

November 4, 2004

Mr. Bill Terry  
Richmond Sanitary Service  
P. O. Box 4100  
Richmond, CA 94804

**RE: Conditional Use Permit Approval of CU/DR 1101132;** To authorize a Conditional Use Permit to allow a new waste processing and transfer operation, soil and biosolids reclamation operations, composting and concrete recycling operations at the end of Parr Boulevard

Dear Mr. Terry:

On October 21, 2004, the Richmond Planning Commission considered the above referenced application. That application was unanimously (6-0) approved, subject to the following conditions:

**EXHIBIT A:  
CONDITIONS OF APPROVAL FOR CITY OF RICHMOND CUP FOR BULK MATERIALS  
PROCESSING CENTER**

**1. SHORT TITLE**

- .1 Short Title. The West County Integrated Resource Recovery Facility project, encompassing two separate sites, is henceforth referred to in this document as the IRRF. The IRRF site located on the existing West Contra Costa Sanitary Landfill, known as the West Contra Costa Sanitary Landfill/Processing Facility (WCCSL/PF), is located partially in the unincorporated area of Contra Costa County (County) and partially in the City of Richmond. The portion of the WCCSL/PF located in the City of Richmond shall be referred to as the Bulk Material Processing Center (BMPC) and is the subject of this Conditional Use Permit. The land and improvements of that portion of the WCCSL/PF located in the unincorporated area of the landfill is the subject of the County's Land Use Permit No. 2054-92, as amended, hereinafter referred to as "County Land Use Permit No. 2054-92". The IRRF site located between Third Street and Central Street, and between Brookside Drive and Wildcat Creek in the unincorporated area of North Richmond, referred to as the Central Processing Facility (CPF), is the subject of County Land Use Permit 2053-92.
- .2 Operations. The BMPC includes the following components:
  - (a) Waste Recycling Center (WRC): A new waste recycling and transfer station with office/employee break building.
  - (b) Soil Reclamation/Processing: A new soil reclamation/processing operation with drying of biosolids and dredged materials, screening and blending of waste soils, and facility for blending of wet and powdery materials.
  - (c) Public Access Trail: A new Public Access Trail.

- (d) Asphalt/Concrete Processing: relocation and increase in volume of asphalt/concrete recycling, with construction of a new concrete recycling office building.
  - (e) Composting: relocation and increase in volume of composting and wood recovery activities.
  - (f) Equipment Maintenance Building: relocation of existing equipment maintenance building.
  - (g) Expansion of operating hours (see Condition 14.4 Processing Activity Hours of Operation).
- .3 Coordination with County. The Conditions in this document that also apply to BMPC components that are located partially in the unincorporated area of Contra Costa County are included, in substantially similar form, in County Land Use Permit No. 2054-92.

## **2. DESIGN REVIEW BOARD CONDITIONS**

- .1 Conditions Required by Design Review Board. The permittee shall comply with the following conditions that are required by the Design Review Board:
- 1.) The project shall be in substantial compliance with the drawings submitted to the City of Richmond Planning Department and dated stamped August 27, 2004, as revised by the drawings submitted to the City of Richmond Planning Department and dated stamped September 17, 2004.
  - 2.) Prior to issuance of the building permit for each individual project component (Public Access Trail, Waste Recycling Center, Soil Reclamation/Processing, Asphalt/Concrete Processing, Composting, or Relocated Equipment Maintenance Building), the applicant shall prepare a final landscaping and irrigation plan, identifying quantities, species, sizes and locations of plantings, and locations, types, sizes, and quantities of irrigation fixtures, to be submitted to and approved by the Design Review Board. The final landscaping and irrigation plan shall include native plants where appropriate, and shall identify alternatives to the planting of eucalyptus trees. The final landscaping and irrigation plans shall be consistent with Mitigation Measure 9-1(e) of the WCCSL Bulk Materials Processing Center and Related Actions Final EIR, regarding prohibition of installation of trail improvements and landscaping on the levee during the nesting season for salt marsh dependent bird species. The final landscaping and irrigation plan for the Public Access Trail shall include a detailed trail design, to be prepared by a landscape architect, and shall identify trail design characteristics, pause points, locations of benches, refuse bins, location of signage, trail landscaping, and other relevant features of the trail.
  - 3.) Prior to issuance of the building permit for each individual project component (Public Access Trail, Waste Recycling Center, Soil Reclamation/Processing, Asphalt/Concrete Processing, Composting, or Relocated Equipment Maintenance Building), the applicant shall submit a plan for location of fire hydrants that is in compliance with City of Richmond fire protection regulations and policies.
  - 4.) Prior to issuance of the building permit for each individual project component (Public Access Trail, Waste Recycling Center, Soil Reclamation/Processing, Asphalt/Concrete Processing, Composting, or Relocated Equipment Maintenance Building), the applicant shall prepare a final signage plan, identifying quantities, types, sizes and locations of signs at the landfill, including interpretive and instructional signs on the Public Access Trail, to be submitted to and approved by the Design Review Board. The final signage

plans shall be consistent with Mitigation Measure 9-1(b) of the WCCSL Bulk Materials Processing Center and Related Actions Final EIR regarding signage along the Phase 3 segment of the Public Access Trail, Mitigation Measure 9-1(c) regarding signage prohibiting dogs, Mitigation Measure 9-4(b) regarding signage prohibiting access to Area C, Mitigation Measure 10-1(g) regarding speed limit signs, and Mitigation Measure 11-7(c) regarding signage for biosolids spreading areas.

- 5.) The minimum width of the trail shall be 12 feet.
- 6.) The fence separating the trail from the landfill and resource recovery activities shall incorporate materials of color and composition suitable to screen the power plant and Waste Recovery Center from view of trail users. Prior to issuance of building permit for the trail, the fence design shall be submitted to and approved by the Design Review Board.

### **3. RESPONSIBILITY**

- .1 Compliance to Conditions. These Conditions of Approval refer to the development, including all construction and improvements activities, and the operation, including all management and maintenance activities, of the BMPC. Regardless of the party(ies) who perform these activities, the owner of the WCCSL/BMPC, hereafter referred to as "permittee", shall be responsible for complying with all conditions. If the permittee engages vendor(s) or operator(s) to perform any of these activities, the contract with each vendor or operator shall include language requiring adherence to all conditions.
- .2 Administration and Enforcement of Conditions. The Richmond Planning Commission (Commission) is responsible for the administration and enforcement of these Conditions of Approval. Unless otherwise provided for, the Richmond Planning Department (CPD) shall administer and enforce these Conditions of Approval for the Commission.
- .3 Assignment of Responsibility
  - (a) The Commission may assign the responsibility of administering specific Conditions of Approval or provisions of this Conditional Use Permit to the City Manager or his designee.
  - (b) The Commission may suspend the implementation of conditions or provisions of this Conditional Use Permit where such conditions or provisions are inconsistent with the terms of a contract or agreement entered into between the City and other units of government, or by the terms of a joint powers agreement where the City is a member of the joint powers agency.
  - (c) If no contract or agreement is in force, as referred to in Condition 3.3(b), the City retains authority to implement this CUP and all of its Conditions.
- .4 Permit to Run With The Land. The Conditional Use Permit for the BMPC shall run with the land; however, the current owner is responsible for notifying the CPD of any change in ownership. A change of ownership shall be interpreted to mean the acquisition of 5 percent or more of the value of the BMPC covered by this Conditional Use Permit. (It is noted that other permits may not necessarily run with the land.)

### **4. COMPLIANCE**

- .1 Compliance Objective. The permittee shall at all times comply with all applicable local, state and federal laws and regulations.
- .2 Conditional Use Permit. Except as provided for in Conditions 4.3 and 4.4, the permittee shall at all times comply with the provisions and requirements of this Conditional Use Permit. The permittee shall comply with all correction and compliance orders issued by the City which relate to this Conditional Use Permit. A violation of any of these conditions or orders is cause for revocation of the Conditional Use Permit.
- .3 West Contra Costa Sanitary Landfill Solid Waste Facilities Permit. The current Solid Waste Facilities Permit for the West Contra Costa Sanitary Landfill (WCCSL), issued by the Local Enforcement Agency and confirmed by the California Integrated Waste Management Board (CIWMB), governs operations at the existing landfill site. The Contra Costa County Health Services Department, Environmental Health Division currently acts as the Local Enforcement Agency (LEA) for the CIWMB regarding solid waste enforcement issues. The permittee shall comply with all provisions and requirements of the Solid Waste Facilities Permit. This Conditional Use Permit is not intended to supersede the existing landfill Solid Waste Facilities Permit operating requirements, nor shall it conflict with said permit operating requirements.
- .4 Closure/Post Closure Maintenance Plan. The Final Development and Improvements Plan for the facility shall be consistent with, and shall not conflict with, the Closure/Post Closure Maintenance Plan required by the California Integrated Waste Management Board (CIWMB), the San Francisco Regional Water Quality Control Board (SFRWQCB), and Local Enforcement Agency (LEA) for the existing West Contra Costa Sanitary Landfill. In the event of any discrepancy pertaining to grading, drainage, installation limitations or monitoring, between an approved Closure/Post Closure Maintenance Plan and this Conditional Use Permit regarding BMPC operations, the former plan shall govern.
- .5 Composting Operations. The permittee shall not expand composting operations on any part of the BMPC without obtaining a Composting Facilities Permit or a Solid Waste Facilities Permit authorizing composting activity. Said permit is issued by the LEA and confirmed by the CIWMB.
- .6 Bay Area Air Quality Management District. The permittee shall at all times comply with the provisions and requirements of the Authority to Construct and Permit to Operate entitlements issued by the Bay Area Air Quality Management District (BAAQMD).
- .7 Title 14 and Title 27, California Code of Regulations. The permittee shall at all times comply with the provisions and requirements of Title 14, Natural Resources, Division 7, CIWMB, current regulations of the California Integrated Waste Management Board pertaining to nonhazardous waste management in California; and, Title 27, Environmental Protection, Division 2, Solid Waste, current regulations of the California Integrated Waste Management Board and State Water Resources Control Board pertaining to waste disposal on land.
- .8 Other Regulatory Approvals. Subsequent to the approval of this Conditional Use Permit, the permittee shall obtain approvals from the agencies, utilities, and parties having jurisdiction or control over the on-site and off-site improvements authorized by this Conditional Use Permit or by agencies having regulatory jurisdiction over the project. The permittee shall at all times comply with the regulations and requirements of these permits and approvals, as determined by the issuing agency, and shall notify the CPD if proposed or adopted conditions or requirements do not appear to be consistent with this Conditional Use Permit or the WCCSL Bulk Materials Processing Center and Related Actions Environmental Impact Report.

- .9 Notice Coordination. Permittee shall transmit to the CPD, within 5 working days of origination or receipt by the permittee: (1) copies of all permits and approvals from regulatory agencies; (2) copies of all monthly, quarterly, and annual reports to other agencies concerning the design, operation, and maintenance of the BMPC; (3) all reports concerning any emergency incidents associated with BMPC or hauler operation; and (4) any other reports or documents requested by the CPD.

## **5. VALIDITY PERIOD**

- .1 Validity Period. The permittee shall install the new Waste Recycling Center (WRC) facilities that are the subject of this CUP, and open the WRC for receiving waste, within three years of the final approval of the facility's Solid Waste Facilities Permit, which three years shall be extended by any appeal on any permit. All appeals for extensions shall be consistent with the requirements of the existing Solid Waste Facilities Permit and the Closure/Post-Closure Plan. The permittee may request from the Planning Director one or more one-year extensions of the validity period. If the Conditional Use Permit is not implemented within the specified time, it shall become null and void.
- .2 Operative Date. This Conditional Use Permit is valid upon approval by the Commission.

## **6. PERMIT REVIEW**

- .1 Permit Review. The CPD shall report once every five years to the Commission, or on such frequency as the Commission may require, on compliance with the Conditions of Approval of this Conditional Use Permit beginning one year after the commencement of operations of the facility.

If the Commission finds that the permittee has not complied, it may take such corrective action as is required to remedy the situation. If the corrective action requires a modification to this Conditional Use Permit, such request for action shall be sent to the Commission for review and a public hearing on the matter. As a result of the review and public hearing, the Commission may recommend to the Council the appropriate corrective action. Nothing in this condition shall preclude the permittee from applying for amendments to the Conditional Use Permit at any time or preclude the City from addressing emergency situations or new requirements imposed by state legislation or the courts.

## **7. ADMINISTRATION**

- .1 Relationship of These Conditions to Other Regulations. Several of these Conditions of Approval relate, paraphrase or summarize laws and regulations which are imposed and enforced by other governmental agencies which have jurisdiction over particular aspects of this project. It is the Commission's intent in adopting these Conditions of Approval to provide the permittee and the public with an overview of the scope of regulation applicable to this project and to provide this City with enforcement power if such laws and regulations enforced by other agencies are violated. Unless specifically stated in the Conditions of Approval, however, it is not the Commission's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. It is likewise not the Commission's intent to have the Commission interpret or enforce any other permit or authorization within the jurisdiction of another agency. If another agency primarily responsible for some aspect of this project finds or otherwise determines that any action or inaction is in compliance with, or violates, any such law or regulation, that finding or determination shall be conclusive. If these Conditions of Approval require some approval by any other agency and that agency declines to approve or disapprove the subject matter, such approval shall be deemed to have been given for purposes of these Conditions of Approval.

- .2 Delegation of Authority. In any instance where these conditions provide that the Commission will decide or act upon a certain matter, and the Commission has not assigned the responsibility to another unit of government pursuant to Conditions 3.3 (a), (b) and (c), the Commission may delegate the initial decision making or action with respect to that matter to the City Manager or his designee, provided that there shall be a right of appeal to the Commission from any decision of the designee.
- .3 Interpretation of Conditions. The Planning Director is authorized to interpret these conditions in the event that any clarification is needed. Any interpretation of the permit by the Planning Director may be appealed to the Commission by the permittee.
- .4 Emergency Operation. In the event of an emergency situation not officially declared by another agency, such as a road closure or on-site problem, the CPD may allow the permittee to alter the provisions of these conditions for operation. This authorization shall be limited in extent and time to that needed for correction of the situation.
- .5 Availability of and Access to Records. The permittee shall make copies of all reports which must be submitted to regulatory agencies available to the public at the BMPC during normal business hours by appointment except in an emergency. The permittee shall allow access to the BMPC and to all operation records by the CPD and any government agency responsible for monitoring the facility or its operation. This access shall not require prior notification.
- .6 Material Reports. Permittee shall submit quarterly reports to the City on (a) the amount, generator type, and jurisdiction of origin of all waste and materials received at the BMPC as specified by the CPD, by facility component as specified in Condition 17 Resource Recovery and (b) the amount, composition, and disposition of all materials leaving the BMPC by jurisdiction of origin and by facility component as specified in Condition 17 Resource Recovery. These reports shall be made available upon request to the City.
- .7 Waste and Materials Composition. The permittee shall provide data on the composition of waste and materials received at or leaving the BMPC, as required by the CPD, if a contract or agreement is in effect, to establish compliance with state or federal diversion requirements for each jurisdiction served by the BMPC.
- .8 Monitoring and Inspection. All monitoring reports, results of regulatory inspections and a summary of daily inspection reports shall be made available to the City upon request. Any indication of an emergency or other serious problem relating to public health and safety shall be immediately reported to the appropriate emergency response agencies.
- .9 Illegal Dumping Hot Line. In accordance with Mitigation Measure 4-5 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, the permittee shall, in cooperation with the City and County, provide a 24-hour hotline to receive comments and complaints from concerned parties, unless a hotline for this purpose has been provided by the City or County. The line need not be staffed or exclusive, but must be able to log calls. Response to complaints, as appropriate, shall be as described in Condition 25.9.
- .10 Insurance and/or Bonding. The permittee shall provide the insurance and bonds specified by the units of government having approval authority over the project.
- .11 Notification Program. The permittee shall prepare and implement a program, subject to the approval of the CPD, to notify users of the BMPC of its opening and conditions of use.

- .12 Compliance with Conditions of Approval (Implementation) and Mitigation Monitoring Program. The permittee shall reimburse the City for the cost of monitoring compliance with the Conditional Use Permit Conditions of Approval (Implementation) and the adopted Mitigation Monitoring Program. The City may designate a staff person or consultant to do the monitoring. The permittee shall provide such information as the City may require to review plans and installations under the purview of the City.
- .13 Host Community Mitigation Fee. In accordance with Mitigation Measure 4-5 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, the permittee shall pay a mitigation fee of an amount to be determined by the applicable permitting authority(ies). The “Memorandum of Understanding By and Between the City of Richmond and the County of Contra Costa Regarding Solid Waste Transfer Facility Host Community Mitigation Fees”, approved by the City and the Board of Supervisors of Contra Costa County, implements Mitigation Measure 4.5, provides for the joint imposition of the Mitigation Fee irrespective of the location of the WRC and other BMPC operations, and provides for the joint administration of the mitigation funds for the benefit of the host community as identified in the DEIR. Mitigation funds shall be used, as described in the DEIR, for the benefit of the host community.

The Memorandum of Understanding (MOU) states that the Mitigation Fee is to be collected on all solid waste and processible materials received at the facility (all BMPC operations including the WRC except those materials which are disposed of in the WCCSL). The amount of the Mitigation Fee for all solid waste transferred to other Republic landfills shall be the same as the Solid Waste Mitigation Fee currently collected at the Central IRRF of \$2.76/ton, as adjusted pursuant to the Consumer Price Index (“CPI”), for the San Francisco-Oakland-San Jose Area, All Urban Consumers index

The amount of the Mitigation Fee for all other materials processed at the BMPC (except those materials which are disposed of in the WCCSL) shall be known as “the Processibles Mitigation Fee” and shall be \$0.75 per ton (as adjusted annually pursuant to the CPI described above) if the rate charged by Republic (permittee) and/or its Contractor(s) is more than \$10.00 per ton (as adjusted annually pursuant to the CPI described above) or 7% of the gross revenue received by Republic (permittee) and/or its BMPC Contractor(s) if the rate charged is less than or equal to \$10.00 per ton (as adjusted annually pursuant to the CPI described above). If the CPI index described above is discontinued, a comparable index shall be selected by the Richmond City Council and the Contra Costa County Board of Supervisors. The permittee is not, and shall not, be authorized to offer to permittees’ customers pricing for combined or “bundled” services with services to process materials at the BMPC such that permittee’s pricing of said services could be designed to circumvent the imposition of the Processibles Mitigation Fee on processible materials as provided for herein

The Mitigation Fee monies collected from the permittee will be paid to the County, held in a dedicated separate account, and jointly administered by the City and County for the benefit of the incorporated and unincorporated North Richmond area.

The MOU states that it shall be coterminous with the operation of the BMPC, except that upon operation ceasing at the BMPC, the MOU shall continue until all of the funds collected are expended for the benefit of the host community.

## **8. FRANCHISE AGREEMENT**

- .1 Franchise Compliance and Agreement. The permittee shall be subject to the terms and conditions of the Exclusive Franchise Agreement Between the City of Richmond, a Municipal Corporation and Golden Bear Transfer Services, Inc., a California Corporation, dated June 2004, as amended.

- .2 Assignment. This Conditional Use Permit is not intended to supersede the existing Franchise Agreement referred to in Condition 8.1 above, nor shall it conflict with said Franchise Agreement.

## 9. CONDITIONAL USE PERMIT CONSTITUENTS

- .1 Initial Development and Improvements Plan. The Initial Development and Improvements Plan approved by this Conditional Use Permit and subject to these Conditions of Approval shall consist of the following schematic plans and studies included in the permittee's Land Use Application dated July 23, 2004; the revised Land Use Application dated August 3, 2004; the supplemental project description report entitled "Land Use Permit Application", dated August 2004; the plan set received August 27, 2004; the supplemental submittal entitled "Land Use Permit Application Additional Information September 2004" (received September 17, 2004), and the revised plan set received September 17, 2004, consisting of the following:
  - (a) Site Plan
  - (b) Waste Recycling Center Plan
  - (c) Composting Facility Plan
  - (d) Concrete/Asphalt Processing Facility Plan
  - (e) Soil Processing/Reclamation and Biosolids/Dredged Material Spreading Plan
  - (f) Wet/Powdery Material Blending (Waste Solidification) Plan
  - (g) Site Circulation Plan
  - (h) Public Access Trail Plan
  - (i) Grading Plan
  - (j) Landscape Plan
  - (k) Drainage, Erosion, and Sediment Control Plan
  - (l) Litter Control Program
- .2 Regulatory Agency Approvals. Subsequent to the approval of this Conditional Use Permit, the permittee shall obtain approvals from the regulatory agencies having jurisdiction over the project, and obtain their detailed requirements for constructing, serving and operating the facility. The permittee shall notify the CPD if proposed or adopted conditions or requirements do not appear to be consistent with this Conditional Use Permit or the WCCSL Bulk Material Processing Center and Related Action Environmental Impact Report. The approvals include, but are not limited to the following:

Prior to Construction:

- (a) General National Pollution Discharge Elimination System (NPDES) Industrial Activities Permit from the San Francisco Regional Water Quality Control Board (SFRWQCB).
- (b) Authority to Construct from the BAAQMD.

Prior to Operation:

- (a) General NPDES Industrial Activities Permit (SFRWQCB)
- (b) Permit to Operate from the BAAQMD.
- (c) Solid Waste Facilities Permit from the Local Enforcement Agency, with concurrence of the California Integrated Waste Management Board.

.3 Final Development and Improvements Plan. Subsequent to the approval of the Conditional Use Permit and prior to the commencement of any construction, the permittee shall submit a Final Development and Improvements Plan (FDIP) to the CPD and Richmond Public Works Department (RPWD) for review and approval. The FDIP shall be consistent with the project approved by the Conditional Use Permit, but prepared to a level of detail appropriate for the review of engineering and construction proposals. It shall also be consistent with the project's Initial Development and Improvements Plan, Environmental Impact Report (EIR) findings, Conditional Use Permit application, and these Conditions of Approval. The FDIP shall include:

- (a) A Site Development Plan.
- (b) A Resource Recovery Program, described in Section 17.
- (c) A Landscaping Plan.
- (d) A Transportation and Circulation Plan, as described in Section 19.
- (e) A Site Services and Utilities Plan, as described in Section 20.
- (f) A Drainage, Sediment and Erosion Control Plan, described in Section 21.
- (g) National Pollution Discharge Elimination System Stormwater Permit, as described in Condition 9.2(a).
- (h) Seismic Design, as described in Section 22.
- (i) Litter Control Program, as described in Section 25.

.4 Phased Approval and Phased Construction. In reviewing the FDIP, the CPD and/or the RPWD may provide for phased approval of the FDIP and the subsequent phased construction of the project.

.5 Revisions to Final Development and Improvements Plan. The FDIP may be revised to reflect changes in facility operation due to changes in applicable local, state and federal laws and regulations. All revisions to the FDIP shall be reviewed and approved by the CPD.

## 10. ELIGIBLE MATERIAL TRANSPORT VEHICLES

- .1 Eligible Vehicles. The permittee shall admit only the following transport vehicles to the facility:
  - (a) Self-hauler and commercial vehicles conveying eligible loads.
  - (b) Large-capacity trucks originating from the IRRF CPF site carrying eligible loads.
  - (c) Packer, drop-box, and other collection service solid waste collection vehicles.
  - (d) Vehicles hauling recyclable materials to and from the facility.
  - (e) Vehicles used for the transfer of residual waste to or from the IRRF CPF or a permitted landfill.

## **11. ELIGIBLE AND INELIGIBLE MATERIAL**

- .1 Eligible Material. The permittee may accept “Solid Waste” as that term is defined by Section 40191 of the Public Resources Code for processing at the facility.
- .2 Ineligible Wastes. The permittee shall not allow the following wastes to be received at the facility:
  - (a) Designated Wastes, as defined by Section 2522 of Article 2 of Chapter 15, Title 23, of the California Code of Regulations.
  - (b) Infectious wastes and untreated medical wastes.
  - (c) Hazardous and toxic wastes
  - (d) Radioactive wastes.
- .3 Special Handling of Wastes. The following wastes may be received only in compliance with applicable regulations or the following conditions.
  - (a) White goods (appliances) must be handled under a CFC removal program that is in compliance with applicable regulations and approved by CPD and LEA.
  - (b) Tires must be handled and disposed in accordance with applicable laws and regulations, including Section 17355(a) of Title 14 of the California Code of Regulations.
  - (c) Utility sludges, dredged materials, and other wet wastes must be handled in accordance with the Mitigation Measures, and Control Measures Incorporated by Applicant, identified in Impacts and Mitigation Measures 11-7, 11-8, and 11-9 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
  - (d) Universal Waste must be handled according to current regulations.
  - (e) Powdery wastes must be handled in accordance with Control Measures Incorporated By Applicant (n), (o), and (p) listed in Impact and Mitigation Measure 10-2 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, page 10-20.

## **12. LOAD INSPECTION**

- .1 Eligible Loads. The permittee shall prepare and implement a program for checking loads at the WCCSL/BMPC gate house. The load inspection program shall include inspection for smoldering loads, hazardous and other ineligible wastes, and the procedures for their handling and disposal. The program shall be approved by the CPD. The program may be operated in conjunction with the load inspection program required in Contra Costa County Land Use Permit 2054-92.

### **13. MATERIAL TRACKING**

- .1 Scales. The permittee shall utilize the scales at the WCCSL to weigh incoming and outgoing vehicles. A weighing program, approved by the CPD and Director of Weights and Measures, shall be implemented to monitor material tonnage and origin. The program may be operated in conjunction with the tracking program required in Contra Costa County Land Use Permit 2054-92. Personal vehicles, autos and small trucks may be exempted from the weighing program by the Director of CPD.

### **14. OPERATING PARAMETERS**

- .1 Vehicle Operations. Operations of eligible vehicles on-site shall be allowed 24 hours per day, seven days per week.
- .2 Operating Days. The BMPC shall remain open for business seven days a week, excepting Christmas, Thanksgiving, Fourth of July, and New Year's Day.
- .3 Hours Open to the Public. The Waste Recycling Center shall remain open to the public until 5:00 pm, unless this is precluded by conditions at the landfill.
- .4 Processing Activity Hours of Operation. For the purposes of this condition, "processing activity" shall include, but not be limited to, the loading and unloading of material, processing of material (crushing of concrete and/or asphalt, wood chipping or grinding, transporting of material within site boundaries, etc.), and any other manipulation of materials. Processing activities at the facility are limited to the following schedule:
  - (a) Landfill operation, receiving of materials, on-site loading and transporting of materials, disposal of wastes, placement of soil cover: 24 hours per day, seven days per week.
  - (b) Concrete processing: 5:00 am to midnight, Monday through Saturday.
  - (c) Chipping and grinding green materials and wood: 5:00 am to midnight, 7 days/week.
  - (d) Composting processing: 5:00 a.m. to midnight, 7 days/week.
  - (e) Waste Recycling Center operation and transport: 24 hours per day, seven days per week.
  - (f) Soil processing/reclamation and biosolids/dredged material spreading: 5:00 a.m. to midnight, 7 days/week.
  - (g) Wet waste/powdery materials processing (waste solidification): 5:00 a.m. to midnight, 7 days/week.
  - (h) Equipment maintenance: 5:00 a.m. to 10:00 p.m., Monday through Saturday.
  - (i) Loading and unloading of barges: 6:00 am to 8:30 pm, seven days per week.

- (j) The Planning Director may administratively shorten or extend the hours of operation prescribed above. This action shall be taken only after consultation with the permittee and the LEA. To shorten the hours of operation, the Director shall find that the changes are needed to mitigate substantial noise, traffic, or similar impacts arising from the operation of the facility which were not known when this Conditional Use Permit was adopted. To extend the hours of operation, the Director shall find that the longer hours will not cause traffic, noise, glare, or similar impacts of facility operations to substantially increase in the vicinity.
- .5 Exemptions. The permittee may request in writing, and the Planning Director may grant, exemptions to Conditions 13.2, 13.3, and 13.4 for specific times for cause.
- .6 Operations Information. The permittee shall post a sign at the BMPC entrance which notes the days and hours the facility is open to receive materials, and open to self-haulers. The sign shall also note the days the facility is closed due to holidays.
- .7 Maximum Daily Quantities. The BMPC may receive the daily maximum quantities of materials listed below (as specified in Table 3-3, page 3-15 of the WCCSL Bulk Materials Processing Center and Related Actions EIR). Recovery and diversion rates for these materials are listed in Condition 17.1.
  - (a) Mixed waste at Waste Recycling Center: 1,400 tons/day (TPD)
  - (b) Green waste, organics and wood waste at the organics processing area: 1,134 tons/day (TPD)
  - (c) Concrete and asphalt materials: 2,026 tons/day (TPD)
  - (d) Waste soil and dredged materials: 748 tons/day (TPD)
  - (e) Wet wastes and powdery materials, excluding biosolids from the West County Wastewater District (WCWD) treatment plant: 196 tons/day (TPD)
- .8 Maximum Storage Capacity. The BMPC may have on-site at any given time the following maximum quantities of materials:
  - (a) Wood wastes: 10,000 CY or 25,000 tons of unprocessed wood waste in storage; 55,000 CY or 22,000 tons of shredded wood and mulch products in storage.
  - (b) Compost Materials: 150,000 CY or 56,000 tons of materials undergoing composting; 32,000 CY or 12,800 tons of unscreened compost in storage.
  - (c) Concrete: 110,000 CY or 175,000 tons of unprocessed broken concrete or asphalt rubble in storage; 60,000 CY or 95,000 tons of crushed concrete and asphalt products in storage.
  - (d) Mixed Solid Waste at Waste Recycling Center: 1,000 tons of mixed solid wastes temporarily stored on site; 1,600 CY of recycled materials in storage (cardboard, wood, metals, glass, plastic).
  - (e) Wet/Powdery Material Blending (Waste solidification): 5,000 tons and 10,000 gallons of unprocessed materials in storage.

- (f) Soil Reclamation and Biosolids/Dredged Material Spreading: 20,000 tons of material awaiting processing in storage; 6,500 tons of processed material in storage.

.9 Additional operating parameters include:

**Composting:**

- (a) Compost windrows shall be maintained at sufficiently low heights to help avoid spontaneous combustion of the composting materials. Wood waste and other shredded material shall be kept in separate piles. Windrows shall be turned with sufficient frequency, or otherwise aerated, to avoid elevated composting temperatures and attendant risk of auto-combustion.
- (b) Composting facility operators shall monitor the carbon/nitrogen ratio of the material added to the windrow and assure aeration through appropriate means such as frequent turning and/or use of the aerated static pile technique.
- (c) Odors caused by composting of food waste shall be controlled through implementation of Mitigation Measure 10-5 in the EIR for the WCCSL Bulk Materials Processing Center and Related Actions Project, as well as the following Control Measures Incorporated by Applicant identified in Impact 10-5 of the EIR:
  - 1. The Applicant would work with the LEA to assure facility compliance with the odor impact minimization plan (OIMP) required by 14 CCR, Division 7, Chapter 3.1, Section 17863.4.
  - 2. Food processing industry materials would be rapidly incorporated (within hours) with other compostible materials, shredded materials, or compost.
  - 3. The windrows would be turned on an average of twice per week, or otherwise aerated, to maintain aerobic conditions.
  - 4. A monitoring program would be implemented to track the composting process and implement operational adjustments as necessary.
  - 5. The operations areas would be regraded as needed to ensure drainage and prevent ponding of compost leachate.
- (d) The applicant shall screen materials in loads brought to the BMPC for the presence of potential pollutants, use defined grading and silt barriers to control silt, direct runoff over grassy surfaces, and shall comply with the requirements of the SFRWQCB and CIWMB for runoff to the runoff-control pond.
- (e) The applicant shall cooperate with the Bay Area Air Quality Management District, the City, and the County to identify and implement measures to minimize PM<sub>10</sub> emissions. This shall include, but not be limited to, implementation of Mitigation Measure 10-2 in the EIR for the WCCSL Bulk Materials Processing Center and Related Actions.
- (f) The potential for airborne bioaerosols and endotoxins during composting shall be controlled by the following Control Measures by Applicant identified in Impact 11-6 of the EIR:
  - 1. In the absence of rain, water shall be applied at least twice daily, more often when windy, on internal roads for dust control purposes.

2. Green waste, wood waste, and composting materials shall be watered as unloaded.
  3. Green waste, wood waste, and composting materials shall be pre-screened to avoid dusty materials.
  4. Water spray shall be applied during the shredding process to wet the material being shredded.
  5. Water shall be applied on the compost windrows and pathways prior to aeration (turning).
  6. Finished stabilized compost shall be screened and loaded during low wind speed conditions (less than 20 mph); handling of compost shall be suspended if the wind speed increases (above 20 mph).
  7. Heavy equipment shall have enclosed cabs for operators, and other employees shall be required to use dust masks as necessary.
  8. Uniforms shall be made available to employees, and shower facilities shall also be available in the proposed WRC so employees can shower and change clothes at the end of the day.
  9. Wind fences and berms shall be strategically located in the Organics Materials Processing Area to reduce wind effects and control wind erosion.
- (g) The Applicant shall comply with Federal and State regulatory standards for compost operation, pollutant concentrations, pathogen reduction, monitoring, recordkeeping, and reporting.
- (h) The Applicant shall comply with applicable Federal rules and revised California rules regarding composting and control of the plant pathogen *Phytophthora ramorum*, the causative agent of Sudden Oak Death. If finished compost or mulch are transported out of the quarantined area, a Compliance Agreement would be executed with the County Agricultural Commissioner at the required time and specified conditions therein would be followed.

**Biosolids Application:**

- (i) Biosolids applications shall be controlled through implementation of Mitigation Measure 11-7 for the WCCSL Bulk Materials Processing Center and Related Actions Project, as well as the following Control Measures Incorporated by Applicant identified in Impact 11-7 in the EIR:
1. Biosolids shall not be placed in any area where the public can have contact with the materials. During biosolids application, sensitive portions of the upper portion of the Phase 2 and 3 Trail shall be closed for a 4- to 6-week period and areas fenced off to prevent public access until the materials are disked into the soil surface of the landfill cover.
  2. Signs shall be posted at the edge of biosolids application areas indicating boundaries of the area and warning unauthorized persons of the restricted access.

3. Spray application of liquid biosolids of typically 2 to 6 percent solids shall be conducted at the southwestern portion of the WCCSL site only under favorable wind conditions (e.g., less than 10 mph), when wind drift of bioaerosols to the Trail is not likely.
4. Spray application of biosolids shall be conducted in a downwind direction and applications adjusted to account for wind speeds and directions. Spraying shall be suspended if necessary (wind speed in excess of 20 mph or wind blowing toward the Trail).
5. Employees shall be required to use protective clothing and instructed in proper biosolids handling procedures.
6. Regular follow-up observations of working practices shall be conducted by the Applicant and quarterly employee re-training would be required to ensure public health safeguards are met.
7. An annual report shall be prepared, under the review and oversight of the LEA, which summarizes the health protection procedures that were followed, any problems, and corrective measures that were or need to be taken.

#### **Biosolids Quality**

- (j) Biological and chemical quality of biosolids shall be controlled through implementation of the following Control Measure Incorporated by Applicant identified in Impact 11-8 in the EIR for the WCCSL Bulk Materials Processing Center and Related Actions Project:
  1. Prior to accepting biosolids from WCWD or other sources, or dredged materials, the Applicant shall enforce WCCSL's Waste Acceptance Guidelines and require the project sponsor to provide sufficient chemical characterization data that would enable the Applicant to demonstrate to the RWQCB that the material is non-hazardous pursuant to 40 CFR Part 261 and 22 CCR, Division 4.5, Chapter 11, Article 3.
  2. Prior to accepting biosolids from sources other than WCWD, the Applicant shall enforce WCCSL's Waste Acceptance Guidelines and require the entity to provide documentation (including test results) that the biosolids meet pollutant limits included in 40 CFR 503 and 14 CCR §17868.2 regulations, and testing standards under 22 CCR.

#### **15. CONSTRUCTION CONDITIONS**

- .1 Construction Defined. For the purposes of this Conditional Use Permit, "construction" is defined as those activities which encompass the startup of equipment, preparation of the site (e.g. movement of earth and grading), installation of utilities, erection of structures and improvements to the site (e.g. landscaping, fencing and placement of berms). Maintenance, repair and servicing of equipment are not considered construction activities.
- .2 Hours of Construction. The permittee shall restrict outdoor construction activities to the period from 7:00 a.m. to 6:00 p.m., Monday through Friday.

- .3 Exemption. The permittee may request in writing, and the Planning Director may grant, exemptions to Condition 15.2 for specific times for cause.
- .4 Construction Approvals. Written authorization by the CPD is required before construction may commence. These authorizations may be issued in a phased manner (see Condition 9.4).
- .5 Dust Suppression. See Condition 23.4.
- .6 Storm Water Discharge. See Section 21.
- .7 Construction Debris. The permittee shall recycle, or cause to be recycled, as much of the construction debris as feasible and dispose of the remaining debris in a permitted landfill.
- .8 Construction Noise. See Section 24.1.

## 16. EQUIPMENT ACTIVITY AND MAINTENANCE

- .1 Equipment Activity and Maintenance. The permittee shall maintain BMPC equipment in optimum working order. Equipment shall be shut off when not in use with the exception that diesel engines shall be allowed to idle rather than start up and shut down frequently. Equipment shall be stored, serviced, and repaired in a maintenance area designated in the Final Development and Improvements Plan and approved by the City and CCDD. Maintenance records, subject to review by both the City and CCDD, shall be kept on all pieces of facility equipment.
- .2 Containment features. Vehicle washing areas and maintenance structures shall be designed to ensure containment of liquids. All liquids collected from these areas shall be treated as required by WCCSD or other applicable regulations.

## 17. RESOURCE RECOVERY

- .1 Resource Recovery. Table 3-4, pages 3-26 of the WCCSL Bulk Material Processing Center and Related Actions EIR quantifies how the BMPC project, as proposed and evaluated in the EIR, could divert or beneficially reuse 78 percent of incoming waste from landfill disposal. The permittee shall implement the BMPC beneficial re-use programs and use its best efforts to attain the postulated diversion or beneficial reuse rates, as expressed in tons, identified in the EIR. The permittee shall document the beneficial re-use as specified in Sections 7.6 and 7.7. Maximum daily quantities of materials received at these facilities are identified in condition 14.7. Percentage rates refer to the percentage of material brought in that is beneficially reused:
  - (a) Waste Recycling Center – Mixed Waste Processing Facility
    - (1) Residual Solid Waste. Residual Solid Waste is that waste remaining after recycling activities prior to collection. This material is not subject to further processing except for removal of materials from recyclable rich loads, and removal of identified household hazardous waste.
    - (2) Self-Haul Mixed Waste. Self-Haul Mixed Waste is residential, commercial or industrial waste brought to the WRC facility in non-franchised haul vehicles. For Self-Haul Waste, permittee agrees to use its best efforts to recover recyclable materials for beneficial re-use reflective of the performance of the Waste Shuttle Facility at the WCCSL facility for the twelve month period preceding issuance of the permit. Twenty-five percent (25%) beneficial reuse is the postulated diversion or beneficial reuse rate for self-haul mixed waste.

- (b) Bulk Materials Processing Activities: Percentage rates refer to the percentage of material brought in that is beneficially re-used:
  - (1) Composting: 90 percent beneficial re-use
  - (2) Wood waste recovery: 90 percent beneficial re-use
  - (3) Concrete/asphalt processing: 100 percent beneficial re-use
  - (4) Soil reclamation (soil reclamation + biosolids/dredged materials): 95 percent beneficial re-use
  - (5) Wet/powdery materials: 93 percent beneficial re-use
- .2 Best Efforts. “Best Efforts” as used herein means the permittee shall use available economically feasible means to maximize diversion of recyclable materials from landfill disposal. City and permittee shall review permittee’s efforts to remove recyclable materials from the waste stream six months after commencement of operation and on an annual basis thereafter.
- .3 Diversion or Beneficial Re-use Rate Adjustments. After operating experience is gained at the BMPC and WRC, permittee may request from the CPD diversion or beneficial re-use rates adjustments based on actual data on material received and beneficially re-used by each individual facility component.

## 18. LIGHTING

- .1 Lighting. The permittee shall design and locate the lighting system to reduce glare and to not substantially impact area land uses. The permittee shall install directional shading on all outdoor lamps for night operation. In addition, focused security lamps with directional shading shall be installed as necessary.

## 19. TRANSPORTATION AND CIRCULATION PLAN

- .1 Transportation and Circulation Plan. The permittee shall prepare and submit a Transportation and Circulation Plan, and obtain the approval of the Richmond Public Works Department (RPWD) and the CPD prior to beginning transportation-related construction. The Transportation and Circulation Plan shall be submitted as part of the FDIP. The Plan shall detail the on-site circulation, including parking, vehicle storage and queuing areas.
- .2 Preliminary Plan Submittal. Should any public roads occur within the WCCSL property, the permittee shall submit a sketch/alignment plan to the RPWD, Road Engineering Division, for review showing all public road improvements prior to starting work on the improvement plans. The sketch/alignment plan shall be to scale and show proposed and future curb lines, lane striping details and lighting. The sketch/alignment plan shall also include adequate information to show that adequate sight distance has been provided.
- .3 Access Route. Access to and from the BMPC site shall be, by vehicle type, via the following routes:
  - (a) Commercial and recyclables haulers from I-80 from the north - I-80, Richmond Parkway, and Parr Boulevard; from the south - I-580, Castro Street, Richmond Parkway, and Parr Boulevard.

- (b) All vehicle traffic between the IRRF CPF and the BMPC site - Pittsburg Avenue, Richmond Parkway, and Parr Boulevard.

The permittee shall specify use of the above prescribed routes in all user contracts and shall notify non-contract users of these requirements. A more direct route for local commercial haulers may be submitted for review and approval by CPD. Exemption from these prescribed routes is allowed if detour routes are in force.

- .4 Violation of Prescribed Haul Route. Upon a determination by the City that a user of the BMPC has violated Condition of Approval 19.3 by using a prohibited access route, and upon a written direction by the City, the permittee shall notify the hauler that a repeated violation will result in removal from the facility's list of approved haulers, or other sanction(s) directed by the City. A system for reporting alleged violations and for monitoring enforcement data shall be established by the City and permittee prior to facility operation.
- .5 Public Access. The permittee shall implement a public access trail, with landscaping and trail improvements around the perimeter of the site, in accordance with the "West Contra Costa Sanitary Landfill, Inc. Shoreline Public Access Trail Development Plan", contained in Appendix 3K of the WCCSL Bulk Materials Processing Center and Related Actions Draft EIR.

The plans for public access shall implement the public access policies of both the City and Contra Costa County as they affect the existing landfill site to the extent that the policies can be accommodated by and do not interfere with the permitted activities and the landfill Closure/Post Closure Maintenance Plan. The permittee may be required to dedicate or reserve for future dedication easement areas on the WCCSL property to ensure the future viability of the City of Richmond and Contra Costa County public access policies.

- .6 Public Access Trail Maintenance. The permittee shall be responsible for maintenance of the trail, as described in Appendix 3K, section 11.2 of the WCCSL Bulk Materials Processing Center and Related Actions Draft EIR. WCCSL, Inc.'s, responsibility for trail maintenance will remain in full force so long as there are business ventures operating on the WCCSL property whether these business ventures are operated by WCCSL, Inc. or its successor. In the event that WCCSL, Inc. or its successor is no longer operating any businesses on the property, then all private fiscal responsibility for the Trail will cease. In the event that WCCSL, Inc. or its successor is no longer fiscally responsible for the maintenance of the Trail, WCCSL or its successor will meet with the City of Richmond, Contra Costa County, ABAG Bay Trail staff, and Trails for Richmond Action Committee to discuss funding source alternatives before any closure of the trail.

Construction and maintenance of the trail shall be in compliance with the following conditions:

- (a) Dogs shall not be permitted on the Trail, in accordance with Control Measure Incorporated by Applicant 9-1 (a), identified in Impact and Mitigation Measure 9-1 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (b) An interpretive program shall be implemented explaining the sensitivity of the surrounding marshland habitat, in accordance with Control Measure Incorporated by Applicant 9-1 (b), identified in Impact and Mitigation Measure 9-1 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (c) The Trail (Barrier) Planting Recommendations developed by Environmental Stewardship & Planning shall be implemented to control the spread of invasive exotics and to establish a protective buffer of native vegetation between the proposed Trail alignment and adjacent

marsh and open water habitats, in accordance with Control Measure Incorporated by Applicant 9-1 (c), identified in Impact and Mitigation Measure 9-1 of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.

- (d) The interpretive program proposed by the Applicant shall be developed in consultation with the Bay Conservation Development Commission (BCDC) and DFG to educate Trail users of the sensitivity of the marshland and open water habitat to wildlife, the prohibition on take and harassment of special-status species, and the requirement of staying on the Public Access Trail to minimize disturbance to sensitive wildlife, in accordance with Mitigation Measure 9-1(a) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (e) Adequate controls shall be developed as part of the interpretive program to prevent human access into the San Pablo Creek Marsh habitat along 600 feet of the Phase 3 segment of the Trail north of the WCCSL, in accordance with Mitigation Measure 9-1(b) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR. This may require use of exclusionary fencing, and shall at minimum include installation of permanent signage at 100 foot intervals which states:

No Trail Access  
Sensitive Wildlife Habitat  
Visitor Access Prohibited
- (f) Dogs shall be prohibited from using the Trail, in accordance with Mitigation Measure 9-1(c) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR. Permanent signage shall be installed as part of the interpretive program at the trailhead and as separate permanent signs within 100 yards of the beginning of the northern and southern trail segments explaining the sensitivity of the area and clearly state "No Dogs Allowed." Signage shall refer users to other local shoreline parks where dogs are permitted (e.g. Berkeley Shoreline Park, Point Isabel). Experience gained from operation of the Trail shall be used by the appropriate entities to determine whether additional enforcement measures are necessary and possible funding mechanisms.
- (g) As directed by appropriate agencies, the Applicant shall cooperate with efforts on predator control of feral cats, dogs, and red fox, in accordance with Mitigation Measure 9-1(d) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (h) All construction activities on the levees, including installation of any Trail improvements and the barrier landscape plantings, shall be prohibited during the nesting season for salt marsh dependent bird species, from February 1 through July 31, in accordance with Mitigation Measure 9-1(e) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (i) Trail improvements shall be restricted to uplands, the tops of existing levees, and the existing roadway along the south side of San Pablo Creek to minimize further disturbance in the adjacent marsh and riparian habitats, in accordance with Mitigation Measure 9-1(f) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.
- (j) The Phase 4 alignment of the Trail shall be eliminated from the proposed Project to avoid the required disturbance to shoreline habitat on this portion of the site and prevent the potential disruption to wildlife habitat and movement along the existing isolated levee segment, in accordance with Mitigation Measure 9-4(a) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR.

- (k) Permanent signage shall be installed as part of the required interpretive program at the southern end of the levee along the west side of Area C which deters visitor access to this segment of the levee, in accordance with Mitigation Measure 9-4(b) of the WCCSL Bulk Materials Processing Center and Related Actions Project EIR. The signage shall be installed at 20-foot intervals across the width of the levee, within 10 yards of the point where the levee narrows north of the proposed kayak staging area. The signage shall state:

No Trail Access  
Sensitive Wildlife Habitat  
Visitor Access Prohibited

- .7 Paying for Public Access Trail Damage Due to Vandalism. The permittee shall be responsible for repairing damage to the trail due to vandalism as described in Appendix 3K, section 11.3 of the WCCSL Bulk Materials Processing Center and Related Actions Draft EIR. WCCSL, Inc. shall fund up to \$5,000 per year for the repair or replacement of items damaged by vandalism. If during the course of any calendar year the estimated cost of repairing or replacing damage caused by vandalism exceeds \$5,000, experience gained from the operation of the Trail shall be used for WCCSL to convene a meeting of the City of Richmond, Contra Costa County, ABAG Bay Trail staff, and Trails for Richmond Action Committee to determine whether additional enforcement measures are necessary and possible and to determine possible funding mechanisms for the Trail.
- .8 Onsite Parking. The permittee shall provide adequate parking outside of the proposed private road easement. The applicant shall also provide adequate queuing at the project entrance to minimize the impacts on traffic on the adjacent roadway.
- .9 Turnaround Requirement. The applicant shall provide an adequate turnaround for anticipated vehicular traffic, including trucks.
- .10 City Encroachment Permit. The permittee shall obtain an encroachment permit from the RPWD for construction of driveways, or other improvements within the right of way of any public roads within the City of Richmond.
- .11 Road Maintenance Agreement. The property owner shall develop and/or enter into a maintenance agreement with the other property owners that will use the private portion of the Parr Boulevard extension traversing this property, to ensure its maintenance.
- .12 Acquisition of Necessary Property Rights. The permittee shall furnish proof to the RPWD, Engineering Division, of the acquisition of all necessary rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, road and drainage improvements.

## **20. SITE SERVICES AND UTILITIES PLAN**

- .1 Site Services and Utilities Plan. The permittee shall prepare and submit a Site Services and Utilities Plan, and obtain the approval of the CPD and concerned agencies (East Bay Municipal Utilities District, Pacific Gas and Electric, WCCSD, Richmond Fire Department, and CC/WCFPD) prior to beginning construction, where applicable. The CPD shall give final authorization to begin construction for each phase after receiving evidence of the requisite approval(s) from these agencies. This plan shall be part of the Final Development and Improvements Plan and include the following:
- (a) A Fire Protection Component (Conditions 20.2 - 20.7).
- (b) A Water Service Component (Conditions 20.8 - 22.10).

- (c) A Wastewater Component (Conditions 20.11 - 22.12).
- .2 Fire Protection Component. The permittee shall develop and implement a Fire Protection Component for the BMPC meeting the requirements of the Richmond Fire Department (RFD) to contain and extinguish fires originating on the facility property. The program shall be coordinated with and may become part of the Fire Protection Plan required by Contra Costa County Land Use Permit 2054-92. The program shall be subject to the approval of the RFD and CPD. The Fire Protection Component shall address, but not be limited to, the following:
- (a) Fire protection and suppression measures, including fire breaks, earth piles and compost operation requirements.
  - (b) Fire extinguisher types and locations, including fire extinguishers on facility vehicles.
  - (c) Machinery and equipment inspection program.
  - (d) Fire control training of employees.
  - (e) Emergency communication system.
  - (f) Access roads.
  - (g) Roof and wall construction to meet fire code.
  - (h) Sprinkler and smoke detector systems.
- .3 Fire Department and District Permits. The permittee shall apply to and obtain from the RFD or CC/WCFPD any Department or District permits which may be required to comply with Fire Code requirements.
- .4 Emergency Equipment Access. The permittee shall designate access points and routes for local fire protection agency access to all parts of the facility. The access points shall be included in the Site Design Plan and shall be subject to the approval of the RFD or CC/WCFPD.
- .5 Load Inspection. The permittee shall check incoming loads for smoking or burning materials and potential pollutants, and make provisions for extinguishing or properly disposing of these loads before processing. This load inspection program shall become part of the load screening program required by Condition of Approval 12.1.
- .6 Smoking Prohibitions. The permittee shall prohibit smoking on the facility except in designated areas. Signs shall be clearly posted.
- .7 Equipment and Cleaning. See Section 16.
- .8 Water Supply. The permittee shall fund and install all on-site water supply improvements to the site. The water supply system shall be acceptable to the EBMUD and the RFD (or CC/WCFPD) as applicable. The permittee shall contact the EBMUD's New Business Office for a water service estimate when project development plans are completed.
- .9 Use of Reclaimed Wastewater. The permittee shall make every effort to use reclaimed wastewater, should it become available, for landscape maintenance and/or composting operations at the site. Any proposal to use reclaimed wastewater shall comply with all

applicable City water conservation ordinances. The permittee shall report on this matter to the CPD.

- .10 Water Conservation Measures. The permittee shall incorporate water conservation measures into the construction and landscaping of the site. These measures shall comply with all applicable City water conservation ordinances and be consistent with EBMUD policies and guidelines.
- .11 Pretreatment Requirement. The permittee shall comply with the drainage and wash water pretreatment requirements of the WCCSD before discharging into the public sewer system. The permittee shall provide the pretreatment of drainage waters indicated by the district.
- .12 Wastewater Quality. The permittee shall ensure wastewater meets discharge requirements of the WCCSD.

## **21. DRAINAGE, EROSION AND SEDIMENT CONTROL**

- .1 NPDES Compliance. The permittee shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its regional water quality control boards (San Francisco Bay - Region II). These permits require the permittee to eliminate non-stormwater discharges to storm sewer systems; develop and implement a stormwater pollution prevention plan (SWPPP); and, develop and implement an appropriate monitoring program (MP). The Stormwater Pollution Prevention Plan (SWPPP) and the Monitoring Program (MP) shall become part of the Final Development and Improvements Plan.
- .2 Surface Drainage System. The permittee shall prepare and implement a system plan for conveying surface drainage water, e.g. rain water, from the facility site, including drainage waters conveyed to a waste water treatment plant, to discharge locations. The system plan shall be included in the FDIP and shall be reviewed and approved by the RPWD.
- .3 Drainage Requirements. Unless exceptions are specifically granted, this development shall conform to the requirements of the City's Storm Drain Design Ordinance (Chapter 15 of the Subdivision Ordinance). Conformance with the City's Storm Drain Design Ordinance includes the following requirements:
  - (a) Conveying all storm waters entering or originating within the subject property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks or to an existing adequate storm drainage facility which conveys the storm waters to a natural watercourse.
  - (b) If public roads are ever proposed, they shall be designed and constructed with storm drainage facilities as required by Chapter 15 in compliance with specifications outlined in Chapter 15 and in compliance with any design standards in County Division 914 that may be applicable.
  - (c) Verifying that all finished floor elevations are above the 100-year flood elevation.
  - (d) The Ordinance prohibits the discharging of concentrated storm waters into roadside ditches.
  - (e) Installing, within a dedicated drainage easement, any portion of the drainage system which conveys run-off from public streets.

- .4 Waste Discharge Requirements. The permittee shall obtain and comply with any permit(s) required by the SFRWQCB to discharge and/or reuse water from the runoff-control pond, located immediately south of the WCCSL, in material recovery processes undertaken at the WCCSL/BMPC site.
- .5 Erosion and Sediment Control Plan. The permittee shall prepare and implement an Erosion and Sediment Control Plan, which shall be subject to the approval of the RPWD. The Plan shall prevent substantial erosion of slopes on the site and reduce the amounts of water-borne materials from reaching surface waters. It shall include the conditions listed below, and shall be included in the Final Development and Improvements Plan. The above conditions may be satisfied by a component of an approved Closure/Post Closure Maintenance Plan for the WCCSL.
- .6 Primary Grading. The permittee shall perform primary grading for the project's roads, paved areas, building sites, and the construction of any site slopes during the low rainfall season (April 15 to October 15).
- .7 Seasonal Grading Exemption. If grading must be done during the high rainfall season (October 15 to April 15) to assure the facility's availability, the RPWD may authorize grading if it is allowed by the SFRWQCB and/or the California Department of Fish and Game. The RPWD may require special measures such as the use of hay bales, erosion control mulch and installation of ground cloth.
- .8 Road Drainage Controls. The permittee shall implement drainage controls along permanent site roads and plant ground cover on stable surfaces, wherever practicable, to limit erosion and facilitate dust and litter control.
- .9 Ground Cover. The permittee shall, as soon as practicable, plant ground cover on graded areas which are not to be paved. The ground cover shall be consistent with the Landscape Plan of these conditions and/or the Closure/Post Closure Plan for the WCCSL.
- .10 Ditch/Swale. The permittee shall line any ditches and swales for conveying surface runoff to prevent water erosion.
- .11 Process Waters. Water used to clean tipping floors and liquids drained from solid waste onto tipping floors shall be handled separately from surface waters and processed in accordance with requirements of the SFRWQCB and WCCSD.
- .12 Infiltration Monitoring. If required by a Closure/Post Closure Maintenance Plan, the permittee shall install infiltration monitoring devices and establish a monitoring program. The installations shall be shown in the Final Development and Improvements Plan. If excessive infiltration of the landfill or its cap is determined to be occurring, the permittee shall make whatever installations or operations changes that may be specified by any public agency which has jurisdiction under the Closure/Post Closure Maintenance Plan.

## **22. SEISMIC STABILITY.**

- .1 Seismic Design. The structures, drainage features, operating equipment, and all other facility components (e.g., tanks, storage units, and berms) shall be designed in accordance with the adopted Uniform Building Code (latest edition) earthquake design criteria. The permittee shall provide substantiation to this effect in the Final Development and Improvements Plan.

The permittee shall submit to the CPD for their review and approval facility designs, which shall be prepared by an independent registered geotechnical engineer and a structural engineer, that will demonstrate that the facility (e.g. all structures, berms, equipment, and materials/waste storage) will withstand the design earthquake, including the potential loss of foundation support resulting from liquefaction of subsurface material and the potential impact from waste or soil settlement.

- .2 Post-Earthquake Inspection. The permittee shall inspect the project site following an earthquake of such magnitude to have caused damage to the facilities. The post-earthquake inspection report shall be submitted for review and approval to the CPD and other appropriate agencies. The permittee shall make all necessary repairs needed to assure the safety of employees and facility users prior to recommencing operation of the facility.

### **23. AIR QUALITY PROTECTION**

- .1 Prevention of Air Quality Deterioration. The permittee shall comply with the terms of the Authority to Construct and Permit to Operate entitlements issued by the BAAQMD.
- .2 BAAQMD Regulations. To the extent that any air quality regulation contained in these conditions of approval conflicts with the regulations of the BAAQMD, the regulations of the BAAQMD shall govern.
- .3 Odor Containment. The permittee shall operate the site in a manner that prevents odors from being detected off-site. If odors are reported to the City, or reports are relayed from the BAAQMD, and the source of the odor is confirmed to be the BMPC, the CPD may require additional physical improvements or management practices, as necessary, to alleviate the problem. The source of the odor shall be identified and corrected. The City shall have the authority to cease operations of all or part of the facility to control odors. The provisions of this Condition may be satisfied by a similar program required by Contra Costa County Land Use Permit 2054-92.

All odor complaints shall be logged and investigated by the permittee. The use of the 24-hour hotline, as required by Condition of Approval 7.9, is encouraged for this purpose. All odor complaints received shall be responded to by the permittee within two office working days, detailing the problem and remedial action taken.

- .4 Dust Suppression. The permittee shall sprinkle or chemically treat graded areas and temporary pavements during construction and operation to control dust.
- .5 Equipment Repair and Monitoring. See Section 16.
- .6 Equipment Maintenance and Fuel Efficiency. The permittee shall maintain and operate motorized equipment to assure maximum fuel efficiency and maintain all other BMPC equipment in optimum working order to control emissions. Equipment shall be shut off when not in use, with the exception that diesel engines shall be allowed to idle rather than startup and shutdown frequently.
- .7 Cleanup. The permittee shall undertake immediate cleanup of on-site spills that are a source of air pollutants.
- .8 Air Quality Monitoring. If required by the Bay Area Air Quality Management District (BAAQMD), the permittee shall install air quality monitoring devices and establish an air quality monitoring program. The installations shall be shown in the Final Development and

Improvements Plan. If excessive air pollution is determined to be occurring, the permittee shall make whatever installations or operations changes that the BAAQMD may specify.

## **24. NOISE CONTROL**

- .1 Noise Abatement Program. The permittee shall manage the BMPC in a manner that minimizes impacts to sensitive receptors in the area. If noise complaints are received by the permittee and/or the City, noise abatement measures may be required by the CPD. These measures may take the form of a noise monitoring program to determine whether the facility meets the acceptable exterior noise level standards established in the 1987 City General Plan. The location of noise monitoring devices, if required, shall be determined by the CPD. If operation activities cause the monitored noise levels at the property line of the selected receptor locations to exceed the DNL standards as set forth in the General Plan, the permittee shall institute noise reduction measures to bring the level within acceptable levels.
- .2 Construction Hours. See Section 15.
- .3 Facility Vehicles and Equipment. The permittee shall provide BMPC vehicles and equipment with the best available noise suppressing equipment to minimize sound generation during construction and operation.
- .4 Transfer Truck Noise Suppression. The permittee shall require transfer trucks using the facility to be equipped with factory-approved noise suppression equipment, including engine compartment insulation. The permittee shall request in writing that the California Highway Patrol actively enforce muffler and vehicle noise standards as required in the California Vehicle Code if, for any reason, noise from heavy trucks becomes a source of complaints in the project area.

## **25. CONTROL OF LITTER AND ILLEGAL DUMPING**

- .1 Litter Control Program. The permittee shall prepare and implement a litter control program for the facility to prevent the accumulation of facility-generated litter on and off site. The program shall be approved by the CPD and CCDD, and be described in the Final Development and Improvements Plan. This Condition may be satisfied by a similar requirement in Contra Costa County Land Use Permit 2054-92. The program shall include the conditions listed below.
- .2 Material Hauler Vehicles. The permittee shall develop an anti-littering program for material hauler vehicles and large trucks using the facility. The program should be established in cooperation with the collection services and commercial (account) firms that will use the facility. The plan shall be submitted in writing to the CPD before operations commence, and shall be subject to the approval of both the CPD and CCDD.
- .3 Transfer Trucks. The permittee shall notify all transfer truck operators using the facility that anti-litter screening on transfer vehicles is required. The screens shall be maintained by the transfer vehicle operator in good working order.
- .4 Litter Screening. The permittee shall prepare and install a litter screening system of landscaping and/or fencing on the site to prevent litter from blowing off site. The system shall be approved by the CPD.
- .5 On-Site Litter Policing. The permittee shall police and remove litter from the facility's perimeter at least weekly. The CPD may require more frequent policing to control the accumulation of litter.

- .6 Off-Site Litter Policing. The permittee shall provide weekly litter clean-up of Parr Boulevard from the Richmond Parkway to the facility entrance. The CPD may require more frequent policing to control the accumulation of litter.
- .7 Littering Signs. The permittee shall post signs, as determined necessary by the CPD, along the access road to the facility noting littering and illegal dumping laws. The permittee shall post signs at the facility entrance noting the hours when the facility is open to receive materials.
- .8 Uncovered Loads. The permittee shall inform patrons, through appropriate means including the posting of signs, that all loads arriving at the facility are required to be covered.
- .9 Off-Site Illegal Dumping. In accordance with Mitigation Measure 4-5 of the WCCSL Bulk Materials Processing Center and Related Actions EIR regarding pickup of wastes that are illegally dumped off-site, the permittee shall comply with the following provisions:
  - (a) Mitigation Fee. The facility operator shall pay a mitigation fee of an amount to be determined by the applicable permitting authority(ies) to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas (See Condition 7.13.). The mitigation fee should be subject to the joint-control of the City and County and should be collected on all solid waste and processible materials received at the facility consistent with the existing mitigation fee collected at the Central IRRF.
  - (b) Agency Coordination. Facility operator shall participate in County or City task forces and pilot programs established to address illegal dumping in North Richmond and adjacent city areas.
  - (c) Off-Site Debris and Litter Policing. The facility operator shall provide weekly debris and litter clean-up of Parr Boulevard from the Richmond Parkway to the facility entrance, and on other access roads as directed by the permitting authority(ies). As needed, the permitting authority(ies) may require more frequent policing to control debris or litter.

Cleanup of roads within 6 “Hotspot Zones” near the landfill identified in Table 4-3 and Figure 4-5 of the WCCSL Bulk Materials Processing Center and Related Facilities EIR shall be provided as follows:

No later than April 1, 2005, the operator shall put into service one 25-yard rearloading compactor truck with a two person crew dedicated to cleaning up illegally dumped material in North Richmond every Monday through Friday from 8:00AM to 5:00 PM.

Operator shall accept illegally dumped waste that was collected in the public right-of-way in the North Richmond area, using County or City vehicles, free of charge.

The permitting authority(ies) may redesignate “Hotspots” as needed to respond to changes in littering and illegal dumping over time.

- (d) Littering Signs. The facility operator shall install and maintain signs noting littering and illegal dumping laws and penalties along Parr Boulevard (the main access road to the facility), and the following other access roads:
  - Richmond Parkway, from Parr Blvd. to Gertrude Avenue
  - Pittsburg Avenue, from Richmond Parkway to 3rd Street

- Garden Tract Boulevard, south of Pittsburg Avenue
- Market Avenue, from 1st Street to the S.P.R.R. tracks
- 3rd Street, from Market Avenue to Grove Avenue
- 5th Street, from Verde Avenue to Chesley Avenue
- Battery Street, from Alamo Avenue to Vernon Avenue
- Kelsey Street at the S.P.R.R. tracks

The permitting authority(ies) may designate other roads for signage as needed. The text on the signage should be subject to the review and approval of the permitting authority(ies).

- (e) Hotline. The facility operator shall establish an Illegal Dumping Hotline phone number for use by residents and businesses to report incidences of illegal dumping in the North Richmond area, unless a hotline has already been established by the City or County (see Condition 7.9). The hotline phone number shall be prominently listed on all "littering signs" described in the above Item (d) Littering Signs. Reports or complaints shall be investigated within 24 hours. Verified incidents of illegal dumping of litter or debris shall be collected within 24 hours of verification.
- (f) Reporting Requirements. The facility operator shall maintain records regarding all complaints/reports and actions taken to respond including locations, dates, and times. Records shall be made available to the County or City upon request.

## **26. VECTORS**

- .1 Vector Control Program. The permittee shall prepare and implement a vector control program which shall be submitted to and approved by the CPD prior to operations. This program may be satisfied by a similar requirement in Contra Costa County Land Use Permit 2054-92.

## **27. BIOTIC RESOURCES**

- .1 Biotic Resources Protection. The permittee shall construct and operate the facility in such a manner that ensures, through protection and enhancement measures, that there is no net loss of significant wetland habitat due to construction and operation activities of the BMPC.
- .2 Habitat Contamination. To prevent habitat contamination by on-site storm runoff or accidental spills, the permittee shall comply with the spill measures listed in Sections 23 and 28.
- .3 Revegetation. The permittee shall revegetate areas of the site not in use to the extent practical. California native and/or drought-tolerant plant species should be utilized. Revegetation shall be included in the Landscaping Plan and subject to the requirements of an approved Closure/Post Closure Maintenance Plan for the landfill.

## **28. PUBLIC HEALTH AND SAFETY**

- .1 Public Health and Safety. The permittee shall manage the facility in a manner which does not impair the public health and safety of persons living in the vicinity, or facility users and employees.
- .2 Public Health and Safety Plan. The permittee shall prepare and submit for approval by the RFD and CPD a Public Health and Safety Plan. The plan shall include an Emergency Plan component to protect the facility and its employees from harm, and to protect the human health off-site in the event of an emergency. This Condition may be satisfied by a similar requirement in Contra Costa County Land Use Permit 2054-92.

- .3 Regulation Compliance. The permittee shall comply with all design measures, safety precautions and emergency response procedures as required by federal, state, and local laws and regulations; federal, state, and local agencies; and these Conditions of Approval.
- .4 Emergency Response Procedure. The permittee shall implement on-site and off-site emergency response procedures, as outlined in the Emergency Plan, immediately upon a spill, release, explosion, or fire event.
- .5 Employee Training. The permittee shall develop and implement training and subsequent refresher training programs covering accident prevention, safety, identification and handling of hazardous materials, first aid, and instruction for use of equipment. The programs shall be subject to the approval of the RFD.
- .6 Employee Safety Equipment. The permittee shall provide or require employees to provide safety equipment, such as safety glasses, hard hats, safety shoes, gloves, coveralls, and noise reducers as may be required by union contract, state and federal safety agencies, and the RFD.
- .7 First Aid Equipment. The permittee shall provide and maintain supplies located in easily accessible areas. The first aid supplies shall be consistent with Occupational Safety and Health Administration requirements and subject to the approval of the RFD.
- .8 Emergency Communications. The permittee shall provide radio phones or telephones for employee use to call for medical and other emergency assistance. Phone numbers to use for outside emergency assistance shall be clearly posted in the work areas. The communications system shall be subject to the approval of the RFD.
- .9 Equipment Maintenance. The permittee shall prepare and implement an equipment maintenance program which shall be approved by the RPWD prior to the commencement of operations. The program shall specify the cleaning frequency schedule to clean vehicles and equipment to reduce the risk of fires.
- .10 Landfill Gas Impact Prevention. The permittee shall help prevent possible health and explosion hazards due to gas generation at the WCCSL/BMPC site. This preventative program shall include, but not be limited to the following measures:
  - (a) continued operation and maintenance of the existing gas collection and control system at the existing WCCSL site;
  - (b) protection of existing gas collection and control system in the public access areas of the WCCSL site through the use of enclosed vaults and culvert pipes or other suitable means;
  - (c) placement of an additional three-foot layer of soil (supplementary to the state-required landfill cap) under the operations area to protect the landfill cap from heavy equipment damage;
  - (d) monitoring and venting of structures, if such are allowed by permitting agencies, to prevent methane gas accumulation.
- .12 Facility Security Barrier. The permittee shall submit a plan for the perimeter security fence around the facility, subject to review and approval of CPD. The plan shall address fencing of hazardous areas

within the facility.

## 29. SITE SECURITY

- .1 Security Objective. The permittee shall manage the facility in a manner that prevents unauthorized persons from having access to the working areas of the facility 24 hours per day.
- .2 Security Gate. The permittee shall maintain the gated entrance and exit at the existing WCCSL.
- .3 Security Staffing. Private security services may be retained when the facility is not in operation.
- .4 Safety and Security Lighting. The permittee shall install and operate adequate safety and security lighting. The lighting shall be provided in a manner which minimizes glare to nearby residents and road users. The lighting program shall be covered in the Landscaping Plan.

Since the appeal period has passed, the Conditional Use Permit/Design Review approval has become final. You may apply to the Building Regulations Department for building permits necessary to complete your project. Please contact Building Regulations at (510) 620-6868 for more specific information regarding the building permit application process. **Please note that all conditions of approval must be printed on and reflected on all plans submitted to the Building Regulations Department for review.**

If you have any questions or concerns regarding this notification, please contact me at (510) 620-6708.

Sincerely,

Judith Anne Battle  
Principal Planner

cc: File