoned for agriculture and should be evaluated if the extent of the proposed use is appropriate on lands zoned for agriculture.

Agriculture Department comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call me at 781-5753.



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910

AGRICULTURAL COMMISSIONER/SEALER

FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

August 3, 2006

TO: John MacKenzie, Planning Department

FROM: Michael Isensee, Agriculture Department *MI*

RE: Corral de Piedra Land Co. Modification of Land Use Permit, DRC2006-00001
(Ag#1136)

RECEIVED

AUG 04 2006

Planning & Bldg

The Agriculture Department finds that the proposal to utilize the identified seven-acre area located on APN 044-261-047 as a borrow area for 220,000 yards of fill will have no significant adverse impacts to agricultural resources or operations if Air Pollution Control District measures eliminate off-site dust emissions.

The proposed borrow area soils consist of Class VII irrigated or non-irrigated *Pismo Loamy Sand*. This soil is poorly suited to rangeland and has limited use for irrigated or nonirrigated agricultural production. The borrow site is immediately adjoining the existing landfill operation. This proposed borrow property is identified for future landfill expansion. The Department understands that an environmental assessment of the impacts of any expansion has not yet been completed.

The proposed borrow area is located at least 300 feet from the nearest adjoining properties, and with adequate dust containment measures, any off-site impacts to agricultural resources should be avoided.

The Department understands that the site remains under Land Conservation Act contract, although the owner filed for nonrenewal in 1997. A determination should be made as to whether processing of the proposed use is appropriate prior to the nonrenewal of the contract is complete at the beginning of 2007. Waste disposal sites are not considered a compatible use under the local Rules of Procedure.

Agriculture Department comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call me at 781-5753.



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

(805) 781-5910

AGRICULTURAL COMMISSIONER/SEALER

FAX (805) 781-1035

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: November 20, 2006

TO: John McKenzie, Project Manager

FROM: Michael Isensee, Agriculture Department *MJed*

SUBJECT: *Corral de Piedra Land Co (Cold Canyon Landfill) Conditional Use Permit Notice of Preparation*

The following responds to your Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the *Corral de Piedra Land Co (Cold Canyon Landfill) Conditional Use Permit* and provides the information you requested. Additional details can be found in the initial comment letter from our office dated April 13, 2006.

1) Contact

Michael Isensee, Agricultural Resource Specialist
2156 Sierra Way, Suite A, San Luis Obispo, CA 93405
805-781-5753

2) Approval Authority

The Department of Agriculture is advisory to the Planning Department and utilizes the County General Plan (Agriculture and Open Space Element) and the California Environmental Quality Act to review land use projects for their impact to agricultural resources and to recommend appropriate mitigation measures in order to protect both agricultural resources and operations.

3) Environmental Information to be addressed:

- a. The direct loss of agricultural resources from the proposed project.
- b. The potential for increased conflict between the proposed facility development/operation and current or future agricultural uses on neighboring properties.
- c. Maintenance of adequate water resources for agricultural water users.
- d. Proposed mitigation measures to address each of the impacts noted above.



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

April 3, 2006

San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the Cold Canyon Landfill Expansion (DRC2005-00170)

Dear County Planning,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 2268 Carpenter Canyon Rd in San Luis Obispo. The landfill expansion as proposed will include increasing the landfill footprint by approximately 46 acres and increase the capacity by approximately 12.9 million cubic yards. In addition, the construction and demolition handling area will be expanded to handle 30 tons per hour of construction and demolition material; the composting operations will be expanded up to 450 tons per day and the proposed compost feedstocks will also be expanded to include co-collected residentially generated food waste with green material, institutionally / commercially-generated source-separated food waste, and additional agricultural by products. The recycling sorting facility will be expanded to process additional residentially generated recyclable and include commercial recyclable. The design of the facility will expand from 120 tons per day to 400 tons per day. We have the following comments regarding this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

To fully assess the air quality impacts from the construction of the proposed project the applicant will need to provide the total volume of cut and fill and the amount, if any of material that will be exported or imported to the site during construction. This data is needed to determine combustion emissions from the construction activities. Based on the magnitude of construction activities associated with this project, the emission generated during construction will likely exceed District thresholds and will require implementation of construction equipment mitigation measures. Upon receipt of additional information, APCD staff will evaluate the impacts resulting from construction activities and finalize mitigation recommendations. In addition to combustion emissions the following items will also need to be addressed during construction.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Any project with a grading area greater than 4.0 acres exceeds the APCD's PM10 quarterly threshold. **This project exceeds this threshold and shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of**

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slocleanair.org • www.slocleanair.org

00 - printed on recycled paper

Project Referral for Cold Canyon Landfill Expansion DRC2005-00170
 April 3, 2006
 Page 2 of 5

the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- a. Reduce the amount of the disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
- c. All dirt stock pile areas should be sprayed daily as needed,
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 231.14,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA^P).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Project Referral for Cold Canyon Landfill Expansion DRC2005-00170
 April 3, 2006
 Page 3 of 5

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE MITIGATION

In order to fully assess the operational impacts from the proposed project the applicant will need to calculate emissions from expanding operations of the landfill, construction and demolition handling facility, composting facility and recycling and sorting facility. Based on the magnitude of this project, the emissions generated during operation of the facility will likely exceed District thresholds and will require implementation of project mitigation measures. Upon receipt of

Project Referral for Cold Canyon Landfill Expansion DRC2005-00170
 April 3, 2006
 Page 4 of 5

additional information, APCD staff will evaluate the impacts resulting from the project and finalize our mitigation recommendations.

APCD PERMIT REQUIREMENTS:

Cold Canyon Landfill holds several permits with the APCD. The three permits associated with the composting operation are:

- Permit #341-2 for Composting Operations including green waste storage, compost storage, and turning equipment
- Permit #34-3 for Portable Wood Waste Grinder
- Permit #26-2 for Trommel Screen

After review of the proposed changes and evaluation of the current permits, the following potential issues have been identified:

Permits 341-2, 26-2, and 34-3 all state that the APCD must be notified in writing before any changes are made to the operating procedures, equipment, or materials used which have the potential to increase the emission of any air contaminant. This requirement will need to be satisfied prior to final approval of this project.

Permits 26-2 and 34-3 both have a limitation on fuel usage, which will limit throughput at the facility. If the expanded composting operation will result in a need to exceed these permitted levels, Cold Canyon Landfill will need to contact the APCD.

Composting facilities have the potential to create nuisance concerns from fugitive dust emissions and odors. District Rule 402 states that:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Additionally, Permits 341-2, 26-2, and 34-3 all state that if the equipment operating at the facility is causing a public nuisance, then Cold Canyon Landfill must take immediate action to eliminate the nuisance. With the proposed expansion of the composting facility, additional efforts must be taken to ensure that nuisance problems will be avoided.

To further emphasize conditions already outlined in the existing permits, the following mitigation measures must be included with project implementation in order to reduce the potential for nuisance violations and to reduce combustion emissions:

- Compost material processed shall possess sufficient residual moisture or added moisture to prevent visible dust emissions from crossing the site boundary.
- Traffic areas shall be watered or equivalently controlled to prevent dust emissions from crossing the site boundary.
- Visible dust emissions from the compost turning operation, the compost turner exhaust, or the trommel screen shall not exceed Ringelmann Number 1 or 20% opacity.
- Equipment shall be operated and maintained in accordance with manufacturer's specifications.

Project Referral for Cold Canyon Landfill Expansion DRC2005-00170
April 3, 2006
Page 5 of 5

- Diesel fuel burned in the trommel screen engine shall not contain more than 0.05% sulfur or 10% aromatic hydrocarbon.

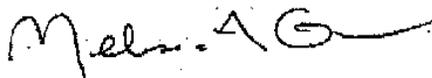
New equipment installed as part of the expansion activities may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Boilers;
- IC Engines;
- Cogeneration facilities;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Melissa Guise
Air Quality Specialist

MAG/sll

cc:

Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Karen Brooks, Enforcement Division, APCD

Attachments: Naturally Occurring Asbestos Construction & Grading Project - Exemption Request Form.

n:\p\air\ceqa\project_review\8139-1\8139-1.doc



3-156
AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

August 8, 2006

South County Team
County of San Luis Obispo Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding Modification to the Cold Canyon Landfill Use Permit (DRC 2006-00001)

Dear South County Team,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 2268 Carpenter Canyon Road in San Luis Obispo. The project as proposed includes soil excavation (200,000 cubic yards) for landfill operations. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Any project with a grading area greater than 4.0 acres exceeds the APCD's PM10 quarterly threshold.

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slcleanair.org ♦ www.slcleanair.org

 printed on recycled paper

3-157

Project Referral for Cold Canyon Landfill Use Permit Modification

August 8, 2006

Page 2 of 4

This project exceeds this threshold and shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- a. Reduce the amount of the disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
- c. All dirt stock pile areas should be sprayed daily as needed,
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable

3-158

Project Referral for Cold Canyon Landfill Use Permit Modification
August 8, 2006
Page 3 of 4

equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Construction Activity Management Plan

Develop a comprehensive Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period. The plan should be submitted to the District for review and approval prior to the start of construction. The plans should include but not be limited to the following elements:

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

Standard NOx Control Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NOx) emissions are listed below and in section 6.3.1 of the Air Quality Handbook.

These measures are applicable to all projects where construction equipment will be used:

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize, to the extent feasible, the use of diesel construction equipment meeting ARB's 1996 and newer certification standard for off-road heavy-duty diesel engines.
- Maximize to the extent feasible, the use of on-road heavy-duty equipment and trucks that meet the ARB's 1998 or newer certification standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit.

3-159

Project Referral for Cold Canyon Landfill Use Permit Modification

August 8, 2006

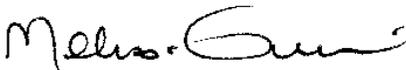
Page 4 of 4

Best Available Control Technology for Construction Equipment (BACT)

BACT measures are needed when construction emissions exceed APCD mitigation thresholds as defined in section 6.2.1 in the Air Quality Handbook. These thresholds are when nitrogen oxide (NO_x), reactive organic compound (ROG) or PM combustion emissions meet either of the following limits: more than 185 lbs/day or 2.5 ton/quarter. Because sufficient information regarding the operational phase emissions of this project is currently lacking, the specific BACT requirements can not be quantified at this time. In order to mitigate the construction emissions to a level of insignificance, BACT will be required; however the magnitude will need to be determined once the construction emissions calculations are provided. **The application should submit to the APCD a description of the operations and an estimate of the emissions that will be generated from the activity associated with this project (including number of daily truck trips, length of truck trips, etc.).** When this information is received, the APCD will determine BACT measures applicable to this project and any potential off-site mitigation measures.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Melissa Guise
Air Quality Specialist

MAG/sll

cc: Rick King
Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Andy Mutziger, Planning Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form
2. Guidelines for the Development of a Construction Activity Management Plan

h:\plan\ceqa\project_review\3139-2\3139-2.doc

3-161

Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form

Attachment 1

Send To:

San Luis Obispo County
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Phone: (805) 781-5912
Fax: (805) 781-1002



Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements."

NOTE: A basic exemption evaluation fee of \$100.00 will be charged.

APPLICANT MUST SIGN BELOW	
I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

OFFICE USE ONLY - APCD Required Element - Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Project #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

San Luis Obispo County
Integrated Waste Management Authority

IWMA BOARD MEMBERS

Jim Patterson, President
San Luis Obispo County

Ted Ehring, Vice President
City of Pismo Beach

Tim Brown,
City of Arroyo Grande

Tom O'Malley,
City of Atascadero

Karen Bright,
City of Grover Beach

Carla Borchard,
City of Morro Bay

John Hamon,
City of Paso Robles

John Ashbaugh,
City of San Luis Obispo

Paul Teixeira,
San Luis Obispo County

Bruce Gibson,
San Luis Obispo County

Adam Hill,
San Luis Obispo County

Frank Mecham,
San Luis Obispo County

Greg O'Sullivan,
Authorized Districts

Bill Worrell, Manager
Carolyn Goodrich, Secretary
Peter Cron, Staff Analyst
Patti Toews, Program Director
Raymond A. Biering, Counsel

870 Osos Street
San Luis Obispo, CA 93401

805/782-8530
FAX 805/782-8529
E-mail: iwma@iwma.com

Recycling, Compost & Haz.
Waste Info. 800/400-0811
School Programs Information
805/782-8424

March 22, 2012

Jason Giffen, Director
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

Subject: Support for Anaerobic Digestion at the Cold Canyon Landfill

Dear Mr. Giffen:

At the March 14, 2012 San Luis Obispo County Integrated Waste Management Authority (IWMA) Board of Directors Meeting, the Board voted unanimously to continue to support the option of anaerobic digestion at the Cold Canyon Landfill.

On June 24, 2011, the IWMA submitted comments on the draft EIR for the Cold Canyon Landfill Expansion. In that letter the IWMA provided the rationale for supporting anaerobic digestion. Since sending that letter, there have been several developments that need to be highlighted.

In August 2011, CalRecycle released "Guidance Document for CEQA Review of Municipal Organic Waste Anaerobic Digester Facilities in California Using the Program EIR." This document has been provided as attachment I.

As stated in the Guidance Document, the advantage of the Program EIR "allows the lead agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic programs or cumulative impacts." None of the alternatives to anaerobic digestion, including aerobic windrow composting, were found to be environmentally superior to anaerobic digestion. Thus, as previous stated, anaerobic digestion should be included as a mitigation measure to the currently permitted aerobic windrow composting at Cold Canyon Landfill.

Other jurisdictions have recognized the benefit of anaerobic digestion. On March 20, 2012, the California Pollution Control Financing Authority approved a \$32 million allocation for an anaerobic digestion project in San Jose (see attachment 2). This new anaerobic digestion project was based on 270,000 tons per year and includes a 60,000 square foot building, biofilters, aerated curing piles and 6 power generators on 41 acres of unused land. San Jose permitted the project based on a mitigated negative declaration. See attachment 3. (Note Cold Canyon was composting about 28,000 tons per year and total waste received at Cold Canyon has been about 250,000 tons per year.)

March 22, 2012
Page 2

Finally on October 6, 2011, Governor Brown signed AB 341 which increases the state diversion rate to 75% by 2020. To achieve the new diversion rate it will be critical that all organic waste, including food waste, be diverted from landfills.

Sincerely,



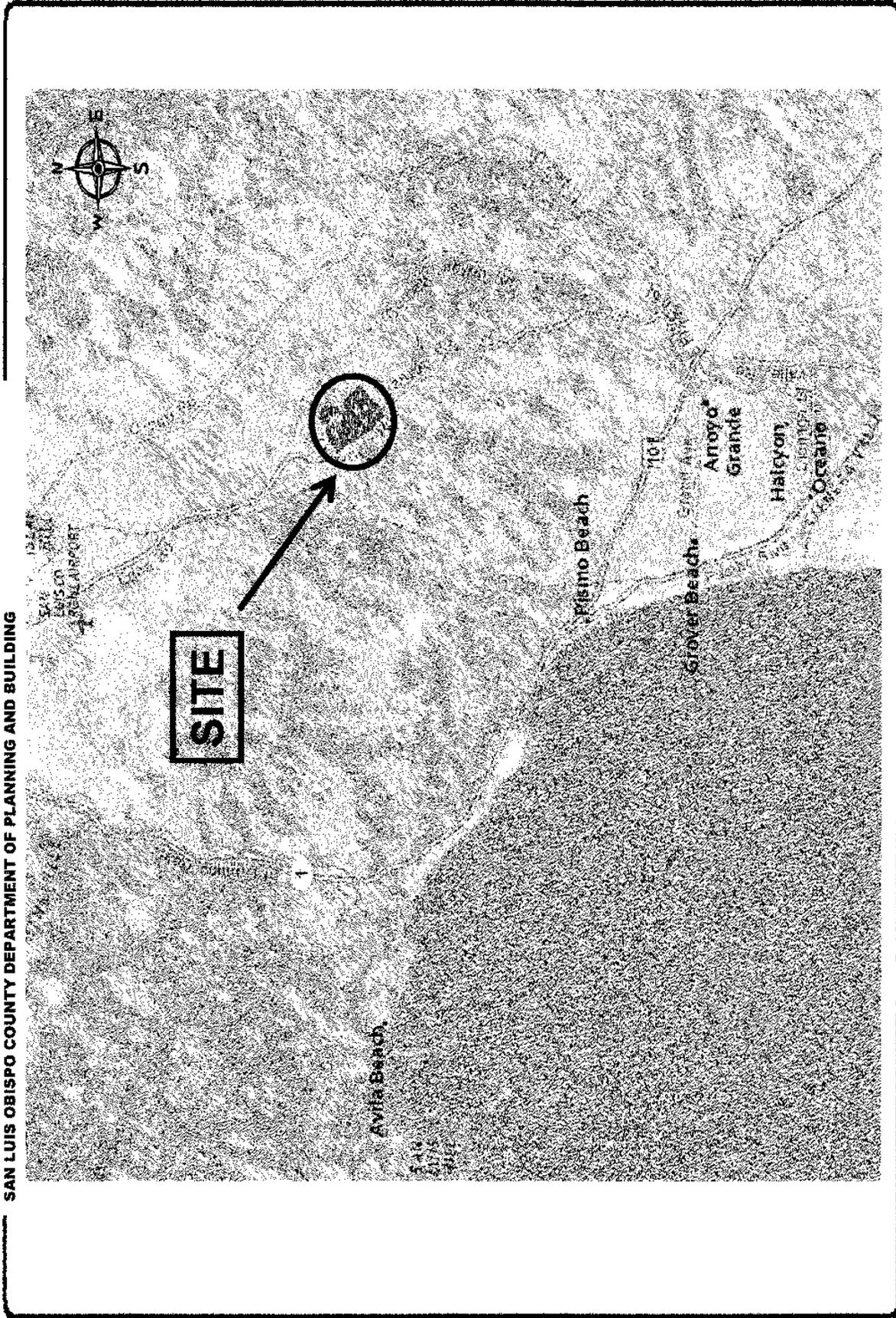
James Patterson
President

Attachment 1. Guidance Document for CEQA Review of Municipal Organic Waste Anaerobic Digester Facilities in California Using the Program EIR

Attachment 2. California Pollution Control Financing Authority staff report

Attachment 3. San Jose Mitigated Negative Declaration

EXHIBIT F -- PROJECT GRAPHICS



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

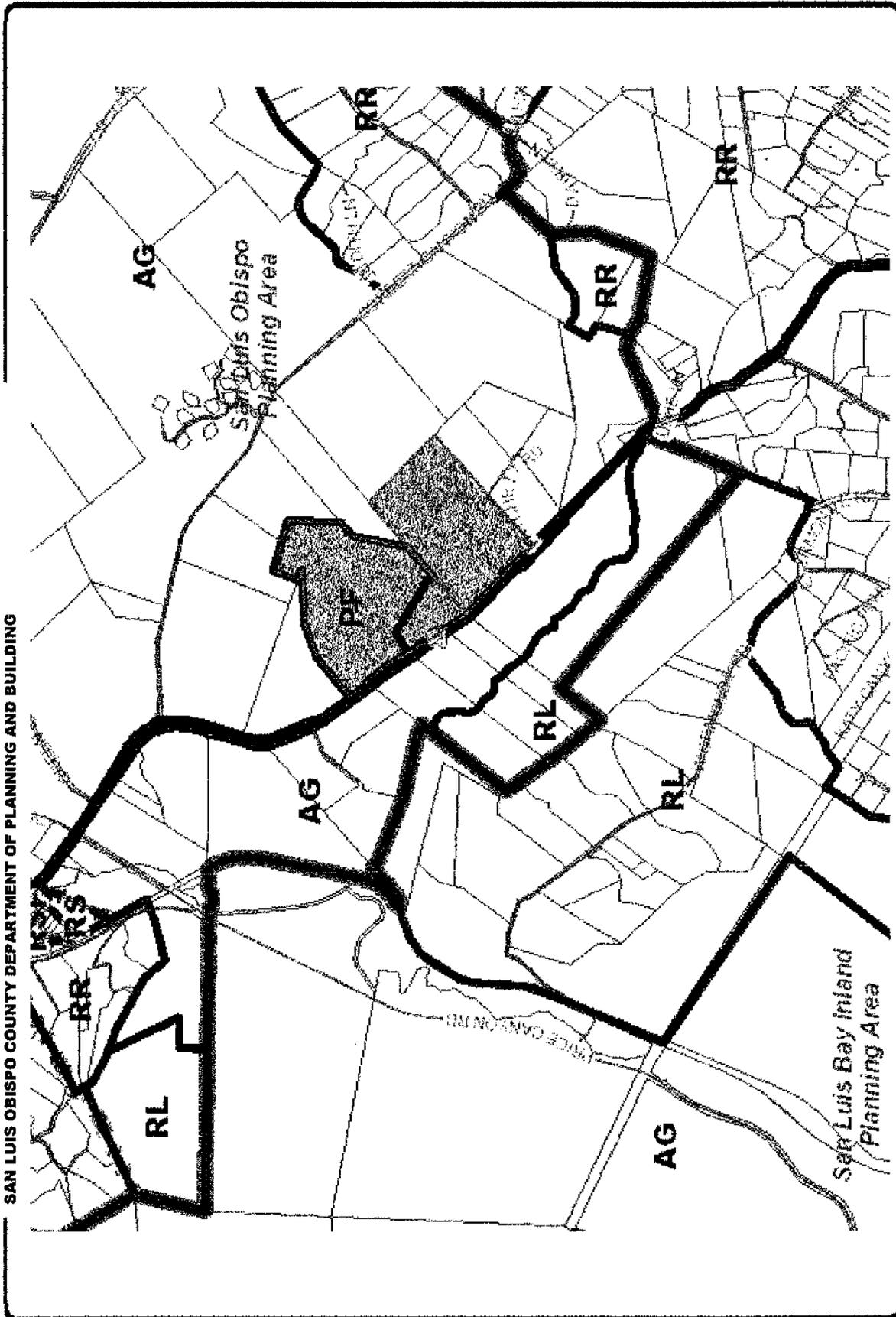
EXHIBIT

Vicinity Map



PROJECT

Cold Canyon Landfill – Conditional Use Permit
DRC2005-00170



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

EXHIBIT
Land Use Category Map



PROJECT
Cold Canyon Landfill – Conditional Use Permit
DRC2005-00170

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Cold Canyon Landfill - Conditional Use Permit
DRC2005-00170

EXHIBIT

Aerial Photograph



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

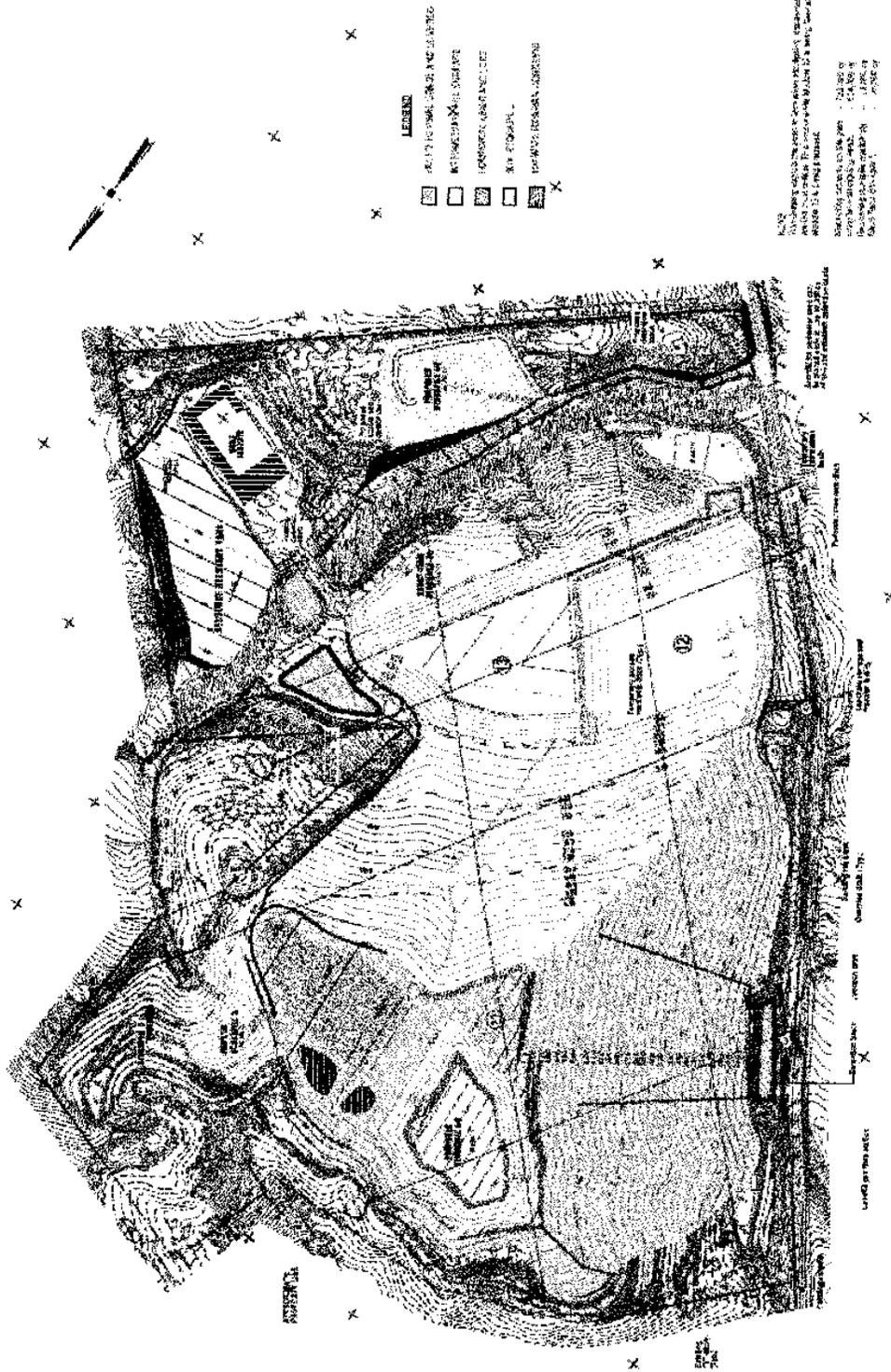
Cold Canyon Landfill – Conditional Use Permit
DRC2005-00170



EXHIBIT

Fill Sequence

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Cold Canyon Landfill – Conditional Use Permit
DRC2005-00170



EXHIBIT

Stockpile Plan

