

Attachment 1 - Defense & Indemnity Agreement

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

APNs 044-171-014, 044-261-047, 044-261-048

Property Owner(s): Corral De Piedra Land Company, a
California corporation

Project Name: Cold Canyon Landfill

Permit (file) No.: DRC2005-00170

Resolution No.: 2012-303

DEFENSE AND INDEMNITY AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2015, by and between Corral De Piedra Land Company, a California corporation, hereinafter referred to as "Owner," and the COUNTY OF SAN LUIS OBISPO, a political subdivision of the State of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, Owner is the record owner of certain real property (hereinafter referred to as "Owner's Property") located in the unincorporated area of the County of San Luis Obispo, State of California, which is more particularly described in Exhibit "A" attached hereto and incorporated by reference herein as though set forth in full; and

WHEREAS, Owner is the applicant for Conditional Use Permit DRC2005-00170, which authorizes an expansion to the landfill and which the County Board of

Supervisors conditionally approved on November 20, 2012, via Resolution No. 2012-303 attached hereto and incorporated herein as Exhibit “B” (hereinafter referred to as the “Permit”); and

WHEREAS, as agreed to by the Owner as a condition of approval of the Permit, Owner is required to comply with all of the requirements of Condition 119, which states:

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

WHEREAS, the Owner has elected to comply with the aforesaid condition imposed by the Permit so as to enable Owner to undertake the development authorized by the permit.

NOW, THEREFORE, in consideration of the granting of the Permit to the Owner by the County, the Owner, for itself and for its heirs, assigns, and successors in interest, covenants and agrees as follows:

1. INDEMNIFICATION. The property owner agrees as a condition and in consideration of the approval of the Permit, a discretionary development permit, that it will, pursuant to agreement and/or statutory provisions as applicable, defend, indemnify and hold harmless the County, or its present or former officers, agents, or employees,

from any claim, action, or proceeding against the County, or its present or former officers, agents, or employees, challenging either the decision to approve and issue the Permit or the manner in which the Permit is being interpreted or enforced, or from any other action by a third party relating to or arising out of approval or implementation of the Permit. The property owner will reimburse the County for any court costs and/or attorneys' fees which the County may incur as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation or non-participation shall not relieve the property owner of its obligations under this agreement. The County shall promptly notify the property owner of any such claim, action, or proceeding and the County shall cooperate in the defense thereof.

2. BINDING EFFECT. This agreement shall bind and inure to the benefit and burden of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

3. RECORDATION. Upon execution of this agreement, Owner shall cause recordation thereof with the County Recorder's Office. Recordation of this agreement is not intended to alter any otherwise applicable requirements of the Permit or of this agreement.

4. NEGOTIATED AGREEMENT. It is agreed and understood by the parties hereto, that this agreement has been arrived at through negotiations and neither party is to be deemed the party which prepared this agreement within the meaning of Civil Code section 1654.

5. SIGNATORY AUTHORITY. Each person executing this agreement on behalf of an entity personally certifies and warrants to all other parties that this

transaction has been duly authorized and approved by such entity, that such person is authorized to sign on behalf of such entity, that no other signature is required to bind such entity, and that such entity shall be legally bound as set forth herein by such signature.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

OWNER

CORRAL DE PIEDRA LAND COMPANY, a
California corporation

By: David W. Chubbis

Its (title): CHIEF OPERATING OFFICER

Date: AUGUST 31, 2015

By: B. M. Long

Its (title): Vice President, Deputy General Counsel

Date: August 31, 2015

[NOTE: This Agreement will be recorded. All signatures to this agreement must be acknowledged by a notary.]

STATE OF TEXAS

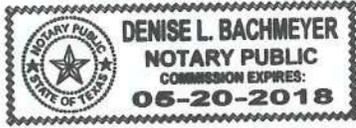
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COUNTY OF MONTGOMERY

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This instrument was signed before me on the 31st day of August, 2015, by Darrell W. Chambliss.



Denise Bachmeyer
Notary Public, State of Texas

Notary's Printed Name: Denise Bachmeyer
Commission expires: 5/20/18

STATE OF TEXAS

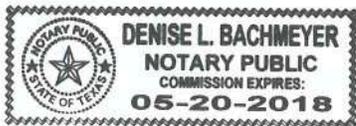
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COUNTY OF MONTGOMERY

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This instrument was signed before me on the 31st day of August, 2015, by Robert M Cloninger.



Denise Bachmeyer
Notary Public, State of Texas

Notary's Printed Name: Denise Bachmeyer
Commission expires: 5/20/18

COUNTY OF SAN LUIS OBISPO

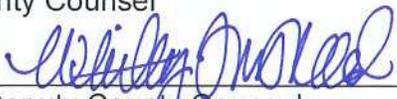
By: _____
Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 

Deputy County Counsel

Dated: 9/3/15

EXHIBIT A

[Legal Description]

That portion of Lots 49 and 50 of Ranchos Corral de Piedra, Pismo and Bolsa de Chamisal and Parcel 5 of CO-82-059 recorded in Book 36 of Parcel Maps at Page 19 in the County of San Luis Obispo, State of California, more particularly described as follows:

Beginning at the most westerly corner of said Parcel 5, said point also being on the northeasterly right-of-way line of Highway 227; thence North $41^{\circ} 21' 27''$ East, 858.62 feet; thence North $67^{\circ} 50' 37''$ East, 586.13 feet; thence North $87^{\circ} 22' 24''$ East, 922.09 feet to an angle point on the westerly line of said Parcel 5; thence continuing westerly along a lot line of said Parcel 5, North $70^{\circ} 47' 27''$ West, 184.82 feet (36 PM 19); thence northerly, North $17^{\circ} 32' 04''$ East, 440.50 feet; thence easterly along the northerly line of said Parcel 5, South $76^{\circ} 46' 59''$ East, 892.78 feet; thence southerly along the common line between Parcels 3 and 5 as shown on said 36 PM 19, South $0^{\circ} 31' 40''$ West, 747.57 feet to the common corner for Parcels 3, 4 and 5 (36 PM 19); thence continuing along the easterly line of Parcel 5 South $29^{\circ} 58' 54''$ West, 300.17 feet (36 PM 19) to an angle point; thence South $11^{\circ} 36' 14''$ West, 943.96 feet (36 PM 19); thence South $49^{\circ} 19' 57''$ West, 1590.52 feet (36 PM 19), to a point being the most southerly corner of said Parcel 5 and also being on the northeasterly right-of-way line of Highway 227; thence along the northeasterly right-of-way line of Highway 227 and the westerly line of said Parcel 5, North $34^{\circ} 00' 00''$ West, 1620.37 feet (36 PM 19); thence continuing along said northeasterly right-of-way line of Highway 227 and the westerly line of said Parcel 5, North $37^{\circ} 59' 25''$ West, 651.48 feet (36 PM 19) to the point of beginning as set forth in Certificate of Compliance recorded in Book 3091, Page 177 of Official Records.

EXHIBIT B

[Resolution No. 2012-303]

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, November 20, 2012

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2012-303

**RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION
AND CONDITIONALLY APPROVING THE APPLICATION OF
CORAL DE PIEDRA LAND CO. (COLD CANYON LANDFILL)
FOR CONDITIONAL USE PERMIT DRC2005-00170**

The following resolution is hereby offered and read:

WHEREAS, on June 14, 2012, June 28, 2012, July 12, 2012, and August 9, 2012, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and conditionally approved the application of Coral de Piedra Land Co. (Cold Canyon Landfill) for a Conditional Use Permit (DRC2005-00073); and

WHEREAS, Earl Darway and Coral de Piedra Land Co. (Cold Canyon Landfill) have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 20, 2012, and determination and decision was made on November 20, 2012; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard with respect to any matter relating to said appeals; and

WHEREAS, the Board of Supervisors has duly considered the appeals and determined that the appeals should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact, determinations, and overriding considerations set forth in Exhibit C attached hereto and incorporated by reference herein as though set forth in full pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.
3. That the Final Environmental Impact Report prepared for this project is hereby certified and approved as having been prepared and completed in accordance with the provisions of CEQA and the State CEQA Guidelines.
4. That the Final Environmental Impact Report was presented to the Board of Supervisors and that the Board of Supervisors has reviewed and considered the information contained in the Final Environmental Impact Report together with all comments received during the public review process prior to approving the project.
5. That the Final Environmental Impact Report reflects the Board of Supervisors independent judgment and analysis.

6. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

7. That the appeals filed by Earl Darway and Coral de Piedra Land Co. (Cold Canyon Landfill) are hereby denied, that the decision of the Planning Commission is affirmed, with the minor modifications to findings and conditions of approval reflected in the attached Exhibits A through C, and that the application of Coral de Piedra Land Co. (Cold Canyon Landfill) for Conditional Use Permit DRC 2005-00073 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Hill, seconded by Supervisor Mecham, and on the following roll call vote, to wit:

AYES: Supervisors Hill, Mecham, Gibson, Teixeira and Chairperson Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

James R. Patterson
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

BY: Annette Ramirez
Deputy Clerk

(SEAL)

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.

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

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

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

Modifications/Adjustments

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

and a review of the benefits the project provides for the County and the region; the adjustment to the stationary noise sources and outdoor activity area thresholds will allow the County to provide a cost effective, long-term waste disposal and diversion facility while helping local communities meet state-mandated waste diversion goals as well as meeting local, state, and federal standards to minimize impacts of waste diversion and disposal activities.

EXHIBIT B – CONDITIONS OF APPROVAL
(As adopted by the Board of Supervisors on 11-20-2012)

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

⊖

All other conditions of approval are applicable as specified herein

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

Approved Development

1. This approval authorizes:

A. Phase 1 – Existing Operations:

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

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

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

B. Phase 2 – New Operations:

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

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

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

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

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

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

Site Development

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

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

5. **(HAZ/mm-1) Prior to issuance of the initial Notice to Proceed**, the applicant shall notify all customers and residences in the service area of the changes at the Landfill, through a combination of mail updates, the phone system, the Landfill website, and through on-site signage, which materials may be accepted at the new facility, and when the new facility will be open to accept them. Updates shall be provided periodically as project components are relocated or expanded.
6. **⓪ (HAZ/mm-2) Within 60 days of final project approval**, the applicant shall submit to the Department of Planning and Building, an updated Litter Control Plan. The plan shall be approved by the Department of Planning and Building and be posted on the Landfill website. The plan shall be updated at minimum every five years, and include at a minimum:
 - a. Descriptions of current litter control practices.
 - b. Provisions for semi-monthly (twice a month) trash pick-up on neighboring properties. Residents within one mile of the Landfill shall be notified within 30 days of approval of the Litter Control Plan and provided with the dates of fugitive trash pick-up. 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 screens installed near working faces to be a minimum of ten feet tall.

- e. Descriptions of the litter barrier proposal (permanent and temporary) for construction of each proposed new module. Barriers shall be oriented to address prevailing winds.
- f. Contact information so that the public can reach agency staff (CalRecycle, County Code Enforcement, CHP, Sheriff) in the event that the Landfill does not comply with control measures or to report illegal dumping.
- g. Requirements for fencing along the drainage that restrict trash from entering the drainage swale from the Landfill and entrance road, but allow for the passage of wildlife, as necessary.
- h. The Landfill litter control phone number shall also be available to receive calls relating to Landfill and truck operator-based and/or illegally dumped refuse that is found along the primary truck haul routes (CA 227, Price Canyon, and Noyes Road) within three linear miles of the Landfill entrance. Such complaints shall be investigated within one week of receiving the call, including any special pick-up of refuse found, unless Caltrans or County Public Works identifies the need for special measures to address traffic safety issues.
- i. The applicant shall inspect adjacent surrounding properties each day, and if litter is discovered to have migrated off-site, the Landfill shall remove the litter as soon as possible (considering wind conditions), if the permission of the property owner is granted. If deemed necessary by the Mitigation Monitor or the LEA, litter removal shall continue whenever landfill activities are ongoing.
- j. Observations shall be kept regarding the sources of windblown litter if a problem develops. These sources shall be controlled as needed as may be proposed by the applicant and/or Planning Director.

Note: All measures required by this plan shall be implemented within 180 days of final project approval.

- 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 and distribute educational materials regarding Sudden Oak Death (SOD) and Light Brown Apple Moth (LBAM) for public and private customers dropping off green waste at the Landfill. The information shall include descriptions of the distribution of the diseases, how to identify them, management practices for dealing with infected trees, and disposal guidelines. Material shall be produced in coordination with the County Department of Agriculture unless the Department of Agriculture already has suitable education materials for this purpose. This information shall also be posted on the Landfill website directly or by a link to another site.
- 10. **⊖ (NS/mm-1) Within 90 days of final project approval**, the applicant shall submit for review and approval, a Noise Mitigation Plan addressing identified potential noise impacts

on the southeastern property line through construction of an earthen berm (along the southeastern property line) and use of back-up warning devices on all applicable onsite heavy equipment that use ambient noise technology and/or are set to the lowest possible levels while still ensuring public and worker safety. The plan shall be prepared by a qualified acoustical consultant.

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

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

11. **(NS/mm-2) Prior to initiation of proposed activities associated with Phase 2, including the relocation of the entrance, module excavation, etc.,** the applicant shall have completely implemented applicable components of the Noise Mitigation Plan.
12. **(NS/mm-4) Prior to issuance of the initial Notice to Proceed,** in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile 4 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles 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) Within 180 days of final project approval,** to reduce noise from the tub grinder, the applicant shall design and construct an effective noise barrier around the grinder (acoustic material used could be earth, concrete, straw bales, or some other acoustically dense material). The barrier design and location shall be approved by a qualified acoustical consultant and reviewed by the County. This measure shall be re-applied whenever the tub grinder is moved from one pre-approved location to another. Exterior color and/or material shall blend with the existing backdrop.
14. **⊖ (NS/mm-6) Within 30 days of implementation of NS/mm-5,** the applicant shall have a qualified acoustical monitor identify noise levels at the closest sensitive receptors resulting from the processing of green and wood waste (including tub grinder) at all locations that green and wood waste processing may occur. If the Leq is still above 50 dBA and after implementation of NS/mm-5, within three months from the confirmation of noise levels the applicant shall implement the following measure:

- a. Enclose the tub grinder based on the results of the monitoring efforts and recommendations. The enclosure design shall be reviewed by a qualified acoustic consultant. The applicant shall provide verification that the proposed enclosure would reduce noise levels such that the 50 dBA threshold can be achieved.
15. **(NS/mm-8) Prior to issuance of building and/or grading permits for the Resource Recovery Park (RRP)**, to reduce noise levels at the property lines resulting from the RRP, the applicant shall submit a noise mitigation plan specific to the relocated RRP. This plan shall include RRP site lay-out and design details and noise analysis information specific to that portion of the site at the time of relocation. The plan shall include, if the applicant deems feasible, enclosure of the elevated C&D sort line within the MRF building, enclosure of just the C&D sort line, enclosure of other individual RRP components, and any other applicable noise reduction strategies. If the applicant cannot demonstrate through submittal of the RRP Noise Reduction Plan that noise levels would be reduced to below 62 dBA at the southeastern property line and to the maximum extent feasible at the northeastern property line, the applicant shall re-design the facility so that it is covered and enclosed on all sides, with the exception of the southwestern side. Walls and ceilings shall be acoustically treated, as necessary, and metal roll-off bins will be lined to the extent feasible to achieve acceptable noise levels at property boundaries. The acoustical treatment may also need to be applied to any nearby permanent reflecting surfaces, such as the MRF building. The southwestern side may be left open to facilitate delivery and sorting of materials. Once installed and in full operation, a qualified noise expert shall take measurements to verify compliance. To show compliance with this mitigation measure, the applicant must demonstrate that the use will not exceed 62 dBA at the southeast property line.
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 final slopes constructed by the project shall be contour-graded to reduce the uniform appearance of the embankments. Contour grading and slope rounding and variation could be done on the exterior of 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 on the landfill grading plans:
 - a. An earthen berm around the edges of the "top deck" to screen equipment, including but not limited to trucks associated with the green waste storage, chipping, and loading operations and vehicle storage.

- b. The berm shall be contour-graded, use slope-rounding, be continuous, and include a variable height profile ranging from ten to 25 feet above the adjacent grade of the top deck.

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

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

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

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

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

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

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

22. **⊖ (AES/mm-2) Within 30 days of County selection of the County Environmental Monitor**, the applicant shall provide funding for an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures for the life of the project. The environmental monitor shall be under contract to the County of San Luis Obispo and shall be selected in consultation with the applicant. The monitor shall prepare a construction/operations monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations and County Conditions of Approval; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with daily and weekly reporting of complaints (as needed); (4) construction crew training regarding environmental sensitivities; (5) authority to stop work associated with the specific construction or operational activity (e.g. tub grinder exceeds the identified noise threshold) after consultation with the Environmental Coordinator; and (6) action to be taken in the event of non-compliance. The applicant will be given the opportunity to provide comments on the scope of work associated with the monitoring plan prior to the County's approval of the plan. Provisions shall be included in the monitoring plan to adjust the monitoring schedule and number of required inspections based on the Landfills compliance history and response to non-compliance events. Billing procedures shall be set to reflect the County's ability to adjust the monitoring and inspection schedule. A phone number contact for the environmental monitor shall be provided to the surrounding neighbors and/or provided on the Cold Canyon website.

In the event the County is reinstated as a Local Enforcement Agency (LEA), this measure would be superseded by the enforcement powers of the LEA for those issue areas that are within the legal authority of the LEA as defined by State statute or code. In this event, The County Environmental Monitor's scope of work shall be modified appropriately to avoid duplication of duties of the LEA.

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

23. **Prior to issuance of the initial Notice to Proceed**, the Mitigation Monitoring Plan shall be revised to reflect the final conditions adopted for the project by the Lead Agency and all Responsible Agencies. The Environmental Coordinator's Office is responsible for administering the Mitigation Monitoring Plan as required by AB 3180, and will act as the clearinghouse for all reports pursuant to the Mitigation Monitoring Plan.
24. **⊖ Within 30 days of final project approval**, the proposed informational sign at the entrance to the facility shall include language stating that all open-bed trucks that enter the site must be covered to prevent litter from blowing onto public roadways.
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 activities exist or will be incorporated into the proposed project at the applicable stage of project development:

- a. Provide verification that the applicant previously replaced or repowered at least one existing onsite mobile equipment (i.e. fork-lifts, etc.) with electric or CNG powered equivalents associated with the previous approvals.

26. **Prior to issuance of the initial Notice to Proceed and at the time of application for construction permits for individual structures**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated May 26, 2006 or any updated requirements determined necessary by Cal Fire/County Fire Department. To ensure compliance with this condition of approval, the applicant shall submit a fire clearance letter issued by the Cal Fire/County Fire Department to the Department of Planning and Building stating that all requirements of the Fire Safety Plan have been met.

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

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:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.

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

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

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 and that remain inactive for one month or longer shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after initial site grading. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Vehicle speed for all construction vehicles shall be posted to not exceed 17 mph on any unpaved surface at the construction site.
- h. All trucks hauling dirt, sand, or other loose materials on public roads are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- i. Wheel washers shall be installed as part of the new entrance construction where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- j. Streets shall be swept 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 consistent with the requirements of BR/mm-1 through BR/mm-3 to be reviewed and approved by the County Department of Planning and Building. Oak woodland restoration shall be accomplished through one of three methods: 1) replanting of oak trees removed from the oak woodland, 2) providing for the protection of oak woodland habitat in perpetuity through acquisition or donation of an open space easement of a conservation easement if the applicant so chooses, in a form approved by County Counsel, that includes at least 2,000 square feet per tree removed; 3) providing funds to the California Wildlife Conservation Board to be used for the purchase of Oak Woodland Conservation Easements. If Method 1 is selected, it may account for no more than 50% of the required mitigation. Method 3 shall only be allowed if it is clearly infeasible to accomplish Methods 1 and 2.

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 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.

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

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

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

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

38. **(BR/mm-6)** To guarantee the success of the riparian and wetland mitigation, **prior to issuance of the initial Notice to Proceed**, the applicant shall post a bond with the County

Department of Planning and Building in the amount determined in BR/mm-5, letter g. The bond shall not be released until mitigation requirements have been met, as determined 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 through an open space easement, or a conservation easement if the applicant so chooses, in a form approved by County Counsel, and be located as close to the project site as feasible. Mitigation shall consist of seed collection onsite and direct sowing at the identified offsite location. Mitigation will be deemed complete when an annual count of Obispo Indian paintbrush reaches levels comparable to baseline site conditions identified during initial surveys of the expansion area performed by Althouse and Meade. The MMP shall be approved by the County Department of Planning and Building and the CDFG prior to issuance of the initial Notice to Proceed.

41. **(GHG/mm-2) Prior to issuance of the Notice to Proceed for each subsequent Module, 10 through 16**, the applicant shall verify compliance with GHG/mm-1 (condition # 88 below). 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 / Offset Strategies. There are many methods that the applicant may incorporate into the project to reduce or offset GHG emissions from the Landfill project. These are described below. It is anticipated that because this field is currently developing, new measures may also be available as GHG regulations and associated technologies develop. Mitigation measure GHG/mm-1 has been written to allow the applicant and regulatory agencies flexibility in determining which method may be most appropriate based on available technology, emerging regulation, and economic feasibility. Depending on the specific characteristics (i.e. size, area of disturbance, use, etc) of the GHG reduction

measures chosen to be implemented, a future land use permit and environmental review may be required.

- a. **Increased Capture Efficiency.** The analysis above assumes that approximately 63 percent of the GHGs resulting from decomposition of Landfill waste are captured. If the capture rate can be improved, significant reductions in GHG surface emissions could be made. Capture rates may be increased through more aggressive engineering of the landfill gas capture system, or through implementation of bioreactor technology. A bioreactor is a landfill process in which a disposal area is entirely covered in plastic sheeting to maximize methane capture. Water is also added to the waste to speed decomposition and methane production. Ultimately, the waste creates the same amount of methane as it would in a traditional landfill, but it is generated more quickly and is more likely to be captured rather than leak from the surface. It has been estimated that capture rates may be as high as 95 percent with bioreactor technology. Utilizing this technology, however, may have secondary impacts, including increased water consumption and visual impacts.
- b. **Increased Diversion of Organic Material.** Food waste and other organic products that cannot now be recycled generally represent about 20 percent of the waste stream in a landfill. This material is generally buried in landfills where it eventually degrades to methane. Collecting food waste is technically feasible and is currently being done in other communities. The food waste can be biodigested either anaerobically for fuel production or aerobically in static piles or ag bags. Food waste collection could potentially be implemented on a phased basis (e.g., starting with grocery stores and restaurants) and then integrated into home disposal. Besides significantly reducing future land fill methane production, this measure could reduce the amount of soil excavation and cover required each year, thereby reducing equipment operation emissions. It could also prolong landfill life.
- c. **Development of Onsite Renewable Energy.** The applicant could mitigate for the increased electrical consumption through development of renewable energy, such as wind, solar, or installation of a new LFG-to-energy system, onsite.
- d. **Operate Diesel Fleet on Biodiesel Fuels.** Biodiesel has a favorable energy and global warming profile, because it returns over three times the energy required to produce it (NREL, 2003). Since Biodiesel contains almost no sulfur, it is also compatible with add-on NOX control devices (catalytic converters). According to the National Renewable Energy Laboratory, "significant reductions of particulate matter, carbon monoxide, and hydrocarbon emissions can be achieved with biodiesel use." The applicant could choose to convert a portion or all of the diesel fleet to biodiesel fuels to mitigate for the increased diesel consumption associated with the project.
- e. **Cap and Trade Programs.** In some instances a project or business cannot fully reduce its onsite emissions to an insignificant level. In these cases, regulatory bodies have implemented a system of trading emissions, whereby one source is reduced (through controls, retiring old equipment, etc.) and the other source is allowed to build or operate. Since GHGs are not a localized phenomenon, viable and verifiable emissions reduced at any source will provide a net overall benefit.
- f. As a part of GHG/mm-1, the applicant could develop a GHG program independently or as part of a larger market. Pending federal and state legislation will initiate cap and trade programs where by the Landfill could purchase emission credits from various industrial sources. The applicant could also work with SLOAPCD to develop an offset program, similar to the ones already developed (i.e., bus buyback, transit support) to mitigate for other air quality impacts.
- g. If composting is considered at the project site in the future, consider implementation of an anaerobic digestion system for the Compost Operations. These systems allow for capture of the methane produced by composting green waste and that gas could be combusted and used for energy, similar to what is currently done with the LFG system.

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

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

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

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

48. **(GEO/mm-8) Prior to issuance of the initial Notice to Proceed**, the applicant shall submit a report(s) of slope stability analysis addressing the stockpile slopes and basins. The recommendations of the report shall be implemented during construction. The report shall include, but not be limited to, a numerical slope stability analysis under seismic conditions and, for the ponds, under the conditions that would be present in the event of seepage from the ponds; and specific recommendations for stabilization, including but not limited to, decreasing slope angles, decreasing slope heights, utilization of retention systems, and slope reinforcement.
49. **(GEO/mm-9) Prior to issuance of the initial Notice to Proceed**, new basins shall be designed with sufficient freeboard to accommodate the seiche waves, or in such a manner that overtopping of basins can occur without damage to downslope areas due to flooding or erosion. The assessment shall be conducted by a qualified civil engineer, registered engineering geologist, or registered geotechnical engineer.
50. **(WR/mm-7) Prior to issuance of the initial Notice to Proceed**, if water is supplied from onsite wells for potable uses, the applicant shall provide verification to the County Department of Planning and Building that it has been permitted by the Division of Environmental Health to function as a "non-transient, non-community water system," or that it has been granted an exemption to this standard. The Landfill shall comply with all applicable regulations, including posting signs that indicate groundwater is non-potable, if necessary.
51. **⊖ At the time of any future WDR Violation and prior to issuance of each Notice to Proceed and prior to development of each subsequent module**, the applicant shall provide verification to the Department of Planning and Building, that any Waste Discharge Requirement (WDR) violations have been addressed to the satisfaction of the RWQCB. Any violations that require improvements shall be reviewed by the County for permit requirements prior to taking action on the response plan.
52. Condition Eliminated.
53. **⊖ Prior to issuance of the initial Notice to Proceed and/or commencement of soil importation (low permeability or non-specific soil)**, the applicant shall submit a plan to Environmental Coordinator's Office (ECO) that identifies the off-site soil needed for cover purposes. The plan shall investigate alternatives that would minimize the length of trips to the site. A maximum of 30 trips per day are allowed to deliver imported soil to the site except during construction phases if approved in writing by the Environmental Coordinator's office. The applicant shall submit a statement identifying the maximum number of trips and the maximum period of time necessary to achieve the operational needs of the construction phase. This shall not include individuals who may be bringing soil to the site for disposal.
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. Covered or placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the stormwater system; or
 2. Protected by secondary containment structures, such as berms, dikes, or curbs.
 - b. The material storage area shall be sufficiently impervious to contain leaks and spills.
 - c. Where secondary containment is necessary, storage area shall have a roof or awning to minimize collection of stormwater or other approved method.
59. **At the time of application for all 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 "Constructive Notification for Stormwater Conveyance Management and Maintenance System", 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 recording of a Constructive Notification for Stormwater Conveyance Management and Maintenance System 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:
 - a. The plans shall show screen planting to screen views of the RRP as viewed from Highway 227.
 - b. The screen plants shall include evergreen trees and shrubs for the purpose of screening the structures as seen from the surrounding area. Screen planting shall achieve 80 percent screening of the structures at plant maturity. Trees shall be densely planted and shall be from a minimum 15-gallon container size.
 - c. Mitigation trees and shrubs shall be maintained in perpetuity or until such time as the RRP is removed as part of site closure.
63. **(AES/mm-8) Prior to issuance of construction permits for the RRP**, a cost estimate for a planting plan, installation of landscaping, and maintenance of landscaping for a period of ten years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be

reviewed and approved by the Department of Planning and Building. **Prior to issuance of construction permits for the RRP**, a performance bond, equal to the cost estimate, shall be posted by the applicant.

64. **(AES/mm-11) Prior to issuance of construction permits for the entry monument sign, gate, and scalehouse**, the applicant shall develop construction plans that include the following:
- a. Exterior colors of the scalehouse shall be limited to dark muted earth-tones. No reddish-browns shall be used and exterior colors shall be no brighter than six in chroma and value on the Munsell Color Scale on file in the Department of Planning and Building.
 - b. The proposed entry sign or monument shall be of an appropriate scale and proportion for the rural character and the two-lane highway setting (i.e., consistent with Section 22.20.010 of the LUO).
 - c. The proposed entry sign or monument shall utilize natural-appearing materials such as stone and/or wood. Material colors and finishes other than lettering and emblems shall be muted earth tones with low reflectivity.
65. **(AES/mm-12) Prior to issuance of construction permits for any new structures**, the applicant shall submit lighting plans (per Section 22.10.060 of the LUO) to the Department of Planning and Building for review and approval. Plans shall include the following:
- a. The point source of all exterior lighting shall be shielded from off-site views.
 - b. All required security lights shall utilize motion detector activation.
 - c. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
 - d. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
 - e. Lighting shall not be directed such that it illuminates areas beyond the property line, or hills and slopes visible from offsite.
 - f. Light standard heights shall be no higher than necessary.
66. **(AES/mm-13) Prior to issuance of any new construction permits**, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. Plans shall include the following:
- a. The landscape plan shall show screen planting along the entire length of the Landfill frontage along Highway 227.
 - b. Plantings may be required within the Highway 227 right of way if shown to be effective and acceptable to Caltrans.
 - c. Planting shall include screening of the access road parallel to Highway 227 and the detention basin south of the existing entrance.
 - d. The screen plants shall include evergreen trees and shrubs emphasizing natives and other species common in the area that are drought tolerant. Screen planting shall achieve 80% screening density at plant maturity. Trees shall be planted from a minimum 15-gallon container size, except oak trees, 1/3 of which should be from 1-gallon container.

- e. Screening trees shall be planted in a manner that reflects natural growth. Straight rows and even spacing shall be avoided.
 - f. Screening trees and shrubs shall be protected from browsing and burrowing animals, and maintained until the post closure end use "open space" is established.
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 30 days prior to initiation of project components,** a qualified biologist shall conduct a pre-construction survey for roosting bats. If after consultation with the appropriate resources agencies, a pre-construction time period of two weeks is determined to be acceptable, the pre-construction survey may occur within this time frame. If bats are not found, tree and/or building removal can proceed. If bats are observed, bat exclusion measures shall be instituted prior to disturbance. If maternal bat colonies are found they shall not be disturbed until young bats have left the site. Subsequently bat exclusion measures shall be instituted prior to disturbance.
73. **(BR/mm-11) Prior to vegetation removal and grading in the drainage area,** a qualified biologist shall conduct a pre-construction survey for Southwestern pond turtles to find and relocate to safe habitat any turtles present in the expansion area. Southwestern pond turtle surveys identification shall occur again if activity in the drainage stops for more than one year before commencing again.
74. **(BR/mm-12) A pre-construction survey shall be conducted within 30 days prior to construction or grading for each of the following activities - the RRP, the new entrance road, the earthen noise berm, and Modules 11 through 16 to identify if badgers are using the site.** The results of the survey shall be sent to the County Department of Planning and Building. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall then be expanded to cover the entire property, and shall examine both old and new dens. If it is not feasible to completely inspect potential badger dens from the entrance, a fiber optic scope shall be used to examine the entire den. Inactive dens shall be excavated by hand with a shovel to prevent re-use of dens during construction.

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

75. **(BR/mm-13)** A qualified biologist shall survey the project area 48 hours before the onset of work activities that could disturb CRLF habitat identified onsite. If after consultation with the appropriate resources agencies, a pre-construction time period of two weeks is determined to be acceptable, the pre-construction survey may occur within this time frame. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by work activities, construction shall be halted and the relevant regulatory agencies (i.e., USFWS, CDFG, County of San Luis Obispo) shall be notified to develop appropriate measures to avoid or minimize the potential for take of CRLF.
76. **(PR/mm-2) During all applicable ground disturbing construction activities,** the applicant shall implement the PMRP measures as delineated in the PMRP.

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.B.ix.
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 and the APCD into the Odor Control Plan. These BMPs may include, but are not limited to:

Odors During Receiving:

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

- b. Identify waste loads with a probability of causing odors and implement preemptive measures to manage odor.
- c. Minimize the working face size and dispose of odorous waste during the most favorable meteorological conditions.
- d. Blanket odiferous materials with a six-inch to one-foot layer of bulking agent, high carbon amendments (watered lightly to reduce odor releases).
- e. Work with transporters to increase collection frequency of odorous loads.
- f. Maintain proper daily and intermediate cover.

Odors During Grinding:

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

Odors in Runoff Water and Leachate:

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

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. **⓪ (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 two weeks), to avoid conflicts with nesting birds or roosting bats, construction activities shall not be allowed unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting or roosting activities will be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Department of Planning and Building, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations.

87. **If work occurs between September 1 and March 1, within two weeks of ground disturbance or tree removal/trimming activities,** a survey for wintering raptors shall be conducted. If surveys do not locate wintering raptors, construction activities may be conducted. If wintering raptors are located, construction activities shall observe a 500-foot buffer for the wintering location(s). A pre-construction survey report shall be **submitted** to the County Department of Planning and Building immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements.
88. **(GHG/mm-1) During operations and for the life of the project (Phase 2),** the Landfill shall employ all feasible methods to limit or offset GHG production for the life of the project. Annually (unless an alternative time frame is authorized in advance by the APCD), the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control/offset programs implemented at the Landfill. The report shall describe control/offset program components, predicted and actual emission reductions, and calculate current emission rates at the Landfill. The report shall also identify successes and failures in the program and recommend methods for improving the programs in future years.
89. **(PR/mm-3) Upon completion of each Module, 10 through 16, and the detention basins and pond, and upon completion of excavation associated with the RRP,** the County-approved paleontologist shall submit a report to the Department of Planning and Building summarizing all monitoring/mitigation activities, confirming that all recommended mitigation measures have been met, and including analysis of all discoveries per the PMRP. In the event that any of the grading/excavation activities occur concurrently, completion reports can be combined.
90. **⊖ (HAZ/mm-3) Additional Bird Deterrent Program.** In the event that a hawk/falcon program proves unsuccessful, the Landfill shall implement additional bird deterrent strategies. These strategies may include use of kites, reflectors, and/or overhead wires, as applicable.
91. **⊖ (NS/mm-7) During Green and Wood Waste Processing. Within 30 days after implementation of NS/mm-6,** the applicant shall provide verification that the noise levels produced by green and wood waste processing are less than the 50 dBA at the property lines. If acceptable noise levels are not achieved additional measures shall be developed to reduce noise to acceptable levels.
92. **⊖ (NS/mm-9) Bird Deterrents.** Bird whistles and/or pyrotechnic bird deterrence activity shall be limited to those times when other, non-noise-producing bird deterrence activities have proven unsuccessful.
93. **⊖ (NS/mm-10) Heavy Equipment. Within 30 days of final project approval,** the applicant shall ensure that all heavy equipment items have the manufacturer's recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by

the manufacturer. White noise back-up beepers shall be installed on all heavy equipment except for dump trucks.

94. The applicant shall maintain a copy of the approved land use permit (DRC2005-00170), Solid Waste Facilities Permit, and the Waste Discharge Requirements on-site at all times.
95. The applicant shall comply with all local, state and federal laws and regulations concerning sorting facilities and landfills.
96. Grading of earth materials shall be conducted on an as needed basis to minimize surface disturbance. No rough grading (i.e. module construction, the new entrance, proposed buildings, etc.) associated with the proposed project shall be conducted during the rainy season between October 15 and April 15, unless the applicant prepares a Sedimentation and Erosion Control Plan consistent with the requirements of the Land Use Ordinance Section 22.52.120 and that plan is approved by County Department of Public Works. The minimum area needed to accommodate disposal activities shall be left open (exposed bare soil).
97. All disposal areas shall be protected from washout and erosion of wastes or cover materials between October 15 and April 15.
98. The operator shall check incoming loads for inappropriate materials (i.e. materials not authorized to be disposed of in a Class III landfill).
99. The applicant shall institute daily cover of solid waste pursuant to CCR Title 27, Section 20680 (previously CCR Title 14, Section 17682) and/or alternative daily cover pursuant to CCR Title 27, Section 20690) in order to control odors.
100. The applicant shall establish a program for training and monitoring of landfill workers. Training shall include introduction to minimum requirements set for the operation of the landfill as well as the safe operation of equipment and use of personnel protective equipment.
101. The landfill shall continue its prohibition of the acceptance of asbestos unless the Solid Waste Facility Permit is amended to allow acceptance of asbestos containing materials. **Prior to issuance of the initial Notice to Proceed**, the applicant shall consult with the County Air Pollution Control District in order to determine if a permit shall be required pursuant to the requirements of National Emissions Standards for Hazardous Air Pollutants (NESHAP) Section 61.151 or 154. Asbestos containing materials (wastes) are considered hazardous if there is greater than 1 % asbestos fibers sampled.
102. Material salvaging operations currently underway at the landfill shall continue as feasible.

103. **ⓔ** In the event that a tub grinder and trommel screen are powered by an internal combustion engine with greater than 50 horsepower, a permit from the Air Pollution Control District would be required.
104. **ⓔ** Access to the sort facility will be via the Cold Canyon Landfill entrance which fronts on State Highway 227. No access to the facility shall be taken from the access road commonly known as Weir Ranch Road or Patchett Lane, except for emergency vehicles.
105. **ⓔ** Sort facility personnel shall keep a daily log of commercial trucks hauling recyclables to and from the sort facility. The applicant agrees to record daily truck trip counts. The applicant also agrees to submit the truck trip log book to the County Department of Planning and Building, the County Department of Public Works, and the County Environmental Monitor, upon request.
106. **ⓔ** **The applicant agrees continue to participate in the “Adopt a Highway” program as long as the proposed use is in operation, or as long as the “Adopt a Highway” program exists.** The program shall include both sides of State Highway 227, at least one mile in each direction from the site entrance. The applicant shall provide to the Department of Planning and Building a letter from Caltrans indicating the applicant’s participation on the “Adopt a Highway” program, **prior to issuance of the first Notice to Proceed.**
107. **ⓔ** Outdoor storage of materials (including but not limited to storage at the MRF and RRP) that may contribute pollutants to the stormwater conveyance system shall be designed consistent with condition of approval number 58.
108. **ⓔ** Odors from the landfill shall be enforced by the Air Pollution Control District (APCD) consistent with APCD Rule 402 – Nuisance, and the site Odor Control Plan.
109. **ⓔ** The applicant shall maintain one or more financial assurance mechanism, as provided by Title 27, Chapter 6, Subchapter 3 of the California Code of Regulations to provide the required coverages for landfill closure, landfill postclosure maintenance, and water release corrective action, as required by Title 27, Chapter 6, Subchapter 2, Articles 1, 2, and 4, respectively. Copies of preliminary and final closure and postclosure maintenance plans, as required by Title 27, Chapter 4, Subchapter 4 shall be submitted to the Department of Planning and Building once the plans have been approved by the Regional Water Quality Control Board and CalRecycle. In addition, this fund shall include provision for funding of ground water remediation if necessary.
110. **ⓔ** The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County’s Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
111. **ⓔ** If refuse slope failure occurs, the extent of the failure shall be evaluated by a civil engineer, registered engineering geologist, or registered geotechnical engineer (approved by the County Department of Planning and Building and the Environmental Coordinator)

prior to repair of the failed slope. The assessment and repair shall be monitored by the RWQCB and/or CalRecycle.

112. **⓪** The cover placed on all previous fill areas shall be inspected for cracking on a monthly basis and filled as necessary.
113. **⓪** The applicant shall retain a registered civil engineer, registered engineering geologist, or registered geotechnical engineer with expertise in landfill construction/operation to direct site construction activities such as expansion area excavations, low permeability soil placement and liner construction. The engineer will be responsible for overseeing the construction activities at the site.
114. **⓪** The applicant shall have a designated manager on-site at all times during landfill and covering activities and shall be responsible for all site operations in coordination with the Mitigation Monitor and responsible agencies.
115. **⓪** 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.
116. **⓪** 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.
117. **⓪** This land use permit is valid for a period of 84 months (seven years) from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested pursuant to Section 22.64.080(B) and Section 22.64.090.B. For Phase 1, this permit is considered vested once the approval becomes final and ongoing operations commence as authorized by Condition 1.A. For Phase 2, this permit is considered vested once a notice to proceed has been issued and the Director verifies that landfilling activities have commenced within the expansion area authorized by Condition 1.B.
118. **⓪** The postclosure end use of the project site is designated as open space, non-irrigated grazing land as such a designation is required by Title 27, Chapter 4, Subchapter 4 of the California Code Regulation (previously Title 14 of the California Code of Regulations, Section 17796 et. Seq).

119. **ⓔ** The applicant shall, as a condition of the approval and use of this conditional use permit, enter into, and maintain for the life of the project, an agreement with the County providing for the defense and indemnification of the County, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve and issue this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The agreement shall provide that the applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of its obligation under this condition.
120. As soon as material is available, the applicant shall limit the use of the southern stockpile (stockpile 4) to construction and final cover activities (non-operational activities) to the maximum extent feasible. The stockpile / berm shall be designed to shield stockpiling activities from the southern property line and stockpiling activities shall incorporate all measures to reduce noise, dust, and litter. The visual and noise screening qualities associated with the berm portion of the stockpile/berm (i.e., adjacent to Patchett Road) shall not be affected by ongoing stockpiling activities. Placement and removal of stockpiled material shall be conducted in a manner where the equipment and earth moving operations occur north and below the top elevation of the stockpile / berm to the maximum extent feasible.
121. At the time the Landfill entrance is relocated, the applicant shall pave the entire length of the new access road described in Condition of Approval 1.B.v.
122. Condition moved.

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 Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and the Board of Supervisors 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 Board of Supervisors.
5. Scoping Session held May 7, 2007.
6. Matters of common knowledge to the Board of Supervisors, 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 Board of Supervisors certifies the following with respect to the Cold Canyon Landfill Expansion Project Final EIR:

- A. The Board of Supervisors 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 Board of Supervisors, 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 Board of Supervisors, acting as the lead agency for the project.

IV. ABSENCE OF SIGNIFICANT NEW INFORMATION

- A. The Board of Supervisors recognizes that the FEIR incorporates information obtained and produced after the Draft Environmental Impact Report (DEIR) was completed, and that the FEIR contains additions, clarifications, and modifications. The Board of Supervisors has reviewed and considered the FEIR and all of this information. The FEIR does not add significant new information to the DEIR that would require recirculation of the FEIR under CEQA. The new information added to the FEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that the Applicant declines to adopt and that would clearly lessen the significant environmental impacts of the Revised Project. The DEIR was not inadequate or conclusory in nature such that the public was deprived of a meaningful opportunity to review and comment on the DEIR.
- B. Based on the above finding, the Board of Supervisors finds that the changes and modifications made to the FEIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.
- C. The minor revisions to the project mitigation measures approved herein do not require further environmental review or recirculation of the FEIR at this time because they merely enhance the mitigative qualities and do not result in any additional or increased impacts not otherwise evaluated in the FEIR. Therefore, the Board of Supervisors finds that no additional or supplemental environmental review is required.

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 Board of Supervisors 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

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

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.

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

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 Board of Supervisors 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 issuance of the initial Notice to Proceed, the applicant shall show the following on the landfill grading plans: a. An earthen berm around the edges of the "top deck" to screen equipment including but not limited to trucks associated with the green waste storage, chipping, and loading operations and vehicle storage. b. The berm shall be contour-graded, use slope-rounding, be continuous, and include a variable height profile ranging from ten to 25 feet above the adjacent grade of the top deck.

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

AES/mm-5 – Within one year of issuance of the initial Notice to Proceed (or incrementally as portions of the top deck are completed), the berm required by AES/mm-4 shall be constructed. If the applicant avoids using the top deck for grinding, storage, and stockpiling activities, the berm would not be required. Stockpiling activities can also be designed to co-function as a noise/aesthetic mitigation berm upon verification by the Department of Planning and Building.

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

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

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** –
 - 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 until the post closure end use “open space” is established.
 - 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 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 reduce noise a minimum of 5 dB and up to 15 dB (FEIR, pg V-226). Any additional measures identified will be installed by the Applicant as quickly as feasible (with a goal of 60 days) from when they are determined necessary.

HAZ/mm-6 – Plant Disease Education Program. Prior to Issuance of the initial Notice to Proceed, the applicant shall develop and distribute 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 unless the Department of Agriculture already has suitable education materials for this purpose. This information shall also be posted on the Landfill website directly or by a link to another site.

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.

- 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 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 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 –

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 adiameter 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 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 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.

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 or an amount that is consistent with SB1334. Each impacted tree shall be assessed a fee of \$485.00 per impacted tree or an amount consistent with SB1334. 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 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 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.

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 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 / Offset 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 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 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 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.

- 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 daylight, 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.
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.

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 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).

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. **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 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.
- 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 initial Notice to Proceed, the applicant shall develop and distribute 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 unless the Department of Agriculture already has suitable education materials for this purpose. This information shall also be posted on the Landfill website directly or by a link to another site.

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.

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 initial Notice to Proceed, in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile 4 (i.e., southeastern property line) to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles 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 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. Within 180 days of final project approval, to reduce noise from the tub grinder, the applicant shall design and construct an effective noise barrier around the grinder (acoustic material used could be earth, concrete, straw bales, or some other acoustically dense material). The barrier design and location shall be approved by a qualified acoustical consultant and reviewed by the County. This measure shall be re-applied whenever the tub grinder is moved from one pre-approved location to another. Exterior color and/or material shall blend with the existing backdrop.

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

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

- 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-279 through V-280 of the Final EIR.

- 2. Impact WR-5: The proposed project would potentially violate water quality standards and/or waste discharge requirements.** Impacts to surface water quality could result from fugitive trash entering the water, from erosion of the Landfill slopes, from stormwater runoff from all components of the project, including the MRF and RRP, and from dust from the Landfill settling off-site, for example.

a. Mitigation –

WR/mm-8 – Prior to issuance of the Notice to Proceed for any components of the proposed project, and prior to development of each subsequent module, the applicant shall provide verification to the Department of Planning and Building, that any 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.

- 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-280 through V-282 of the Final EIR.

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 Board of Supervisors 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 Phase 2 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 aesthetic resource mitigation measures and conditions of approval have been met. Additional Notices shall be required prior to initiation of each module.

AES/mm-2– Within 30 days of County selection of the County Environmental Monitor, the applicant shall provide funding for an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures for the

life of the project. The environmental monitor shall be under contract to the County of San Luis Obispo. The monitor shall prepare a construction/operations monitoring plan that will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations and County Conditions of Approval; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with daily and weekly reporting of complaints (as needed); (4) construction crew training regarding environmental sensitivities; (5) authority to stop work associated with the specific construction or operational activity (e.g. the tub grinder exceeds the identified noise threshold) after consultation with the Environmental Coordinator; and (6) action to be taken in the event of non-compliance. In the event the County is reinstated as a Local Enforcement Agency (LEA), this measure would be superseded by the enforcement powers of the LEA.

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

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 final slopes constructed by the project shall be contour-graded to reduce the uniform appearance of the embankments. Contour grading and slope rounding and variation could be done on the exterior of 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 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 initial Notice to Proceed (or incrementally as portions of the top deck are completed)**, the berm required by AES/mm-4 shall be constructed. If the applicant avoids using the top deck for grinding, storage, and stockpiling activities, the berm would not be required. Stockpiling activities can also be designed to co-function as a noise/aesthetic mitigation berm upon verification by the Department of Planning and Building.

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

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.

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 reduce noise a minimum of 5 dB and up to 15 dB (FEIR, pg V-226). Any additional measures identified will be installed by the Applicant as quickly as feasible (with a goal of 60 days) from when they are determined necessary.

NS/mm-2– Noise Mitigation Plan – Implementation. Prior to initiation of proposed activities associated with Phase 2, including the relocation of the entrance, module

excavation, etc., the applicant shall have completely implemented applicable components of the Noise Mitigation Plan.

- 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 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.

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 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 and residences in the service area of the changes at the Landfill, through a combination of mail updates, the phone system, the Landfill website, and through on-site signage, which materials may be accepted at the new facility, and when the new facility will be open to accept them. Updates shall be provided periodically as project components are relocated or expanded.

HAZ/mm-2 – Litter Control Plan. Within 60 days of final project approval, the applicant shall submit to the Department of Planning and Building, an updated Litter Control Plan. The plan shall be approved by the Department of Planning and Building and be posted on the Landfill website. The plan shall be updated at minimum every five years, and include at a minimum: a. Descriptions of current litter control practices. b. Provisions for semi-monthly (twice a month) trash pick-up on neighboring properties. Residents within one mile of the Landfill shall be contacted annually and provided the dates of scheduled fugitive trash pick-up for the coming year. 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 screens installed near working faces to be a minimum of ten feet tall. e. Descriptions of the litter barrier proposal (permanent and temporary) for construction of each proposed new module. Barriers shall be oriented to address prevailing winds. f. Contact information so that the public can reach agency staff (CalRecycle, County Code Enforcement, CHP, Sheriff) in the event that the Landfill does not comply with control measures or to report illegal dumping. g. Requirements for fencing along the drainage that restrict trash from entering the drainage swale from the Landfill and entrance road, but allow for the passage of wildlife, as necessary. h. The Landfill litter control phone number shall also be available to receive calls relating to Landfill and truck operator-based and/or illegally dumped refuse that is found along the primary truck haul routes (CA 227, Price Canyon, and Noyes Road) within three linearmiles of the Landfill entrance. 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. i. The applicant shall inspect adjacent surrounding properties each day, and if litter

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 adopted conditions of approval.

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.

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

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-feet would pose serious challenges due to differing opinions as to what constitutes an outdoor activity area and potentially result in cost prohibitive noise reduction

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

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.

b. 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 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.

- 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 Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors 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.
 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 Board of Supervisors has weighed the benefits of the Proposed Project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Board of Supervisors 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 Board of Supervisors 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. Approval of the Proposed Project would also be consistent with the County's 1995 Siting Element, which requires expansion of existing landfills to the extent feasible and permissible before looking to site new facilities.
 - 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. In addition, the County's approved 1995 Siting Element generally does not allow for exportation of solid waste generated within the county.

- 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.
 - 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 Board of Supervisors 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 Board of Supervisors 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 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, and, based on information from the applicant, would decrease potential capacity as compared to the proposed project. This alternative would appear to meet the applicant's project objectives. This alternative would not increase the intensity of any impacts, nor would it increase the impact class of any issue area. 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, this alternative would require the applicant to acquire a portion of or the entire neighboring parcel. The applicant has stated that the owner of the neighboring parcel is not willing to sell less than the entire parcel. In addition, any attempt to acquire less than the entire parcel would require compliance with the Subdivision Map Act. A subdivision of the neighboring parcel is infeasible under the current minimum parcel size requirements. Acquisition of the entire parcel is also infeasible due to the applicant's inability to negotiate a successful purchase agreement with the owner and the high asking price for the parcel. Therefore, it has been determined that this alternative is financially and practically infeasible.

- **Alternative Project Location.** This alternative started with consideration of several off-site locations identified as part of the 1991 Siting Study. 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.

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.

In addition, requiring development of an off-site location would be inconsistent with the County's approved 1995 Siting Element, which allows

siting of a new landfill location only when the County's total remaining permitted disposal capacity falls below the minimum 15-year requirement and expansion of existing facilities is not feasible or permissible. The Integrated Waste Management Authority has determined that the overall permitted disposal capacity has not fallen below the 15-year requirement, and expansion of the existing Cold Canyon Landfill facility is feasible and permissible.

- **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.

Additionally, the appellant (Earl Darway) submitted a project alternative at the August 9, 2012 hearing for consideration by the Planning Commission and to the Board of Supervisors as a part of the appeal. The Planning Commission and the Board of Supervisors heard and considered Mr. Darway's suggested configuration for the landfill expansion. Mr. Darway's configuration would not reduce noise impacts to a greater extent than the proposed project, or eliminate the need for an adjustment to the Noise Element standards because the footprint of the disposal area is essentially in the same location as the proposed project. This would result in similar noise impacts from disposal activities as Mr. Darway's proposed alternative. The access road would be relocated north across the on-site drainage (approximately 200-300 feet) but not a distance great enough to change the level of impact associated with traffic noise. The appellant's alternative also appears to conflict with proposed and existing detention basins on the project site. Finally, it has been determined that the appellant's proposed alternative would not meet a number of the applicant's project objectives including a reduction in disposal capacity and the potential to impact additional sensitive biological resources.

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 Board of Supervisors 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 Board of Supervisors 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

D. RECIRCULATION NOT REQUIRED.

The FEIR responds to comments and makes only minor technical changes, clarifications or

additions to the DEIR. The minor changes, clarifications and additions to the DEIR do not identify any new significant impacts or a substantial increase in the severity of any environmental impacts. The changes in the Revised Project are consistent with all the applicable impact analyses and constraints set forth in the FEIR, and County does not anticipate that any of these adjustments would result in any new or more severe environmental impacts than were analyzed.

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 Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.