

**LAND USE PERMIT 2054-92  
(AS AMENDED)**

**CONDITIONS OF APPROVAL**

**WEST COUNTY INTEGRATED RESOURCE RECOVERY FACILITY  
WEST CONTRA COSTA SANITARY LANDFILL/PROCESSING FACILITY**

**BULK MATERIAL PROCESSING CENTER  
(UNINCORPORATED AREA FACILITY)**

APPROVED BY THE  
CONTRA COSTA COUNTY BOARD OF SUPERVISORS:

LAND USE PERMIT 2054-92 - JULY 13, 1993  
LAND USE PERMIT 2043-94 (AMENDING 2054-92) - MAY 9, 1995

**RECOMMENDED FOR APPROVAL:**

**LAND USE PERMIT 022026 (AMENDING 2054-92) - NOVEMBER 30, 2004**

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## 1. SHORT TITLE

- .1 Short Title. The West County Integrated Resource Recovery Facility project as originally proposed and permitted in the early 1990s, 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 is known as the Bulk Material Processing Center (BMPC), is located partially in the unincorporated area of Contra Costa County (County) and partially in the City of Richmond. The land and improvements within the unincorporated area is the subject of this Land Use Permit. The portion of the BMPC located in the City of Richmond is the subject of that city's Conditional Use Permit No. 1101132. The IRRF site located between Third Street and Central Street, and between Brookside Drive and Wildcat Creek in the unincorporated area of North Richmond, is referred to as the Central Processing Facility (CPF), and is the subject of County Land Use Permit 2053-92.
- .2 Environmental Impact Reports. Two environmental impact reports (EIR) pertain to the IRRF operation as defined in this Land Use Permit, and City CUP 1101132. They include the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, dated 2003/04 (State Clearinghouse No. 2002102057); and the West County Resource Recovery Facility Project EIR, dated 1991 (State Clearinghouse No. 90030940) pertaining to the operation of the CPF and Land Use Permit 2053-92.
- .3 Operations. The BMPC includes the following components:
  - (a) Asphalt/Concrete Processing: An asphalt/concrete recycling, with construction of a new concrete recycling operation with a concrete recycling office building; Currently located in the County, to be relocated and expanded to occur in both the City and County.
  - (b) Composting: A composting and wood recovery operation; Currently located in the City, to be relocated and expanded to occur in both the City and County
  - (c) Public Access Trail: The Phase 3 alignment of a perimeter Public Access Trail to be located within the County.
  - (d) Waste Recycling Center (WRC): A waste recycling and transfer station with office/employee break building, to be located wholly within the City.
  - (e) Soil Reclamation/Processing: A 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, to be located wholly within the City.

(f) Equipment Maintenance Building: relocation of existing equipment maintenance building, to be located wholly within the City.

.3 Coordination with City. The Conditions in this document that also apply to BMPC components that are located partially in the City of Richmond are included, in substantially similar form, in City Conditional Use Permit (CUP) No. 1101132.

## **2. 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 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 Contra Costa County Board of Supervisors (Board) is responsible for the administration and enforcement of these Conditions of Approval. Unless otherwise provided for, the County Community Development Department (CCDD) shall administer and enforce these Conditions of Approval for the Board. The Board may assign responsibility for specific conditions and provisions, such as rate regulation and changes to service area, to County departments or other units of government.

.3 Assignment of Responsibility

(a) The Board may assign the responsibility of administering specific Conditions of Approval or provisions of this Land Use Permit to County Departments or other units of government.

(b) The Board may suspend the implementation of conditions or provisions of this Land Use Permit where such conditions or provisions are inconsistent with the terms of a contract or agreement entered into between the Board and other units of government, or by the terms of a joint Powers agreement where the County is a member of the joint powers agency.

(c) For the purposes of Condition 2.3(a), the West Contra Costa Integrated

Waste Management Authority is an eligible unit of government; and, for the purposes of Condition 2.3(b), the contract between the County and the Authority approved by the Board on May 25, 1993, is an eligible contract.

- (d) If no contract or agreement is in force, as referred to in Condition 2.3(c), the County retains authority to implement this LUP and all of its Conditions.
- .4 Permit to Run With The Land. The Land Use Permit for the BMPC shall run with the land; however, a new owner shall be responsible for notifying the CCDD 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 WCCSL/PF covered by this Land Use Permit. (It is noted that other permits may not necessarily run with the land.)

### **3. COMPLIANCE**

- .1 Compliance Objective. The permittee shall at all times comply with all applicable local, state and federal laws and regulations.
- .2 Land Use Permit. Except as provided for in Conditions 3.3 and 3.4, the permittee shall at all times comply with the provisions and requirements of this Land Use Permit. The permittee shall comply with all correction and compliance orders issued by the County, which relate to this Land Use Permit. A violation of any of these conditions or orders is cause for revocation of the Land 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 Land 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 the Closure/ Post Closure Maintenance Plan required by the CIWMB, the San Francisco Regional Water Quality Control Board (SFRWQCB), and LEA for the existing West Contra Costa

Sanitary Landfill. An approved Closure/Post Closure Maintenance Plan(s) is required before the BMPC may become operational unless otherwise allowed by agencies having jurisdiction. In the event of any discrepancy pertaining to grading, drainage, installation limitations or monitoring, between an approved Closure/Post Closure Maintenance Plan and this Land 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 Land 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 Land 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 CCDD if proposed or adopted conditions or requirements do not appear to be consistent with this Land Use Permit or the Bulk Materials Processing Center and Related Actions Environmental Impact Report.
- .9 Notice Coordination. The permittee shall transmit to the Contra Costa County Community Development Department, 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095 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 CCDD. Such materials shall be sent by regular mail or hand-delivered.

#### **4. VALIDITY PERIOD**

- .1 Validity Period. The permittee shall install pre-requisite improvements and open the expanded BMPC for receiving materials within three years of the final approval of the BMPC, which three years shall be extended by any appeal on any permit. All appeals for extensions shall be consistent with requirements of the existing Solid Waste Facilities Permit and the Closure/Post Closure Plan. This validity period shall not include the time period during which an appeal filed by the permittee is pending with the exception of the Barge Transportation facility. The permittee may request from the Director of Community Development one or more one-year extensions of the validity period. If the Land Use Permit is not implemented within the specified time, it shall become null and void.
- .2 Operative Date. This Land Use Permit is valid upon approval by the Board.

#### **5. PERMIT REVIEW**

- .1 Permit Review. The CCDD shall report once every five years to the Board, or on such frequency as the Board may require, on compliance with the Conditions of Approval of this Land Use Permit. The Board may refer proposed changes to the Land Use Permit to the County Planning Commission for processing.

If the Board 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 Land Use Permit, such request for action shall be sent to the County Planning Commission for review and a public hearing on the matter. As a result of the review and public hearing, the County Planning Commission may recommend to the Board the appropriate corrective action. Nothing in this condition shall preclude the permittee from applying for amendments to the Land Use Permit at any time or preclude the County from addressing emergency situations or new requirements imposed by state legislation or the courts.

#### **6. 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 Board'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 County with enforcement power if such laws and regulations enforced by other agencies are violated. Unless specifically stated in the Conditions of Approval, however, it is not the Board's intent to establish rules or regulations which are stricter than the laws or regulations which are applied to this project by the other agencies with jurisdiction over aspects of this project. If another agency primarily responsible for some aspect of this project finds 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 Board will decide or act upon a certain matter, and the Board has not assigned the responsibility to another unit of governmental pursuant to Conditions 2.3(a), (b) and (c), the Board may delegate the initial decision making or action with respect to that matter to the Director of Health Services, the Director of Community Development, or such other designee as the Board determines to be appropriate, provided that there shall be a right of appeal to the Board from any decision of the designee.
- .3 Interpretation of Conditions. The Director of the CCDD is authorized to interpret these conditions in the event that any clarification is needed.
- .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 CCDD 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 CCDD and any government agency responsible for monitoring the facility or its operation. This access shall not require prior notification.
- .6 Material Reports. The permittee shall submit monthly reports on (a) the amount, generator type and jurisdiction of origin of all waste and materials received at the BMPC as specified by CCDD by facility component as specified in Section 16

Resource Recovery and (b) the amount, composition, and disposition of all materials leaving the BMPC by jurisdiction origin and facility component as specified in Section 16 Resource Recovery. These reports shall be made available upon request to the CCDD.

- .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 CCDD, 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 and results of regulatory inspections and a summary of daily inspection reports shall be made available to the CCDD 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 County and City, provide a 24-hour hotline to receive comments and complaints from concerned parties, unless the County or City has provided a hotline for this purpose. 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 Local Advisory Committee. The permittee shall make a good faith effort to organize a local advisory committee, consisting of neighbors (i.e., representatives of the North Richmond neighborhood and vicinity agricultural and industrial companies) to comment and advise the permittee and the County on the development of the BMPC and its operations. The use of the existing North Richmond Municipal Advisory Council is encouraged for this purpose. If a committee cannot be organized, the operator shall hold a series of meetings in the locale.

Meetings with the committee, or invited local residents, shall be initiated following the approval of a Land Use Permit and shall be held at least quarterly through the first year of operation, and upon demand for the following two years of operation. The Board may extend the life of the committee. Additional meetings may be called by the Chair of the committee or by written request of three or more committee members. The advice of the committee shall be sought on such subjects as traffic, noise, odor, litter and landscaping matters. The CCDD shall be notified at least ten days in advance of all meetings. The local advisory committee formed under Condition of Approval 6.10 of Land Use Permit 2053-92 for the IRRF CPF

may serve to fulfill this condition.

- .11 Insurance and/or Bonding. The permittee shall provide the insurance and bonds specified by the units of government having approval authority over the project.
- .12 Notification Program. The permittee shall prepare and implement a program, subject to the approval of CCDD, to notify users of the BMPC of its opening, hours, and conditions of use.
- .13 Pre-Annexation Notification. If the permittee decides to request annexation of the BMPC to a city, the owner shall notify the Board at least 60 days in advance of filing any application for such annexation. The Board may require the permittee to consult with it or County staff to determine how solid waste management programs specified in these Conditions of Approval, or other agreements with the County, would be carried out subsequent to annexation.
- .14 Development Coordinator. The permittee shall provide a fund to support a County staff member and/or a consultant in the administration of this land use permit. The permittee shall provide such information as the Development Coordinator may require to review plans and installations under the purview of the County. This Condition may be fulfilled by Condition of Approval 6.14 of Land Use Permit 2053-92 for the IRRF CPF and/or by a joint program with the City of Richmond.
- .15 Compliance with Implementation and Mitigation Monitoring Program. The permittee shall fund the County staff's monitoring of compliance with the Land Use Permit Conditions of Approval (Implementation) and the adopted Mitigation Monitoring Program.
- .16 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, the Richmond City Council and the Contra Costa County Board of Supervisors shall select a comparable index. 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.

## **7. LAND 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 CCDD 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 Land Use Permit and prior to the commencement of any construction, the permittee shall submit a Final Development and Improvements Plan (FDIP) to the CCDD and obtain its approval. The FDIP shall be consistent with the project approved by the Land Use Permit, but prepared to a level of detail appropriate for the review of engineering and construction proposals. It shall be consistent with the project's Initial Development and Improvements Plan, Environmental Impact Report (EIR) findings, Land Use Permit application, and these Conditions of Approval. The FDIP shall include:

- (a) A Site Development Plan
- (b) A Resource Recovery Program, as described in Section 16.
- (c) A Landscaping Plan, as described in Section 18.
- (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, Erosion and Sediment Control Plan, as described in Section 21.
- (g) A National Pollution Discharge Elimination System Stormwater Permit, as described in Condition 7.2(a).
- (h) Seismic Design, as described in Section 22.
- (i) A Litter Control Program, as described in Section 25.

- .4 Phased Approval and Phased Construction. In reviewing the FDIP, the CCDD may provide for phased approval and 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 CCDD.

## **8. 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.

## **9. ELIGIBLE AND INELIGIBLE MATERIAL**

- .1 Eligible Material. The permittee may accept the following bulk materials destined for recovery and processing at the BMPC:
  - (a) Concrete and asphalt
  - (b) Woodwaste and yard debris.
  - (c) Limited residual waste as provided in Condition 9.4 below.

Materials destined for the Waste Recycling Center facility, biosolids and dredged materials, and wet/dusty material as defined by the City CUP 1101132 may be transported through the BMPC.

- .2 Ineligible Wastes. The permittee shall not allow the following wastes to be received at the facility:
- (a) Municipal solid waste other than inert and organic material intended for recovery.
  - (b) Designated Wastes, as defined by Section 2522 of Article 2 of Chapter 15, Title 23, of the California Code of Regulations.
  - (c) Infectious wastes and untreated medical wastes.
  - (d) Hazardous and toxic wastes
  - (e) 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 CCDD 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.
- .4 Residual Waste Management Program. The permittee shall prepare and submit a Residual Waste Management Program for approval by the CCDD. The program



shall address the amount and disposition of non-recyclable residuals and the recycling of other residue materials generated by operations at the facility. The County may impose a cap on the amount of residuals allowed to be landfilled. It is contemplated that iron and steel will be the recyclable residues.

## **10. 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 CCDD. The program may be operated in conjunction with the load inspection program required in City CUP 1101132.

## **11. 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 CCDD 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 City CUP 1101132. The Director of CCDD may exempt personal vehicles, autos and small trucks from the weighing program.

## **12. 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 BMPC 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) Concrete and/or asphalt processing: 5:00 am to midnight, Monday through Saturday.
  - (b) Chipping and grinding green materials and wood: 5:00 am to midnight, 7 days/week.
  - (c) Composting processing: 5:00 a.m. to midnight, 7 days/week.
  - (d) The Director of CCDD 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 of CCDD 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 Land Use Permit was adopted. To extend the hours of operation, Director of CCDD 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 Director of CCDD may grant, exemptions to Conditions 12.2, 12.3, and 12.4 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 16.1.
- (a) Green waste, organics and wood waste at the organics processing area: 1,134 tons/day (TPD)
  - (b) Concrete and asphalt materials: 2,026 tons/day (TPD)
- .8 Maximum Storage Capacity. The BMPC may have on-site at any given time the following maximum quantities of materials:, inclusive of this Land Use Permit and City CUP 1101132:
- (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.

.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.) 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, record keeping, 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.

### 13. CONSTRUCTION CONDITIONS

- .1 Construction Defined. For the purposes of this Land 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 Director of Community Development may grant, exemptions to Condition 13.2 for specific times for cause.
- .4 Construction Approvals. Written authorization by the CCDD is required before construction may commence. These authorizations may be issued in a phased manner (see Condition 7.4).
- .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.

#### **14. 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 CCDD and City. Maintenance records, subject to review by both the CCDD and City, 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.

#### **15. SITE DESIGN PLAN**

- .1 Site Design Plan. The permittee shall prepare and submit a Site Design Plan to the CCDD and obtain approval prior to beginning construction. The Plan shall show boundary lines and shall show facility locations and installation specifications based on final engineering and construction plans. The Plan may reflect the phasing of the project and shall include:
  - (a) Final site contours.
  - (b) On-site road locations and construction specifications.
  - (c) On-site processing areas and construction specifications.
  - (d) Building locations, if any.
  - (e) Entrance facility location and specifications.
  - (f) On-site rights-of-way and easements.
  - (g) Water, sewer, and other utility installations, unless shown on a separate

utilities service plan.

- (h) Areas for material storage and handling.

## **16. 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 reuse 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 reuse as specified in Sections 6.6 and 6.7. Maximum daily quantities of materials received at these facilities are identified in Condition 12.7. Percentage rates refer to the percentage of material brought in that is beneficially reused:
  - (a) Bulk Materials Processing Activities: Percentage rates refer to the percentage of material brought in that is beneficially reused:
    - (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
- .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. CCDD and permittee shall review permittee’s efforts to remove recyclable materials from the waste stream as needed.
- .3 Diversion or Beneficial Reuse Rate Adjustments. After operating experience is gained at the BMPC, permittee may request from the CCDD diversion or beneficial reuse rates adjustments based on actual data on material received and beneficially reused by each individual facility component.

## **17. BARGE TRANSPORTATION PROGRAM**

- .1 Program Development. If permitted by the appropriate agencies, the permittee may develop a barge transportation program, including related facilities, to promote the

hauling of recyclable materials via the San Francisco/San Pablo Bay water transportation network. The program shall use the existing mooring site identified in the IRRF EIR and shall be limited to one barge trip per day. The program shall be consistent with the IRRF EIR findings and these Conditions of Approval, and be subject to the following conditions.

- .2 Lighting. The permittee shall design and locate the lighting system for the barge unloading area to not substantially impact shoreline vistas.
- .3 Barge Docking Facility Plan. The permittee shall prepare and submit for approval by the CCDD a Barge Docking Facility Plan prior to construction. The plan shall include the following:
  - (a) Design and materials for mooring dock improvements, including the mooring posts.
  - (b) Design and materials for unloading platform.
  - (c) Design and materials for retaining walls adjacent to the mooring site.
  - (d) Guidelines for transport and loading/unloading activities, including high wind/storm conditions, night navigation and barge speed restrictions.

## **18. LANDSCAPING, SIGNAGE, AND LIGHTING**

- .1 Landscaping Plan. The permittee shall prepare and submit a Landscaping Plan of the entire site, to be approved by the CCDD, prior to submitting the plan to the CIWMB and LEA as part of the Closure/Post Closure Maintenance Plan. The permittee shall install and maintain the approved landscaping. The plan may be approved and installed in phases.
  - (a) 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 CCDD.
  - (b) The final landscaping and irrigation plan shall include native plants where appropriate, and shall identify alternatives to the planting of eucalyptus trees.
  - (c) 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.

- (d) 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.
- .2 Signage. 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 CCDD. The final signage plans shall be consistent with Mitigation Measure 9-1(b) of the WCCSL Bulk Materials Processing Center and Related Actions Project 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, and Mitigation Measure 10-1(g) regarding speed limit signs.
- .3 Public Access. The permittee shall consult and coordinate with the CCDD, City of Richmond, San Francisco Bay Conservation and Development Commission (BCDC) and the East Bay Regional Parks District (EBRPD) for appropriate landscaping along the Phase 3 portion of the public access trail. This Condition shall be consistent with an approved Closure/Post Closure Maintenance Plan. (See Conditions 19.5 and 19.6).
- .3 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 County Public Works Department (CPWD) and CCDD 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 queueing 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 CCDD. Exemption from these prescribed routes is allowed if detour routes are in force.

- .4 Violation of Prescribed Haul Route. Upon a determination by the County 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 County, 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 County. A system for reporting alleged violations and for monitoring enforcement data shall be established by the County 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 Project EIR.

The plans for public access shall implement the public access policies of both the County and City of Richmond 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 County and City of Richmond

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 Project 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 County, City of Richmond, 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) The minimum width of the trail shall be 12 feet.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The interpretive program proposed by the Applicant shall be developed in consultation with the Bay Conservation Development Commission (BCDC) and California Department of Fish and Game (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.

- (f) 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

- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.

- (k) 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.
- (l) 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 Project 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 County, City of Richmond, 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 County Encroachment Permit. The permittee shall obtain an encroachment permit from the County PWD for construction of driveways, or other improvements within the right of way of any public roads within the unincorporated County area.
- .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 County PWD, 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 CCDD and concerned agencies (East Bay Municipal Utilities District, Pacific Gas and Electric, WCCSD, and CC/WCFPD) prior to beginning construction, where applicable. The CCDD 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 - 20.8).
  - (b) A Water Service Component (Conditions 20.9 - 20.11).
  - (c) A Wastewater Component (Conditions 20.12 - 20.13)
- .2 Fire Protection Component. The permittee shall develop and implement a Fire Protection Component for the BMPC meeting the requirements of the CC/WCFPD 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 City CUP 1101132. The program shall be subject to the approval of the CC/WCFPD and CCDD. The Fire Protection Component shall address, but not be limited to, the following:
  - (a) Fire protection and suppression measures, including location of fire hydrants, firebreaks, 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 District Permits. The permittee shall apply to and obtain from the CC/WCFPD any District or Department permits which may be required to comply with Fire Code requirements.
- .4 Assessment Program. The permittee shall participate in the CC/WCFPD's benefit assessment program for ongoing operational costs, and pay new development fees for one-time costs for stations and equipment in the same manner as other new development and commercial operations in the West County area. Participation in the program may be coordinated with a similar program if required in City CUP 1101132.
- .5 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 FDIP and shall be subject to the approval of the CC/WCFPD.
- .6 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 screening loads program required by Condition 10.1.
- .7 Smoking Prohibitions. The permittee shall prohibit smoking on the facility except in designated areas. Signs shall be clearly posted.
- .8 Equipment and Cleaning. See Section 14.
- .9 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 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.

- .10 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 County water conservation ordinances. The permittee shall report on this matter to the CCDD.
- .11 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 County water conservation ordinances and be consistent with EBMUD policies and guidelines.
- .12 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.
- .13 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 SWPPP and the MP shall become part of the FDIP.
- .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 by the CPWD and reviewed and approved by the CCDD.
- .3 Drainage Requirements. Unless exceptions are specifically granted, this



development shall conform to the requirements of Division 914 (Drainage) of the Subdivision Ordinance. Conformance with Division 914 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) Designing and constructing storm drainage facilities required by Division 914 in compliance with specifications outlined in Division 914 and in compliance with design standards of the CPWD.
  - (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 CCDD and the CPWD. 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 CCDD may authorize grading if it is allowed by the SFRWQCB and/or the California Department of Fish and Game. The CCDD 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 plant ground cover on graded areas which are not to be paved as soon as practicable. 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 Floodplain Requirements. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The permittee should be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-118) as they pertain to future construction of any structures on this property.
- .12 Drainage Fee Requirements. The permittee will be required to comply with the drainage fee requirements for Drainage Area 19A as adopted by the Board of Supervisors.
- .13 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.
- .14 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 CCDD 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 CCDD 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 County, or reports are relayed from the BAAQMD, and the source of the odor is confirmed to be the BMPC, the CCDD 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 County shall have the authority to cease operations of all or part of the facility to control odors. A similar program required by City CUP 1101132 may satisfy the provisions of this Condition.

All odor complaints shall be logged and investigated by the permittee. The use of the 24-hour hotline, as required by Conditions 6.9 and 25.9(e), 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 14.
- .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 BAAQMD, the permittee shall install air quality monitoring devices and establish an air quality monitoring program. The installations shall be shown in the FDIP. 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 the permittee and/or the County receive noise complaints, noise abatement measures may be required by the CCDD. 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 1991 County General Plan or WCCSL Bulk Materials Processing Center and Related Actions Final EIR. The location of noise monitoring devices, if required, shall be determined by the CCDD. 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 13.2.
- .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 CCDD, and be described in the Final Development and Improvements Plan. This Condition may be satisfied by a similar requirement in City CUP 1101132. 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 CCDD before operations commence, and shall be subject to the approval of both CCDD and CPD.
- .3 Transfer Trucks. The permittee shall notify all transfer truck operators using the facility that anti-litter screening on transfer vehicles is required. The transfer vehicle operator shall maintain the screens 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 CCDD.
- .5 On-Site Litter Policing. The permittee shall police and remove litter from the facility's perimeter at least weekly. The CCDD 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 CCDD may require more frequent policing to control the accumulation of litter.
- .7 Littering Signs. The permittee shall post signs, as determined necessary by the CCDD, 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 6.16). 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 County (see Condition 6.9). 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.
- .10 Uncovered Load Surcharge. The permittee shall comply with County Ordinance No. 91-26 to impose a surcharge on uncovered loads arriving at the facility. The permittee shall inform users of this facility about the surcharge through posting of signs and a written program (see Condition 25.8). The written program shall be approved by the CCDD.

## **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 CCDD prior to operations. This program may be satisfied by a similar requirement in City CUP 1101132.

## **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 21 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 CCDD and WC/WCFPD 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 City CUP 1101132.
- .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 CCDD.
- .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 CCDD.
- .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 CCDD.
- .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 CCDD.
- .9 Equipment Maintenance. The permittee shall prepare and implement an equipment maintenance program which shall be approved by the CCDD 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/PF and BMPC sites. 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;
  - (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.

## **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 Facility Security Barrier. The permittee shall submit a plan for the perimeter security fence around the facility, subject to review and approval of CCDD. The plan shall address fencing of hazardous areas within the facility.
- .4 Security Staffing. Private security services may be retained when the facility is not in operation.
- .5 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.