



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

NOTICE OF DETERMINATION

Martinelli
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DATE: March 9, 2000

TO: X Office of Planning and Research (OPR)
1400 Tenth Street, Room 121
Sacramento, CA 95814

 X Alameda County Clerk - Recorder
1106 Madison Street
Oakland, CA 94608

SUBJECT: Filing of a Notice of Determination (per Public Resources Code sec. 21152 & California Code of Regulations sec. 15094)

PROJECT TITLE: Conditional Use Permit C-5512, Altamont Landfill and Resource Recovery Facility, Class II Expansion

LOCATION: 10840 Altamont Pass Road, north side, approximately 1.25 east of the intersection with Dyer Road, in the unincorporated Altamont Hills area of Alameda County.

DESCRIPTION: Expansion of an existing sanitary landfill and resource recovery facility to include an additional 250 acres of land, with capacity for up to 40 million tons of in-place refuse over the next 19 to 28 years.

NOTIFICATION: This Notice of Determination is to advise the public that the Alameda County Board of Supervisors, acting as the Lead Agency, approved the above project at its regular hearing on Thursday, March 9, 2000.

The Board of Supervisors has determined that the project as approved will have a significant effect on the environment. The Board of Supervisors also 1) certified the Final EIR, 2) adopted findings, 3) adopted mitigation measures as conditions of approval, and 4) adopted a Statement of Overriding Considerations.

The Final EIR and record of proceedings is available for public review at the Alameda County Planning Department, 399 Elmhurst Street, Room 136, Hayward, CA. The contact person is Ron Gee, Senior Planner. His telephone number is 670-5400.

Signature: *Alfred Martinelli*

Title: Director of Community Development

Date: 3/9/00

ALAMEDA COUNTY BOARD OF SUPERVISORS

** MINUTE ORDER **

The following is action taken by the Board of Supervisors on March 9, 2000

Approved as Recommended Other

Approved the following revised conditions: Transfer trucks traveling to and from the Altamont Landfill and Resource Recovery Facility shall be restricted to the state or inter-state freeway systems. Exceptions to this are allowed:

1. Where there is an emergency regarding individual transfer vehicles;
2. At the direction of a safety officer or a Cal-Trans mandated detour; or
3. For direct access on local streets to a transfer station (Eg. Davis Street) or to the landfill itself

Unanimous Carson Haggerty King Steele Chan - 4

Vote Key: A=Yes; N=No; AB=Abstain; X=Excused

Documents accompanying this matter:

Resolution(s) R-2000-414

File No. 14448
Lib No. 306 A & B
Item No. 5

Copies sent to: CDA



Special Notes:

I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
LESLIE BURNS, Assistant Clerk
Board of Supervisors

By: Lita T. Tardito
Deputy

ATTACHMENT D

CONDITIONAL USE PERMIT, C-5512 ALTAMONT LANDFILL AND RESOURCE RECOVERY FACILITY CLASS II EXPANSION PROJECT

WHEREAS WASTE MANAGEMENT OF ALAMEDA COUNTY, INC. (WMAC, formerly known as Oakland Scavenger Company) has filed for CONDITIONAL USE PERMIT, C-5512, to allow Class II expansion of the Altamont Landfill and Resource Recovery Facility (ALRRF) including: 1) development of a 760 acre Class II landfill adjacent to the existing landfill site (Fill Area 1) that could accept up to 164 million tons of waste, the equivalent to 240 million cubic yards of net refuse in-place, with an estimated site life of 46 years after Fill Area 1 capacity is depleted; 2) to allow acceptance of municipal solid waste and Class II designated wastes at the landfill; 3) expansion of the ALRRF service area to provide for additional, out-of-county waste import; and, 4) average permitted daily tonnage received at the ALRRF of 11,150 tons; located in an "A" (Agricultural) District, at 10840 Altamont Pass Road, north side, approximately 1.25 miles east of the intersection with Dyer Road, Unincorporated Altamont Hills Area, designated Assessor's Parcel Numbers: 99B-6062-5, 99B-6225-1, 99B-6250-1, 99B-6275-1-1, and 99B-6275-1-4; and

WHEREAS a Draft Environmental Impact Report (DEIR) for the project was prepared and circulated for public review and comment on September 29, 1995 in accordance with the provisions of the California Environmental Quality Act (CEQA); an Appendix (Volume II, Appendices) was incorporated as part of the Draft EIR; a Response to Comments Addendum comprising responses to comments received on the DEIR was prepared and sent on March 29, 1996, to all parties who commented on the DEIR; and the responses to comments submitted by responsible agencies was made available by mail on March 29, 1996; and

WHEREAS said DEIR, Appendices and Addendum, which comprised a Final Environmental Impact Report for the project, identified potential environmental impacts and mitigation measures to reduce those impacts to a less than significant level, which were incorporated into the project, except for those impacts which were unavoidable and for which overriding considerations were identified; and

WHEREAS a Pre-Hearing Analysis was submitted to the Zoning Administrator recommending the application be conditionally approved; and

WHEREAS the project applicant, community representatives, and other individuals appeared at public hearings to offer testimony in support of the application; and

WHEREAS other community group representatives and individuals appeared at public hearings to offer testimony in opposition to the application; and

WHEREAS the Zoning Administrator certified the Final Environmental Impact Report prepared for the project and conditionally approved the project on the 10th day of May, 1996; and

WHEREAS that action was appealed to the Board of Supervisors by Donna Cabanne, Sierra Club, Northern California Recycling Association and Waste Management of Alameda County, Inc. within ten days of the Zoning Administrator's action; and

WHEREAS Waste Management of Alameda County, Inc. withdrew its appeal prior to the Board of Supervisors' appeal hearing; and

WHEREAS the Board of Supervisors did hold public hearings on said application at the hour of 9:00 a.m. on the 6th day of June, 1996, the 11th day of July, 1996, at the hour of 6:30 p.m. on the 14th day of August (at the Triad Systems Corporation Cafeteria, 3055 Triad Drive, Livermore, CA 94550), at the hour of 9:00 a.m. on the 12th day of September, 3rd day of October, and 7th day of November, at the hour of 10:00 a.m. on the 5th day of December, 1996 and on the 9th day of March, 2000, in the Alameda County Administration Building, Board of Supervisors Chambers, 1221 Oak Street, Fifth Floor, in Oakland, California; and

WHEREAS the Board of Supervisors did hear and consider all said reports, recommendations and public testimony as hereinabove set forth; and

WHEREAS the Board of Supervisors conditionally approved the project with modifications on December 5, 1996, according to Resolution R-97-284; and

WHEREAS the action of the Board of Supervisors was challenged in three lawsuits brought by the Sierra Club, Northern California Recycling Association, the Measure D Committee, Altamont Landowners Against Rural Mismanagement (ALARM), Castle & Cooke, the City of Livermore, and the City of Pleasanton (Petitioners) against the County of Alameda, as respondent, and Waste Management of Alameda County, Inc. (WMAC), as real party in interest, in Superior Court, which suits were consolidated and heard on June 2, 1998, by Judge Alex Saldamando, sitting as a judge of the Alameda County Superior Court by designation of the Judicial Council; and

WHEREAS on September 1, 1998 the Court ordered that the County vacate, set aside, or revoke its approval and cure certain aspects of the certified EIR prior to allowing any implementation of the CUP; and

WHEREAS WMAC did timely file a notice of appeal with the Court; and

WHEREAS the County, on October 1, 1998, filed a Return to Alternative Writ of Mandate indicating that the Board of Supervisors had suspended and set aside its action certifying the EIR for CUP 5512; and

WHEREAS the County and WMAC did enter into extensive settlement negotiations with the Petitioners, and have entered into a settlement with a majority of the parties effective on December 5, 1999; and

WHEREAS the settlement provides that, if the County approves a CUP in substantial conformance with the terms of the settlement following completion of environmental review as necessary to comply with CEQA and to address the trial court's decision in the consolidated lawsuits, that a settlement of judgement will be entered with the Court and the suits will be dismissed; and

WHEREAS the County issued a Revised Final EIR on January 28, 2000 and gave public notice of this fact as required by law; and

WHEREAS the Board of Supervisors did hold a public hearing on said matter at the hour of 10:00 a.m on the ninth day of March, 2000, in the Board Chambers, 1221 Oak Street, Fifth Floor, in Oakland, California, and gave notice of this fact as required by law; and

WHEREAS CEQA and State and County Guidelines adopted pursuant thereto require the Board of Supervisors to make findings where the Environmental Impact Report identifies one or more significant effects which would or would likely result from approval of this project; and

WHEREAS the Board of Supervisors has determined based on:

- A. the Conditional Use Permit Application (proposed project design and operations description), as presented by the applicant and dated June 1992 and amended in the Final EIR;
- B. the Final Environmental Impact Report (FEIR) for the project, consisting of (a) the Draft Environmental Impact Report (SCH# 92083047), dated September 29, 1995; (b) Volume II, Appendices to the Draft EIR, dated September 29, 1995 (c) Response to Comments Addendum to Draft Environmental Impact Report, dated March 29, 1996; and (d) Revised Final EIR, dated January 2000;
- C. the draft Conditions of Approval for this Conditional Use Permit, C-5512, dated March 6, 2000; and
- D. the County's files and administrative record relating to this project application;

that most of the potential significant impacts of the project will be mitigated to a less than significant level; that certain of the potential significant impacts and cumulative impacts to which the project will contribute, although unavoidable, are justified due to overriding considerations described elsewhere; and the statements of environmental effects, findings, and facts relied upon by the Board of Supervisors are as discussed in the Final EIR for the project; and

WHEREAS the FEIR determined that various potential impacts were less than significant in the first instance, such that mitigation measures are not required pursuant to CEQA; and

WHEREAS the Board of Supervisors has determined that there are several impacts identified in the FEIR that were determined to be less than significant and not subject to mitigation requirements; nevertheless, various actions which were suggested in the Environmental Impact Report are incorporated as conditions of approval to further reduce or eliminate some of these impacts; and

WHEREAS most of the potential significant impacts and significant cumulative impacts of the project can be mitigated to less-than-significant levels, and the findings adopted by the Board of Supervisors regarding those impacts and mitigation measures remain as they were adopted on December 5, 1996, except as follows:

- A. Mitigation Measure F-1 regarding impacts to wetlands is amended to include provisions of the Settlement Agreement, noted on pages 4-9 and 4-10 of the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- B. Mitigation Measure F-2 regarding impacts to alkali sink areas is amended to include provisions of the Settlement Agreement, noted on page 4-10 of the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- C. Mitigation Measure F-4 regarding impacts to the San Joaquin kit fox is amended to include provisions of the Settlement Agreement, noted on pages 4-11, 4-12 and 4-13 of the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- D. Mitigation Measures F-5, F-6, F-7, F-8, F-9, F-10, F-11, F-12, F-13 regarding other species and habitats are amended to incorporate the provisions of Mitigation Measure F-4, pursuant to the Settlement Agreement, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- E. Mitigation Measure F-14 regarding cumulative biologic resource impacts is amended to include reference to Measures F-1 through 4 described in the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- F. Mitigation Measure I-2i is added to address contaminated soils, as stipulated in the Settlement Agreement and described on page 4-21 of the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and
- G. Mitigation Measure I-2j is added to address acceptance of hazardous materials, as stipulated in the Settlement Agreement and described on page 4-21 of the Revised Final EIR, to ensure that impacts will be reduced to a less than significant level with the Modified Project Alternative; and

- H. Mitigation Measure J-3 regarding traffic impacts is amended, as noted on page 4-31 of the Revised Final EIR, to clarify the impacts of the Mitigated Project Alternative and to ensure that impacts would remain less than significant with the Modified Project Alternative; and

WHEREAS the findings regarding alternatives remain as they were adopted by the Board of Supervisors on December 5, 1996, except as follows:

- A. The Reduced Project Alternative is no longer adopted, although it is feasible and consistent with the objectives as set forth in the EIR, and meets the State and County landfill capacity goals; and
- B. The Mitigated Project Alternative is adopted as the feasible and environmentally superior alternative because the process of negotiation that has led to the Settlement Agreement has demonstrated that the Mitigated Project Alternative described and analyzed in the Revised Final EIR is environmentally superior to the Reduced Project Alternative and achieves the project objectives, as indicated by the applicant's willingness to implement it; and

WHEREAS the Board of Supervisors has identified a Statement of Overriding Considerations regarding the significant unavoidable environmental impacts of this project, and the anticipated environmental, economic, social, and other benefits of the project which justify approval of this project notwithstanding such environmental impacts, remain as they were adopted on December 5, 1996, except as follows:

- A. Unmet fiscal needs in the County vary from year to year and may continue to go unmet or may be accommodated by other means and therefore the project's ability to assist in making up for a lack of sufficient County tax revenue is not an overriding consideration because the project will not substantially increase in activity levels over existing conditions; and

WHEREAS CEQA requires lead agencies to recirculate EIRs for a second round of public review and comment when significant new information is added to the Final EIR after the Draft EIR is circulated for review and comment. The CEQA Guidelines specify that recirculation is required when: 1) a new significant impact would result from the project or a mitigation measure; 2) a substantially more severe impact would result and that impact is not mitigated to insignificance; 3) a new, considerably different alternative or mitigation measure would clearly lessen project impacts but the project's proponents decline to adopt it; or 4) the Draft EIR was fundamentally and basically inadequate and conclusory so that meaningful public review and comment was precluded; and

- A. The Board of Supervisors finds that the FEIR does not include significant new information requiring recirculation. There is no new information added to the Revised Final EIR that shows that a new significant environmental impact would result from the project or from a new mitigation measure. There is no new information added to the Revised Final EIR that shows a substantial, unmitigated increase in the severity of an environmental impact. There is no new information to the Revised Final EIR that shows that a feasible project alternative or mitigation measure would clearly lessen the project's environmental impacts but the project's proponents decline to adopt it. There is no new information added to the Revised Final EIR that shows that the Draft EIR was so fundamentally and basically inadequate that meaningful public review and comment were precluded.
- B. This determination is based on the FEIR and the entire record before the Board of Supervisors, including the following facts:
1. The Revised Final EIR proposes a new impact-reducing Mitigated Project Alternative. The Mitigated Project Alternative has been agreed to and adopted by the applicant, and is being adopted and approved by the Board of Supervisors pursuant to this resolution. The CEQA Guidelines expressly provide that recirculation is not required under these circumstances; and
 2. The information included in the Revised Final EIR consists of evaluations regarding the same physical, environmental impacts evaluated in the Draft EIR, and no new impacts are identified in the Revised Final EIR;
 3. The Mitigated Project Alternative results in the same types of impacts analyzed in the Draft EIR (traffic, visual quality, biological, etc.). However, the Mitigated Project Alternative further reduces significant impacts of the project as proposed and as originally approved.

WHEREAS for this permit many of the mitigation measures cited in the Final EIR and Revised Final EIR have been condensed, simplified, and/or combined with measures adopted previously for prior ALRRF Conditional Use Permits solely for the purposes of clarity and reducing redundancy; and

WHEREAS a Mitigation Monitoring Program will be prepared in accordance with California Public Resources Code, California Environmental Quality Act, Section 21081.6, prior to project implementation, to incorporate all measures recommended by the FEIR, the Settlement Agreement, and other monitoring requirements of the landfill; and

WHEREAS the Board of Supervisors finds that this approval, by reducing landfill expansion capacity below the Reduced Project Alternative and Design Alternative identified in the March 29, 1996 Final EIR, achieves most of the objectives of the project and further reduces environmental impacts of the expansion project and is deemed superior and feasible because the applicant has agreed to implement it as part of the Settlement Agreement; and

WHEREAS the Board of Supervisors finds that this approval achieves a reasonable balance between achieving project goals and reducing environmental impacts;

NOW, THEREFORE

BE IT RESOLVED that the Board of Supervisors does hereby certify:

- A. that the FEIR for Waste Management of Alameda County, Inc., ALRRF Class II Expansion Project, has been completed in accordance with CEQA; and
- B. that the FEIR for the project was presented to the Board of Supervisors, and that the Board reviewed and considered the information contained in the FEIR prior to taking action on the project; and
- C. that the Board of Supervisors finds that the FEIR was independently reviewed and analyzed by the lead agency, the documents circulated in connection therewith reflect the independent judgment of the lead agency, and the FEIR reflects the independent judgment of the lead agency; and

BE IT FURTHER RESOLVED the Board of Supervisors finds:

- A. The Mitigated Project Alternative (MPA) as described in the Revised Final EIR dated January, 2000 is the environmentally superior project because it further reduces environmental impacts of the project, including but not limited to impacts regarding habitat loss, historic resources, visual resources, open space, agriculture, recreation, traffic, noise, air quality, and hazardous materials; and
- B. The MPA is feasible because the applicant has agreed to implement it; and
- C. Impacts that could have resulted from the import of waste from outside of the service areas established in this Conditional Use Permit (CUP) are no longer at issue because waste import has been restricted as part of the CUP; and

- D. Impacts that could have resulted from waste haul truck traffic along State Route 84 between Sunol and Livermore is no longer at issue because waste haul trucks other than local collection trucks are prohibited as part of the CUP; and
- E. Impacts that could have resulted from the expansion over 750 acres and allowing total waste disposal of 160 million tons is no longer at issue because the project has been revised to limit the expansion area to 250 acres allowing a maximum of 40 million tons of waste to be deposited at the landfill; and
- F. Impacts that could have resulted from peak-hour truck trips are no longer at issue because the total number of peak-hour truck trips has been limited to ten (10) as part of the revised CUP; and
- G. Impacts to the host community have been reduced by providing compensating revenue for the purpose of a performing arts center and other measures to improve the image of the City of Livermore; and

BE IT FURTHER RESOLVED, the Board of Supervisors adopts as findings the statements regarding the less than significant impacts of the project, the potentially significant impacts of the project, the unavoidable impacts of the project, and the alternatives to the project;

BE IT FURTHER RESOLVED, the Board of Supervisors finds that despite the potential for significant impacts that cannot be avoided or that cannot be mitigated to acceptable, there are overriding considerations in the form of economic and social benefits from this project that outweigh the remaining unavoidable impacts; and

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby certify and adopt the FEIR for the ALRRF Class II Expansion Project (consisting of the Draft EIR, Appendices, Responses to Comments, and Revised Final EIR) and those conditions of approval based on the mitigation measures recommended in the EIR and required by the Settlement Agreement; and

BE IT FURTHER RESOLVED, that the documents and other materials that constitute the record of proceedings on which the Board of Supervisors' decision is based are located at, and shall remain within the custody of, the Alameda County Planning Department, 399 Elmhurst Street, in Hayward, California; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that recirculation of the Revised Final EIR is not required for the reasons cited above; and

BE IT FURTHER RESOLVED, that the Board of Supervisors has considered all comments regarding the Revised Final EIR and response thereto as part of the staff report to the Board prior to this action; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds, with respect to the CUP application, that:

- A. The use is required by the public need since the ALRRF would provide an expanded regional facility for Alameda County and other nearby counties where municipal solid waste, commercial, industrial, construction and demolition wastes, designated wastes and Publicly Owned Treatment Works (POTW) sludge can be disposed, reducing vehicle miles traveled and associated traffic and air-quality impacts from the transport of designated wastes generated from out-of-county disposal sites.
- B. The use will be properly related to other land uses and transportation and service facilities in the vicinity as impact on traffic congestion, improvements, and maintenance of highways and roads in Alameda County are mitigated herein; all other public services and utilities are available; adequate monitoring and reporting of designated wastes to be deposited at the site will be accomplished.
- C. The use, if permitted, under all the circumstances and conditions of this particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, in that operation of the expanded landfill area for receipt of Class II and Class III wastes at the ALRRF will not be allowed until all required permits are secured from applicable state and regional agencies such as the Regional Water Quality Control Board - Central Valley Region, the Bay Area Air Quality Management District and the Local Enforcement Agency.

As conditioned, operational procedures were amended to accommodate receipt of new waste materials; in addition, new landfill development and design standards were implemented as part of the ALRRF Class II Reclassification Project (C-6090). All applicable health and safety code requirements would be met. Under the conditions of approval, the increased rate of fill and designated waste types deposited at the landfill should not result in any adverse health or safety concerns, or be materially detrimental because all impacts therefrom would be mitigated to insignificant levels.

- D. The use will not be contrary to the specific intent clauses or performance standards established for the "A" (Agriculture) Zoning District and the East County Area Plan

of the Alameda County General Plan and the County Integrated Waste Management Plan, in that the expanded landfill use, as conditioned, would help to provide sufficient capacity to absorb the existing waste stream of Alameda County jurisdictions for at least fifty (50) years.

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby conditionally approve Conditional Use Permit application C-5512 to allow Class II expansion of the Altamont Landfill and Resource Recovery Facility (ALRRF), including: 1) development of a Class II landfill adjacent to the existing landfill site (Fill Area 1) that could accept up to 40 million tons of waste in two phases; 2) to allow acceptance of municipal solid waste and Class II designated wastes at the landfill; 3) is subject to the 106 conditions of approval, which follow; and 4) mitigation monitoring and reporting as specified in Condition 84; and

BE IT FURTHER RESOLVED that, as presented in these Conditions of Approval, the condensation and simplification of mitigation measures identified in the FEIR shall not be construed so as to diminish or eliminate the responsibility of the operator for full mitigation of environmental impacts identified in the FEIR; but in the implementation of these Conditions of Approval, in the event that a question arises as to how the operator or County shall proceed in mitigation of impacts, the FEIR shall be consulted for guidance by the County in making a determination.

THE FOREGOING was PASSED and ADOPTED by the following vote of the Alameda County Board of Supervisors this 9th day of March, 2000, to wit:

AYES: Supervisors Haggerty, King, Steele & President Chan - 4

NOS: None

EXCUSED: Supervisor Carson - 1



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:
Crystal K. Hishida, Clerk
Board of Supervisors

By: Lita Tashet
Deputy

File: 14448
Agenda No: 5
Document No: R-2000-414



I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
LESLIE J. BURNS, Interim Asst. Clerk of the Board of Supervisors

By: Lita Tashet
Deputy

CONDITIONAL USE PERMIT C-5512
CONDITIONS OF APPROVAL

Altamont Landfill and Resource Recovery Facility - Class II Expansion Project

1. The operator shall construct the proposed landfill expansion in substantial conformance with the plan depicted in Exhibit 1, attached hereto and made a part of this permit by reference, proportionately modified for the reduced project approved herein. Specifically, the landfill expansion shall conform to the proposed footprint and elevations, and the biological mitigation area and proposed buffer zones shall be set aside as shown on this Exhibit 1.
2. The operator may make minor modifications to the footprint boundary and elevations to accommodate local requirements for geotechnical and hydrologic integrity, local biological requirements, or other valid reasons, provided the altered footprint does not exceed approximately 250 acres in extent. Nominally, an alteration in the landfill footprint locally affecting no more than 2.5 acres of land (1 percent of the expansion footprint) or alteration in the landfill construction resulting in a local maximum increase of ten (10) feet over final landfill elevation shall constitute a minor modification. For modifications greater than these values, the operator shall submit plans to the Planning Department for review and approval. If necessary, the Planning Department shall respond within ten (10) days, stating whether the proposed modification requires additional review and conditional use permit modification; otherwise, the operator may proceed with the modification.
3. The landfill expansion described in this permit, CUP C-5512, shall not be constructed until the following permits and/or plans are approved or modified as needed to accommodate said project:
 - (a) County Integrated Waste Management Plan (CIWMP) Conformance (Alameda County Waste Management Authority - ACWMA);
 - (b) Report of Disposal Site Information and Solid Waste Facilities Permit (Alameda County Health Care Services Agency, Department of Solid and Medical Waste Management, Local Enforcement Agency, or as designated by the California Integrated Waste Management Board - LEA/CIWMB);
 - (c) Waste Discharge Requirements and General Industrial Stormwater Permit (Regional Water Quality Control Board, Central Valley Region - RWQCB);
 - (d) Permit to Operate and Authority to Construct (Bay Area Air Quality Management District - BAAQMD).
 - (e) Section 404 Nationwide or Individual Permit (U.S. Army Corps of Engineers - COE)
 - (f) Permit of Incidental Take (U.S. Fish and Wildlife Service - FWS)
 - (g) Fish and Game Code 2081 Permit and Stream Bed Alteration Agreement (California Department of Fish and Game - DFG)

LIMITATIONS ON ACCEPTANCE AND DISPOSAL OF WASTES

4. In addition to any other limitations in this permit or in any permits or approvals of the Altamont Landfill and Resource Recovery Facility (ALRRF), the operator shall not accept any waste for disposal, except as provided in Conditions No. 4.1 through 4.6, below.
 - 4.1 Limitation on Franchise Waste. The operator shall be permitted to accept for disposal at the ALRRF franchise waste only from Alameda County, the City and County of San Francisco and the City of San Ramon, California subject to the following two conditions:
 - 4.1.1. With respect to franchise waste accepted for disposal from the City and County of San Francisco, during the remaining term of the existing contract for such disposal the City and County of San Francisco must meet the recycling rate requirement specified pursuant to the existing permit for the acceptance of Franchise Waste from San Francisco issued by the ACWMA (ACWMA's Resolution No. 78), (a copy of this recycling rate requirement is attached to this permit as Exhibit "2.") After expiration of the existing contract, the operator may enter into a new contract to accept franchise waste from the City and County of San Francisco if San Francisco is in compliance with the aforementioned recycling rate requirement and any applicable recycling rate requirement of state law.
 - 4.1.2. With respect to franchise waste accepted for disposal from the City of San Ramon, the operator may enter into a contract to accept such waste only if the City of San Ramon demonstrates that it is achieving a recycling rate equal to the average recycling rate achieved by the Cities of Livermore and Pleasanton, provided that such average rate shall be weighted to reflect the respective populations of Livermore and Pleasanton.
 - 4.2 Limitation on Non-Franchise Waste. The operator shall be permitted to accept for disposal at the ALRRF non-franchise waste from Alameda County and the City and County of San Francisco. In addition, the operator shall be permitted to accept for disposal at the ALRRF non-franchise waste specifically covered by Conditions No. 4.3, 4.4 and 4.5 below.
 - 4.3 Sludges, Inert Waste, and Special Waste Prior to ALRRF Expansion. During the continued operation of the ALRRF within the landfill area covered by the conditional use permit CUP-6395 and previous approvals, and prior to the date of the first

deposit of solid waste in the expansion area of the ALRRF authorized by this permit (the "Expansion Date"), sludges, inert waste, and special waste from outside Alameda County and San Francisco may be accepted for disposal at the ALRRF subject to the following provisions:

- 4.3.1. During the calendar years 1999 and 2000, the amount of such waste accepted for disposal at ALRRF shall not exceed an annual tonnage cap of 75,000 tons per year, provided, however, that any unused portion of this annual tonnage cap in either calendar year may be "banked" for potential use during any calendar year after the year 2000 and up to the Expansion Date as provided in Condition No. 4.3.2 below. In each of these calendar years, no more than 12,000 tons of such waste shall be accepted for disposal from outside the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma (the "Nine Bay Area Counties").
- 4.3.2. During each calendar year beginning on January 1, 2001 up until the Expansion Date, the amount of such waste accepted for disposal at ALRRF shall not exceed an annual tonnage cap of 60,000 tons per year, provided, however, that any unused portion of this annual tonnage cap in any calendar year may be "banked" for potential use in any subsequent year up to the Expansion Date, and further provided that the annual tonnage cap may be increased to up to 75,000 tons per year by the use of any tonnage which has been "banked" in any prior calendar year pursuant to this Condition No. 4.3. In each of these calendar years, no more than 7,500 tons of such waste shall be accepted for disposal from outside the Nine Bay Area Counties.
- 4.3.3. Notwithstanding the limitations set forth in Conditions No. 4.3.1 and 4.3.2 above, additional sludges, inert waste, and special waste may be accepted for disposal at ALRRF to the extent that such additional wastes are the result of a "major event" which impacts all or part of Alameda County or the City and County of San Francisco, or both. A "major event" for purposes of this Condition No. 4.3.3 is defined as an event or occurrence which requires substantial additional disposal of sludges, inert wastes or special waste, and which is either (i) a regulatory change or order requiring the collection and disposal of soil, debris or other material from a substantial area such as numerous industrial facilities or public facilities, or (ii) a damaging event or occurrence such as a fire, earthquake, flood, or large explosion, which

destroys or damages structures or facilities over a substantial area. If the "major event" is a regulatory change or order, then review and approval by the Planning Commission shall be required prior to any acceptance of additional waste pursuant to this Condition No. 4.3.3 from outside Alameda County and the City and County of San Francisco. The County shall use its best effort to schedule and conclude the Planning Commission hearing on any such proposed action within thirty (30) days following the operator's application to the County seeking approval of such disposal.

- 4.4 Sludges, Inert Waste, and Special Waste After ALRRF Expansion. After the Expansion Date, the amount of sludges, inert waste, and special waste accepted for disposal at ALRRF from outside Alameda County and San Francisco shall not exceed 25,000 tons per calendar year, and no such waste shall be accepted from outside the Nine Bay Area Counties. The "banking" and "major event" provisions and exceptions set forth in Condition No. 1.3, above, shall not apply after the Expansion Date.
- 4.5 Self-Haul from Contra Costa County. The operator may continue to accept self-haul wastes from Contra Costa County at the ALRRF, up to an annual tonnage cap of 15,000 tons per year prior to the Expansion Date, and up to an annual tonnage cap of 25,000 tons per year after the Expansion Date. Prior to the Expansion Date, any unused portion of the annual tonnage cap in any calendar year may be "banked" for potential use in any subsequent calendar year prior to the Expansion Date, provided that the overall amount of such waste accepted shall not exceed 25,000 tons in any calendar year. This "banking" provision shall not apply after the Expansion Date. Self-haul wastes are defined for purposes of this Condition No. 4.5 to include solid wastes which are self-hauled to the ALRRF by the independent contractor or customer who generates the wastes.
- 4.6 Pro Rata Adjustment of Partial Calendar Years Before and After the Expansion Date. With respect to any partial calendar year immediately before or after the Expansion Date, the applicable tonnage caps shall be a pro rated percentage of the otherwise applicable caps. Minor variances in the pro rated caps for the partial calendar year, if any, prior to the Expansion Date shall be allowed only to the extent the variance is the result of seasonal or periodic fluctuations in the rate of waste disposal, which fluctuations would be consistent with complying with the tonnage cap if the cap applied over an entire calendar year.
- 4.7 No Hazardous, Medical or Radioactive Waste. The Conditions of Approval set forth above are intended to allow for disposal of franchise waste, non-franchise waste and

materials regulated or classified as inert waste, special waste or designated waste, and are not intended to allow for disposal at ALRRF of material which is regulated as a hazardous waste, medical waste, or radioactive waste. Accordingly, the operator shall not accept for disposal at the ALRRF any material which is (i) classified and regulated by the State of California as a hazardous waste; (ii) classified and regulated by the State of California as a medical waste; or (iii) classified and regulated by the United States Department of Energy as a radioactive waste.

4.8 Annual Tonnage Cap and Average Daily Tonnage Cap. The amount of solid waste accepted for disposal at ALRRF in any given calendar year shall be limited by the geographic and other restrictions in this permit, and further by the provisions of this Condition No. 4.8. The provisions of this subsection are intended to provide an annual tonnage cap and a cap on average daily tonnage of solid waste to be accepted for disposal at ALRRF in addition to the geographic restrictions in this permit.

4.8.1 Beginning in the year 2000, the amount of solid waste accepted for disposal at the ALRRF in each year shall not exceed a total of 1,600,000 tons. Based on a calendar year calculated at 260 days, this would result in an annual average daily tonnage of solid waste disposed at the ALRRF of approximately 6,154 tons per day, calculated over the entire year. To allow for seasonal fluctuations in solid waste disposal, the average daily tonnage of solid waste accepted in any calendar quarter shall not exceed 7000 tons per day. Both this annual tonnage cap and the average daily tonnage cap shall be subject to adjustment as provided in this Condition No. 4.8. During any part of the year 1999 that this permit is in effect, the annual tonnage cap shall be applied on a pro rata basis.

4.8.2 Beginning in the year 2001, the annual tonnage cap and the average daily tonnage cap shall be automatically increased by the Planning Department to the extent required to accommodate additional waste disposal resulting from any one or more of the following factors: (i) additional growth, development or economic activity in Alameda County, San Francisco, or San Ramon as determined by the California Integrated Waste Management Board's ("IWMB") annual indices, and including automatic increases in each calendar year for additional waste generated by projects approved in Alameda County, San Francisco, or San Ramon; (ii) the transfer of any solid wastes or solid waste stream from other landfills in Alameda County for any reason, including without limitation the closure of such landfills or the negotiation of new

contracts providing for disposal at the ALRRF, provided that such waste streams originate in Alameda County, San Francisco or San Ramon as provided for in this permit.

- 4.8.3 Within sixty (60) days after the IWMB releases its annual indices for the previous calendar year, the operator shall provide the Planning Department with a copy of the IWMB indices, and the Planning Department shall automatically increase the annual tonnage cap and average daily cap to the extent required to accommodate additional waste disposal as set forth in Condition No. 4.8.2 above.
- 4.8.4 For the purposes of calculating automatic cap increases as provided by Condition No. 4.8.2 above, the operator may provide the Alameda County Planning Department with other indices or factors that support, update or, in the absence of the IWMB's indices, substitute for the IWMB's annual indices. The operator shall simultaneously provide copies of all such materials to the Cities of Livermore and Pleasanton, and representatives of the Sierra Club, the Northern California Recycling Association and Altamont Landowners Against Rural Mismanagement in addition to the County, and the County shall promptly make all such materials available to the public upon request. The Planning Department may use such indices or factors in determining appropriate increases to the annual tonnage cap and average daily cap for the purposes of calculating automatic increases to the annual tonnage cap and average daily cap but shall take no action granting an automatic cap increase based on such indices or factors any sooner than twenty-one (21) days after the receipt of copies of such indices or factors by the Cities of Livermore and Pleasanton, and representatives of the Sierra Club, the Northern California Recycling Association and Altamont Landowners Against Rural Mismanagement, in order that these parties and the public may review these and comment upon them to the Planning Department. Decisions by the Planning Department to increase the annual cap based on factors other than those set forth in Condition No. 4.8.2 above shall be appealable to the Planning Commission.
- 4.8.5 In addition to the automatic increases provided by Condition No. 4.8.2 above, following noticed public hearing and discretionary approval by the Board of Supervisors, the annual tonnage cap and the average daily tonnage cap for a given calendar year may also be increased to the extent the operator

demonstrates to the Board that such increase is required to accommodate additional waste disposal resulting from extraordinary events, including natural disasters.

- 4.8.6 The operational or design capacity of the ALRRF specified in the solid waste facilities permit shall be 11,150 tons per day, provided that the daily tonnage cap shall still apply as a Condition of this permit.
- 4.9 Definitions of Waste Categories and Cover. For the purposes of this permit, the following terms have the specified meanings set forth below, including any future amendments of such referenced statutes or regulations:
 - 4.9.1 Designated Waste. The term, "designated waste", means "designated waste" as defined in California Water Code section 13173.
 - 4.9.2 Cover. The term, "daily cover" means "daily cover" as defined in 27 California Code of Regulations ("CCR") section 20164.
 - 4.9.3 Hazardous Waste. The term, "hazardous waste", means "hazardous waste" as defined in 14 CCR section 17225.32.
 - 4.9.4 Inert Waste. The term, "inert waste", means "inert waste" as defined in 14 CCR section 18720(a)(32).
 - 4.9.5 Sludge. The term, "sludge", means "sludge" as defined in 14 CCR section 18720(A)(69).
 - 4.9.6 Special Waste. The term, "special waste", means "special waste" as defined in 14 CCR section 18720(a)(73).
- 5. Testing and Advance Notice Prior to Accepting Soil and Certain Material.
 - 5.1 The operator shall not accept for any use or disposal more than ten (10) cubic yards of any soil known or reasonably suspected by the operator to come from a contaminated site without first requiring submittal of, and reviewing, the following information:
 - 5.1.1 Results of laboratory testing of the soil for its hazardous materials content and suitability for acceptance in a municipal solid waste landfill;

- 5.1.2 A statement identifying the source of the soil and the location of the source property; and
 - 5.1.3 Any required notification from appropriate regulatory agencies that the soil may be accepted for use or disposal at ALRRF.
- 5.2 The operator shall not accept for any use or disposal any material that (a) requires a variance from the then existing permit conditions at ALRRF in order to be accepted there, or (b) is a hazardous waste that has been declassified or is proposed to be declassified for purpose of acceptance at ALRRF, without first requiring submittal of, and reviewing, the following information at least ten (10) days in advance of acceptance of such material at ALRRF:
- 5.2.1 Results of laboratory testing of the material for its hazardous materials content and suitability for acceptance in a municipal solid waste landfill;
 - 5.2.2 A statement identifying the source of the material and the location of the source property; and
 - 5.2.3 Notification from appropriate regulatory agencies that the material may be accepted for use or disposal at ALRRF.
- 5.3 The requirements of Conditions No. 5.1 and 5.2 above are triggered only when the operator has determined to accept for any use or disposal more than ten (10) cubic yards of soil known or reasonably suspected by the operator to come from a contaminated site, or any material that (a) requires a variance from the then existing permit conditions at ALRRF in order to be accepted there, or (b) is a hazardous waste that has been declassified for purpose of acceptance at ALRRF, and do not apply to soils or materials that the operator declines to accept for use or disposal at ALRRF.
- 5.4 The Hazardous Waste Exclusion Program for the ALRRF shall be amended to include the requirements of this Condition No. 5. The provisions of this Condition No. 5 are in addition to the other Conditions set forth in this permit relating to screening of hazardous wastes and load checking of wastes. In the event of any conflict between the provisions of this Condition No. 5 and such other Conditions of this permit, the provisions of this Condition No. 5 shall control.
6. Size of Expansion and Landfill Footprint. The landfill expansion shall not exceed 40 million tons of capacity. Consistent with the size of the expansion and the restrictions on solid waste

disposal and imports in this permit, the footprint of the landfill expansion shall be limited to approximately 250 acres.

Most of the following Conditions of Approval, Nos. 7 to 82, are a condensation and simplification of mitigation measures identified in the Final EIR as revised which should not be construed so as to diminish or eliminate responsibility of the operator for full mitigation of environmental impacts identified in the Final EIR. In implementation of these Conditions of Approval or in the event that a question arises as to how the operator or County shall proceed in mitigation of impacts, the Final EIR shall be consulted for guidance for a determination by the Planning Commission.

Mitigation measures were crafted to address the impacts identified for the original project and will be sufficient to cover any situation created for the reduced project approved herein. Other conditions reflect local, state and federal requirements that may not address specific mitigation measures for impacts identified as part of the EIR. These include legal liability, general operational conditions, design, construction and regulatory standards, periodic review, and various fees.

LAND USE

7. Buffer zones shall be retained on site around the perimeter of the landfill footprint substantially as indicated on Exhibit 1.
8. The operator shall apply to the Livermore Area Recreation and Park District to modify its 1991 Regional Trail Plan to recognize the proposed Class II Landfill Expansion project. Should a trail across or adjacent to Section 17 be constructed, the operator shall provide appropriate signage and fencing around the portion of the wildlife mitigation area that is nearest the trail.
9. The operator shall initiate site closure activities when the landfill achieves final grade. Closure and Post-Closure Plans shall be designed such that the landfill would support agricultural uses after closure and reclamation. A program shall be prepared for submittal and review to the United States Department of Agriculture, Soil Conservation Service, for restoration of the project site to agricultural capability. Upon closure, the project shall be "visually integrated" with the surrounding terrain through sensitive grading and revegetation with native plant materials.
10. As part of the required Site Development Review (SDR) for permitted development within the A (Agricultural) District, the Alameda County Planning Department will review proposed development of the legal building site parcels within 4,000 feet of the ALRRF Expansion

footprint for consistency and compatibility with surrounding uses. The operator shall provide reasonable funding for any study of the health and safety impacts of the ALRRF expansion on such development that the Planning Department reasonably determines is a necessary part of the SDR.

- (a) If the Planning Department determines, based on the conclusions of a health and safety study conducted as part of the SDR, that the ALRRF expansion will have a significant health or safety impact on the proposed development of the legal building site parcel, the Planning Department may impose conditions on the development of the legal building site parcel to avoid any such health or safety impacts, provided, however, that the Planning Department must first require that the developer take all reasonable measures to minimize such health or safety impacts without significant additional costs including, if appropriate, relocation of the development to another portion of the parcel. If the developer incurs additional unavoidable development costs or diminution of property value solely to implement those measures required by the Planning Department to avoid health or safety impacts created by the ALRRF expansion, the operator shall provide appropriate restitution, as determined by the Planning Department, or may offer to purchase the property at its fair market value at the operator's sole discretion. Appropriate restitution shall be limited to the developer's direct, out-of-pocket costs and/or reduction in property value below the fair market value of the parcel.
- (b) If the Planning Department determines that the legal building site parcel cannot be developed for any permitted use, due solely to health or safety impacts created by the ALRRF expansion, the operator shall provide appropriate restitution which shall be limited to reduction in property value below fair market value of the parcel, as determined by the Planning Department; or the operator may offer to purchase the property at its fair market value at operator's sole discretion.
- (c) As a condition of approval of development of any legal building site parcel requiring restitution from ALRRF, the Planning Department will require that the operator enter into a recordable covenant or other recordable instrument, which acknowledges that the ALRRF, as authorized in the CUP, can continue to operate throughout its expected life and that the developer shall agree not to seek any further restitution or damages from the operator.
- (d) Nothing above will prevent the operator from applying for approval to modify its operations to reduce any health and safety impacts on the adjacent legal building site parcel caused by the ALRRF expansion.

- (e) The operator reserves all rights to appeal and/or challenge any determination of the Planning Department requiring restitution.

VISUAL

- 11. Final grades and contours for the landfill shall be in substantial conformance with those depicted in Exhibit 1 unless modifications are otherwise approved by the Planning Department.
- 12. In cooperation with the County, neighbors along Dyer Road, rangers and users of the Bethany Reservoir State Recreation Area, the operator shall continue its program to monitor and respond to community complaints regarding dust, stray litter, pests and other aesthetic effects on sensitive viewpoints. All transfer vehicles and direct-haul collection vehicles that dispose at ALRRF shall be enclosed as needed to prevent rubbish from escaping the vehicle in route. The operator shall minimize the distance between the tippers and the tip area to minimize airborne litter. Refuse shall be compacted promptly to reduce amounts of blowing litter. A litter-control fence shall be installed downwind of the fill area to trap airborne refuse.
- 13. Where feasible, and to the extent possible, the operator shall locate soil stockpiles within basins in the existing topography, with heights generally not to exceed surrounding ridge lines. The operator shall seed larger stockpiles and cut surfaces that are not active for an extended period (more than one season).

HISTORIC/ARCHAEOLOGICAL RESOURCES

- 14. The operator shall implement a program for a qualified archaeologist to complete recordation and investigation of known sites that would be disturbed, removed or destroyed during the construction of the proposed project and comply with the requirements of the State Historic Preservation Officer (SHPO). Prior to excavation and construction, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the project site.
 - (a) The qualified archaeologist shall have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

- (b) Reasonable time shall be allowed for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.
- (c) If any find were determined to be significant by the qualified archaeologist, representatives of the construction contractor and Alameda County, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) shall meet within seven calendar days to determine the appropriate course of action for recording and removing any cultural resources or remains.

OTHER COMMUNITY SERVICES

- 15. The operator shall apply security systems to the operation of the Class II Landfill Expansion to preclude unauthorized entry by persons or vehicles. These systems include posting a 24-hour guard, maintaining fencing around the site perimeter, maintaining secondary fences around active operations, wiring buildings with remote alarms (connected to a security service), and maintaining security lighting.

BIOLOGICAL RESOURCES

- 16. The operator shall set aside a total of 750 acres for biological habitat mitigation and buffer area in Sections 15, 16, 17 and 21, substantially as depicted in Exhibit 1.

Land Dedication for Habitat Preserve. To the extent that off-site habitat mitigation is required by the United States Fish and Wildlife Service ("FWS"), the operator will enter into a Conservation Agreement with FWS and the Livermore Area Recreation Park District and/or the East Bay Regional Park District regarding the acquisition, operation and maintenance of a Habitat Preserve (the "Preserve") in the Altamont or other suitable area in eastern Alameda County. The operator's requirement for multi-species off-site mitigation acreage shall be met by the operator by the dedication of public open space in the Altamont or other suitable area in eastern Alameda County. The operator shall meet and confer with the City of Livermore and Alameda County planning staffs to identify properties that might be incorporated within the Preserve. In identifying the acreage for additions to the Preserve, the operator shall give priority to lands which are adjacent to or in the vicinity of existing public open space in the Altamont area such as Brushy Peak and Vasco Caves. Any such properties shall be given preference for inclusion within the

Preserve (subject to availability and cost) if they are acceptable to the FWS and the Livermore Area Recreation and Park District. The operator and the City of Livermore shall confer and cooperate to identify supplemental sources of funds, if appropriate, to assist in purchasing such preferred properties. Pre-construction habitat mitigation required for each phase of the ALRRF expansion shall be implemented prior to the opening of that phase consistent with Condition No. 17 of this permit. A Trust Fund for the acquisition, operation and maintenance of the Preserve shall be established by the operator in an amount to be determined under the agreement with the FWS.

17. Prior to the initiation of any ground clearing, grading, construction, or other activities which could disrupt the San Joaquin kit fox and other target species in the expansion area, the operator shall finalize, through formal Section 7 consultation, and implement a mitigation program based on the Biological Assessment (LSA, 1995) and the measures identified in the FEIR. The mitigation program shall include but not be limited to:
- (a) Surveys for all affected species according to current agency protocols;
 - (b) Reporting of results to the California Department of Fish and Game (DFG), FWS and County Planning Director;
 - (c) Avoidance of areas occupied by the species and/or the safe relocation of individuals as determined appropriate by the DFG and/or FWS.

The operator shall set aside in perpetuity, by recorded deed, the 750 acres in Sections 15, 16, 17, and 21, as well as additional lands off-site to make up for the remaining acreage needed. The program shall address impacts to the San Joaquin kit fox, the American badger, the San Joaquin pocket mouse, the ferruginous hawk, the merlins, the Northern harrier, the golden eagle, the prairie falcon, the tri-colored blackbird, the loggerhead shrike, the burrowing owl, the California tiger salamander, and the red-legged frog. The program shall include performance standards and a monitoring schedule.

18. The mitigation program shall be monitored annually for five years (minimum, or a period agreed upon by the operator in consultation with FWS and DFG) after implementation to assure the success of the mitigation, as determined by evaluation of performance standards and success criteria based on FWS and DFG requirements and standards. If at any point during the five-year monitoring period, the mitigation plan is judged to have not been successful, the mitigation shall be reinitiated, after modification as necessary, and monitored for a succeeding five-year period.

19. If required by the FWS or the DFG, the operator shall conduct surveys at appropriate times of the year for the Townsends western big-eared bat, the pallid bat, the California mastiff bat, the California horned lizard, the San Joaquin whipsnake, the Ricksecker's water scavenger beetle, the curved-foot hygrotus beetle and the Molester's blister beetle. If these surveys reveal the presence of any of these species, the operator shall consult with FWS and DFG to determine suitable mitigation, based on measures presented in the FEIR as applicable. The operator shall implement measures as required by the FWS or the DFG.
20. The operator shall conduct FWS- and DFG-approved pre-construction surveys at appropriate times of the year for the San Joaquin kit fox, the American badger, the tri-colored blackbird, the loggerhead shrike, and burrowing owls. Prior to the filling of existing ponds, the operator shall conduct surveys for tadpoles and adult western spadefoot toad. If any of these surveys reveal the presence of any of these species, the operator shall either avoid or relocate the animals as determined appropriate by the FWS or the DFG.
21. Long-term maintenance of the mitigation lands shall be the responsibility of the operator with the assistance of qualified consultants or consultation with state and federal agency staff, until it can find a qualified agency or private organization to takeover the long-term maintenance responsibility. Selection of the management entity shall be made based on its ability to carry out the long-term maintenance requirements and its commitment to goals consistent with the long-term maintenance requirements. Selection of the management entity shall be subject to FWS, DFG, and County approval. If a long-term management entity is identified, selected and approved by FWS, DFG, and the County, the management entity, through a legally binding agreement, shall assume the maintenance and management responsibility of the San Joaquin kit fox mitigation areas in perpetuity.
22. No chemicals (e.g., rodenticides, herbicides) shall be applied in areas used for mitigation habitat, or in areas within one mile of known San Joaquin kit fox occurrences during construction and operational phases of the landfill. (This measure is not meant to preclude use of rodenticides within the operating landfill footprint). If chemical rodent control must be conducted at the ALRRF, zinc-phosphide or other County approved rodenticide shall be used. Application methods for chemicals should minimize exposure of non-target species as recommended in the FEIR. Prior to application, the operator shall conduct a field consultation with the FWS and DFG regarding the feasibility of rodenticide application. The operator shall comply with FWS and DFG requirements for such application.
23. The operator shall, to the extent feasible, locate stockpiles in previously disturbed areas. The operator shall also attempt to minimize the area extent (footprint) of the stockpiles.

24. To the extent possible, project-related vehicle traffic shall be restricted to established roads, construction areas, storage areas, and parking areas. To the extent possible, off-road vehicle traffic outside of designated project areas shall be restricted. Project-related vehicles shall observe a 20 mph speed limit in all project areas.
25. The operator shall conduct an employee education program. The program shall include review of kit fox biology, habitat requirements, legislative protection, and measures taken to reduce impacts to the species during project construction and operation.
26. The operator shall submit a post-construction compliance report to FWS within 45 days of completion of each major project component (e.g., stockpiles, water pipeline, storm-drain basin construction).
27. Closed landfill areas may be provided as part of the replacement mitigation habitat for the San Joaquin kit fox and various passerine species, if literature research or available data establishes that this is feasible and if approved by FWS and DFG.

WETLANDS

28. The operator shall implement a Wetlands Mitigation Plan based on the Conceptual Wetland Mitigation Plan (LSA, 1994), the mitigation measures identified in the FEIR, and a Plan that has been approved through permits by the COE, FWS, DFG, RWQCB and the County. At minimum, this shall include creation of 2.5 acres of seasonally inundated wetlands in four units in Section 17. The wetlands shall be designed as breeding habitat for the California tiger salamander and red-legged frog. Revegetation shall use only native vegetation of species found on site. The plan shall include performance and monitoring standards.
29. The operator shall monitor the replacement wetlands after they are created to assess whether they are meeting the performance standards in the approved Wetlands Mitigation Plan. Such monitoring shall be conducted for five years or until performance standards are met, whichever occurs first.
30. If performance standards are not met during the first five years after replacement wetlands are created, the operator shall continue monitoring for a period to be determined by the COE and the County.
31. Maintenance and monitoring of the wetlands shall be the responsibility of the operator with the assistance of qualified consultants, until it can find a qualified agency or private organization to assume that responsibility. The management entity shall be selected based on

its financial and technical capability to carry out the long-term maintenance requirements and its commitment to goals consistent with the long-term maintenance. Selection of the management entity shall be subject to approval by the COE and the County. If a management entity is approved, the management entity, through a legally binding agreement, shall assume the maintenance and management responsibility of the wetland mitigation areas in perpetuity.

32. The operator shall avoid existing ponds in the Phase I landfill area until replacement wetlands have been established. The operator may remove the existing ponds as construction occurs in the expansion area after it has been determined that replacement wetlands have been established and the California tiger salamander has been resettled.

ALKALI SINK

33. The operator shall implement a mitigation plan for the alkali sink that is based on the Conceptual Wetlands Mitigation Plan (LSA, 1994) and the mitigation measures identified in the FEIR, and that has been approved by the COE, DFG, FWS, and the County. Operator shall conduct a site-specific hydrology analysis for the sink to determine the appropriate average seasonal flow to the sink, and this shall be incorporated into the plan. The mitigation plan shall include performance and monitoring standards.
34. The operator shall conduct bi-annual monitoring of the alkali sink pursuant to a monitoring plan approved the COE, DFG, FWS, and the County to determine whether the performance standards are being met. If the monitoring reports show that the alkali sink is not being adequately maintained or is declining in habitat quality or quantity, the operator shall take additional mitigation measures approved by the COE, FWS, DFG, and the County, based in part on measures recommended in the FEIR.
35. Any surface or ground water delivered to the alkali sink shall pass through detention basins to remove sediment, and untreated leachate delivered into the alkali sink shall meet applicable water quality standards.
36. The operator shall fence the area to keep livestock out of the alkali sink.

GEOLOGY/SOILS/ SEISMIC

37. The operator shall design and construct the landfill in accordance with Titles 14 and 23 of the California Code of Regulations (CCR) requirements for final cover design, final surface grades, and continuing monitoring and maintenance to reduce potential impacts due to settlement. The final design and subsequent modifications shall be reviewed by the RWQCB (prior to issuance of revised Waste Discharge Requirements) and the LEA (as part of the application for a revised Solid Waste Facilities Permit). RWQCB and LEA approvals shall signify that the proposed design meets all of the applicable requirements.
38. The operator shall conduct slope stability analyses for the design in accordance with Titles 14 and 23 of the CCR and stability shall be verified for each landfill cell and excavation. The analyses would be able to address hidden instability conditions on the site. The purpose of the analyses shall be to determine potential hazards for cut slopes, refuse slopes, and final cover. Measures shall be implemented to reduce specific identified slope instability hazards. These measures might include reducing the slope angle, keying slopes, buttressing unstable areas and excavation sequencing from higher-lying to lower-lying parts of unstable slopes. Similar verification shall occur for temporary refuse fill slopes for future fill sequences prior to construction of each cell. All slope stability investigations shall be conducted by a certified engineering geologist and/or registered geotechnical engineer. All final grading plans and slope stability analyses shall be reviewed by the County Grading Inspector prior to the start of liner construction.
39. The proposed final topography shall be described in the Report of Disposal Site Information that would be submitted to the LEA as part of the application for a revised Solid Waste Facilities Permit. The LEA's approval of the application shall signify that the proposed topography meets all of the applicable Title 14 requirements.
40. The operator shall establish permanent survey monuments on and in the immediate vicinity of the landfill to monitor long-term landfill settlement or lateral displacement. The monuments shall be periodically surveyed during the post-closure maintenance period. If the monitoring of settlement and displacement detects that more than anticipated amounts of movement of the monuments has occurred, an engineer or engineering geologist shall be retained to make specific recommendations for correcting the stability problem. A record of the monument survey results shall be filed with the LEA.
41. During the landfill development period, the operator's engineer shall conduct an investigation of slope stability, including active working area, filled and closed areas, and nearby areas that could affect the landfill whenever there is rainfall of more than six inches in a three-day period

that follows an accumulated seasonal (October through April) total rainfall of 15 or more inches.

42. The operator shall retain a qualified engineering geologist to conduct a site inspection to identify any potential indications of instability and to provide recommendations to stabilize or minimize hazards of slope instability as soon as possible, but not longer than, one week following such a rainfall. A record of the engineering geologist's inspection and recommendations, and the operator's response plan shall be filed with the LEA and RWQCB.
43. All offsite slope instabilities that could reasonably affect the landfill and perimeter drainage system shall be identified by an engineering geologist and corrected at the time that filling is carried out in that part of the Expansion area. At the time of the final closure plan, no significant slope instabilities shall remain onsite or adjacent to the site that could result in damage to the landfill or the perimeter drainage system. The operator's engineering geologist shall submit documented proof of compliance with this requirement to the LEA and RWQCB.
44. The operator shall design and construct the landfill in accordance with all federal and State requirements relative to seismic safety. The final design shall be reviewed by the RWQCB (prior to issuance of revised Waste Discharge Requirements) and the LEA (as part of the application for a revised Solid Waste Facilities Permit). RWQCB and LEA approvals shall signify that the proposed design meets all of the applicable seismic safety requirements. To protect on-site personnel, ensure the integrity of the landfill, and minimize any disruption to landfill operations in the event of a major earthquake, the operator shall update the Earthquake Response Plan (part of the site's Emergency Response Plan currently in effect) to include post-earthquake inspection to evaluate any damage that may have occurred, ensure the integrity of the landfill containment systems, and make the landfill operational as soon as possible.

HYDROLOGY/WATER QUALITY

45. The operator shall comply with the following RWQCB requirements based upon the project description:
 - (a) Prepare a Leachate Monitoring Plan. Monitoring procedures shall address the amount of leachate generated, its chemical composition, and the depth of leachate buildup on the liner. Leachate monitoring activities shall comply with the site's Waste Discharge Requirements, and applicable sections of CCR Titles 14 and 23.

- (b) Prepare and submit a groundwater monitoring plan to the RWQCB as part of the Report of Waste Discharge, prior to issuance of the Waste Discharge Requirements. Groundwater monitoring shall be conducted using background and compliance wells. Monitoring well placement shall take into consideration the local variability in geologic materials that influence groundwater flow as indicated by various conceptual groundwater flow models identified by RUST Environment & Infrastructure (1994).
 - (c) Prepare and submit a vadose zone monitoring plan to the RWQCB as part of the Report of Waste Discharge, prior to the issuance of the Waste Discharge Requirements. Vadose zone monitoring shall be conducted in accordance with CCR Title 23, Section 2550.7(d). Liquids collected in the systems shall be monitored periodically. The operator shall remove or remediate any detected contaminants pursuant to CCR Title 23, Section 2550.11.
 - (d) Implement appropriate corrective measures in the event of leachate migration pursuant to Section 2550.10 of CCR Title 23 shall be implemented by the operator, subject to approval and oversight by the RWQCB, Central Valley Region.
 - (e) Submit a copy of the annual report prepared for the appropriate RWQCB to the Planning Department.
46. The landfill shall be designed and constructed to control drainage and erosion in accordance with the facility Waste Discharge Requirements including surface water run-on and run-off controls. The drainage and erosion plans shall be submitted to the Planning Department with review by the Director of Public Works. The operator may proceed with proposed construction within ten (10) calendar days of the Planning Department's receipt of written submittal unless otherwise notified by the Planning Department. The plans should incorporate the following measures:
- (a) The proposed landfill shall be constructed against existing ridges such that all rainfall on areas adjacent to the footprint shall drain away from the landfill.
 - (b) Sedimentation basins shall be incorporated into the project design in places where peak discharges would increase substantially.
 - (c) Drainage facilities shall be constructed to accommodate the 1,000 year, 24- hour storm, or current design storm as required by state or federal law.

47. In the event that springs or heavy seeps are encountered during site excavation for the landfill, additional subgrade drainage measures shall be taken to ensure that there is no seepage into the landfill and that groundwater/waste separation is maintained. Such measures may include additional geotextile drains, the extension of gravel chimney drains up the slope from the gravel drain on the floor of the landfill, and hydroaugers. Other measures also may be recommended by the project engineering geologist in response to the local hydrogeological conditions.
48. The operator shall design the final grading and drainage of the Proposed Class II Landfill Expansion to minimize cover erosion. Design features shall include deck area slopes to promote sheet drainage, a series of drainage benches, inlets, and down drains, debris/retention basins, and outlet structures.

PUBLIC HEALTH & SAFETY

49. The operator shall continue the application of the existing WMAC/ALRRF Special Waste Program (a process of identifying and characterizing each customer waste stream) to new designated wastes to be received by ALRRF. Designated wastes shall be accepted only from pre-approved generators. To be pre-approved, a generator shall submit information that may include analytical data to the operator demonstrating that its waste stream is non-hazardous prior to sending any waste to the landfill. Wastes with ambiguous analytical data (indicating that it could be hazardous) shall not be accepted by the operator for disposal at the landfill until the waste is proven to be non-hazardous by supplemental testing. This measure would allow the landfill to employ inexpensive screening tests that could flag wastes that are potentially hazardous without rejecting them outright, while allowing definitely nonhazardous wastes to pass. Waste proven to be hazardous either by the screening tests or by supplemental tests shall be taken elsewhere.
50. In accordance with State codes, any truck which disposes of municipal solid waste (MSW) at the ALRRF may be inspected and approved or rejected by the LEA. In accordance with the State of California 1993 Vehicle Code, haul trucks carrying dusty material shall be covered during transport.
51. For those designated wastes (such as drilling muds, ash, and sludges) for which handling procedures are not fully described in the Joint Technical Document (JTD) and revisions/amendments thereto, the operator shall develop and adopt handling provisions that are in compliance with LEA requirements and RWQCB Waste Discharge Requirements. Special care shall be taken to ensure that incompatible wastes are not mixed. Designated wastes shall be mixed with (and covered by) MSW as part of the co-disposal process. Ash

or contaminated soils shall not be disposed of during windy conditions (where the material is difficult to handle or could be blown off-site). The formation of standing pools of water shall be minimized by quickly covering high moisture-containing wastes with MSW or dry designated wastes.

52. The operator shall comply with provisions of the CCR, Title 14, Section 17670, which state that operating and maintenance personnel are required to wear and use approved safety equipment for personal health and safety, as determined necessary by the LEA, and Section 17672, which stipulates that site operation and maintenance personnel must be adequately trained in subjects pertinent to safety, health, environmental controls and emergency procedures.
53. Workers shall not be allowed to eat near the active landfill. Food and beverages shall only be consumed away from active landfill areas, or inside an enclosure such as an office building or mobile trailer.
54. The landfill's Health and Safety Program shall be applied to the Class II Landfill Expansion, including the Health and Safety Plan that describes how the program is enacted. The Plan shall be revised if needed to include a Contaminant Exposure Monitoring Program, a Medical Monitoring Program, a Personal Protective Equipment Program, and a Training Program as well as procedures for implementation, record keeping, audits, and accident investigations. The operator shall continue to implement the site's Respiratory Protection Program.
55. The operator shall adapt and apply the existing *Altamont Landfill Emergency Management Manual* to the Class II Landfill Expansion. Topics to be addressed in the manual shall include, at minimum: fires, spills, releases, emissions, natural disasters (storms, earthquakes, floods), and medical emergencies. The manual shall also specify policies and procedures for emergency communications, organization, and employee training regarding emergency response. The *Altamont Landfill Emergency Management Manual* shall be reviewed by the LEA and the Alameda County Fire Department.
56. The operator shall develop and maintain a low-flammability buffer zone or fire break around the perimeter of the active working area to isolate the landfill from the surrounding grasslands.
57. The Vector and Bird Control Plan for the Class II Landfill Expansion shall be approved by the LEA. Measures shall be implemented to discourage sea gulls and other pests, including restricting the size of the working face to limit scavenging by effective compaction and covering of the refuse, and preventing the accumulation of ponded water. If, in the judgment

of the landfill management, excessive numbers of birds land at the working face, noise-making shells can be fired from hand-held guns to disperse the birds. The landfill operator shall insure periodic monitoring of the landfill for the presence of vectors as determined by the LEA. The LEA should periodically monitor the landfill for the presence of vectors. LEA inspections shall be documented in the operating record.

58. The operator shall adapt and apply provisions of the Hazardous Waste Exclusion Plan (HWEP) for the ALRRF to the wastes received at the Class II Landfill Expansion. The program shall include, at a minimum, training of personnel to recognize regulated hazardous wastes, random inspection of incoming waste loads, inspection of all suspicious loads, procedures for handling unauthorized hazardous wastes, procedures to notify the proper authorities if hazardous wastes are discovered, and provisions for documentation of inspections and record keeping. The HWEP for the Class II Landfill Expansion shall be submitted to the LEA for approval.
59. The operator shall have a load-check program, approved by the LEA as part of the Report of Disposal Site of Information. Consistent with current operating practices, the ALRRF shall not accept for disposal waste materials that do not comply with the hazardous waste identification and acceptance control methods practiced by Sanitary Fill Company for San Francisco and/or the methods practiced by WMAC at the Davis Street Transfer Station, or other program that is equivalent or more effective in screening out hazardous waste, as determined by the LEA.

TRAFFIC/CIRCULATION

60. In cooperation with and under the supervision of the Alameda County Public Works Agency and the City of Livermore, the operator shall pay a proportional share of the cost of the following to help mitigate cumulative roadway capacity and level-of-service impacts in the project study area:
 - (a) Monitoring traffic levels of service at the following intersections at a frequency determined by the County in consultation with the operator:
 - i) During the AM peak hour at the intersections of Altamont Pass Road - North Front Road/North Greenville Road and I-580 Westbound Ramps/Grant Line Road;
 - ii) During the AM and PM peak hours at the intersection of Grant Line Road and Altamont Pass Road; and

- iii) During the PM peak hour at the intersections of I-580 Eastbound Ramps and Grant Line Road, South Front Road/I-580 Eastbound Ramps North Front Road/I-580 Westbound ramps, and Altamont Pass Road - North Front Road/North Greenville Road.
- (b) Necessary improvements to roadway and intersection capacity sufficient to mitigate project contributions to cumulative roadway capacity and level-of-service impacts in the project study area.

The operator's payment toward the cost of the traffic impact monitoring and improvements enumerated above shall be based upon the project's proportional share of the total increase in traffic above existing levels at the enumerated intersections and on Altamont Pass Road. The operator's proportional share shall be increased for the impacts of larger vehicles, and shall be decreased for traffic for which the Alameda County Waste Management Authority or other Alameda County agencies or jurisdictions have collected a fee to be used at least in part for traffic mitigation.

61. In cooperation with and under the supervision of the Alameda County Public Works Agency and the City of Livermore, the operator shall pay a proportional share of the cost of the following to help mitigate additional project-related and cumulative structural section and roadway maintenance impacts in the project study area:

- (a) Necessary safety, maintenance and structural improvements to roadway and intersection sections to the extent needed to mitigate project contributions to roadway deterioration and maintenance requirements in the project study area;
- (b) Implementation of long-range Alameda County plans to resurface and reconstruct affected portions of Altamont Pass Road to the extent needed to mitigate project impacts; and
- (c) Regular maintenance of the affected portion of Altamont Pass Road, including application of sweeping, chip seal, repair of roadway shoulders, and maintenance of proper roadway drainage.

The operator's payment toward the cost of the safety, maintenance and structural improvements enumerated above shall be based upon the landfill's proportional share of the overall impact to the roadway and structural degradation on the affected roadways. The operator's proportional share shall be increased to account for the impacts of larger vehicles and shall be decreased for traffic for which the Alameda County Waste Management

Authority or other Alameda County agencies or jurisdictions have collected a fee to be used in part for roadway safety, maintenance and structural improvements.

62. The operator shall pay its proportional share of the costs of roadway maintenance and structural section improvement projects as identified in the "Alameda County-Alameda County Waste Management Authority-Oakland Scavenger/Waste Management of Alameda County, Inc. Agreement for Roadway Improvements on Altamont Pass Road from ISR 580 to Altamont Landfill and Its Vicinity." Alameda County recognizes that the obligations of the operator and the definition of "proportional share" for the purposes of mitigating impacts that have occurred and will continue to occur are defined in the Agreement for Roadway Improvements. The project could result in additional traffic-related impacts not contemplated in the Agreement for Roadway Improvements (January, 1993). The parties to the Agreement for Roadway Improvements are expected to confer to determine whether a new or amended Agreement should be adopted which could include changes in the definition(s) of "proportional share" or the obligations of the operator and/or other parties to the Agreement with respect to mitigating impacts that will occur following commencement of the project authorized by this Conditional Use Permit. It is anticipated that the roadway improvements enumerated in Conditions Nos. 60 and 61 either are included in the Agreement for Roadway Improvements or will be included in a new or amended Agreement.
63. The operator shall participate in and pay a proportional share of the cost for a study to be prepared by the Alameda County Public Works Agency. This planning study would determine needed short-term and long-term safety, maintenance and other roadway improvements (both local and regional) in affected areas; estimated costs (with rationale); cost-sharing instruments; and payment schedules among contributors of impacts in affected areas.
 - (a) Within 180 days of the effective date of this permit, the operator shall enter into a memorandum of understanding (MOU) with the Alameda County and ACWMA to identify specific projects for which the operator has obligations pursuant to Conditions Nos. 60, 61 and 62, and to establish a funding mechanism for the payment of the parties' proportional shares of those expenses enumerated in Conditions Nos. 60, 61 and 62. Pursuant to the MOU, the parties shall ensure that funds will be available for the County to draw upon, on an ongoing basis, as needed to meet their obligations to pay their proportional share.
64. The operator shall pay the Tri-Valley Transportation Council Regional Traffic Impact Fee if and when adopted and imposed for new development projects within the region, and/or a

similar regional traffic fee imposed by Alameda County. The fee shall be imposed in proportion to other projects under review and approval. If more than one regional transportation fee is adopted, the operator shall not be required to pay more than once for a single project.

65. The operator shall pay the Alameda County Cumulative Traffic Impact Mitigation Fees per Ordinance 0-88-77 within 180 days of final adoption of this conditional use permit. For the purposes of computing this fee, every large truck would count as the equivalent of three (3) vehicles.
66. During the a.m. peak commute period (6:45 a.m. to 8:45 a.m.) there will be no more than fifty (50) total refuse truck trips per hour arriving at the landfill and during the p.m. peak commute hour (4:30 p.m. to 5:30 p.m.), there will be no more than ten (10) total refuse truck trips arriving at the landfill.
67. The average weight of wastes delivered by truck for disposal will not be less than twenty (20) tons per truck, exclusive of refuse trucks originating from the San Ramon Unit. Beginning in 2002, as trucks in the Davis Street Transfer Station fleet are replaced, clean air vehicles will be used for hauling wastes to the ALRRF from the Davis Street Transfer Station.
68. The operator shall take all necessary precautions to ensure that mud and other foreign material are not tracked onto public roadways by vehicles using the facility. If the applicant becomes aware that such material has been tracked onto public roadways, the Public Works Agency shall be expeditiously notified and the applicant shall be responsible for the cost of any required clean-up.
69. Transfer trucks traveling to and from the ALRRF shall be restricted to the state or interstate freeway system. Exceptions to this may be allowed:
 - (a) where there is an emergency regarding individual transfer vehicles;
 - (b) at the direction of a safety officer or a Caltrans-mandated detour; or
 - (c) for direct access on local streets to a transfer station (e.g., Davis Street).

AIR QUALITY

70. The operator shall control fugitive dust in accordance with BAAQMD regulations as they may apply to landfill operations. Treated wastewater (leachate and condensate) shall be used

for control of dust resulting from the proposed project to the extent possible. Earth-moving activities shall be accompanied by regular spraying with clean or reclaimed wastewater to control dust. The operator shall pave refuse access haul roads outside of active operation areas. Engineering controls shall be implemented by the operator, if needed, to control dust emissions. Such controls might include wind screens near the unloading areas or the use of dust suppressants.

71. The operator shall develop and implement a construction and operations dust mitigation plan/program, in conjunction with the BAAQMD, that would achieve at a minimum a dust control efficiency of about 75 percent. Components of this plan shall include:
 - (a) Minimize cell preparation activity to the extent feasible, i.e., restrict cell construction activity to four (4) acres at any given time;
 - (b) Water the construction site on a regular basis, depending on wind conditions, dryness of soil, and intensity of activity;
 - (c) Restrict vehicles and equipment to compacted and watered surfaces to the extent possible;
 - (d) Use a chemical palliative (such as Dust Ban) or dust suppressant, if necessary, to reduce fugitive dust emissions from vehicle travel surfaces. Some chemical stabilizers can contain a considerable fraction of hydrocarbons, and shall be selected judiciously. The choice of chemical palliative may be recommended by the BAAQMD, and should be addressed through issuance of a Authority to Construct/Permit to Operate;
 - (e) Increase the frequency of watering on dry windy days; and
 - (f) Limit vehicle speeds on unpaved roads to 15 mph.
72. The operator shall keep all operating equipment well-tuned and regularly serviced to minimize exhaust emissions, and shall establish a regular and frequent check-up and service/maintenance program for all operating equipment at the landfill. The operator shall maintain construction equipment and associated pollution control equipment in an operational and fully tuned manner.
73. The operator shall comply with Regulation 8, Rule 34 of the BAAQMD, regarding control of NOx emissions from gas-powered turbines. The operator shall revise the Landfill Gas Management Plan for Fill Area 1 to make it apply to the ALRRF Class II Expansion area.

The Plan shall include a system with which to detect and control potentially volatile gases generated by the proposed project. The Plan shall serve to prevent landfill gas hazards through gas collection and conversion to energy; detection of gas migration and emissions; and documentation of the effectiveness of the system.

74. The operator shall use all reasonably collectable and deliverable landfill gas for the production of electricity in an electrical generating facility which has a designed capacity to handle the total estimated gas production of the disposal site and utilizes high efficiency conversion equipment such as gas turbines.
75. The operator shall ensure optimal operations of the gas collection system with regular maintenance and service, and with periodic monitoring as determined by the BAAQMD. The Landfill Gas Collection System for the landfill expansion shall be constructed and operated pursuant to BAAQMD permits. The operator shall implement Best Available Control Technologies for Toxics (T-BACT) on applicable emission sources as required by the BAAQMD.
76. Hazards associated with gas accumulation in on-site buildings shall be prevented by regular monitoring of building air; proper ventilation, both within the buildings and under the slabs; subgrade membranes; gas collection devices; and, spark-proof electrical systems, as determined by the BAAQMD and LEA. The landfill operator shall not construct or otherwise locate any structure for occupancy in an area of known landfill gas buildup. The operator shall verify the absence of landfill gas buildup prior to any construction activity in all areas known to have the potential for gas accumulation (and areas within 1,000 feet of the landfill footprint) and incorporate gas monitoring and control measures in the design of any structures that would be constructed in such areas.
77. All site personnel working in structures shall be trained in the purpose of the landfill gas monitoring system and the proper response to an alarm.
78. Consistent with Section 17783(d) of the CCR Title 14, landfill gas monitoring and control systems at the ALRRF shall be modified during the postclosure maintenance period to reflect changing land uses adjacent to the site.
79. The operator shall control odors per CCR Title 14, Division 7, Chapter 3, Article 7.6, 17701 and 17713 (refer to Table III.I-1 in Section III.I., Public Health and Safety, for details). The operator shall continue to conduct a monitoring program as required by BAAQMD Permit to ensure that there are no major odor leaks to the atmosphere.

80. The operator shall bury excessively odorous wastes immediately with other landfill wastes, depending on their nature and source. The operator shall ensure that loading, unloading, and material handling activities are carried out efficiently and without delays to avoid excessive odors.

NOISE

81. All internal combustion engines on equipment used at the project site and for roadway construction shall be equipped with mufflers equal to or better than that supplied by the vehicle manufacturer. All equipment shall be maintained in good mechanical condition so as to minimize noise from faulty engines, drive trains, and other components. No muffler or exhaust system shall be equipped with cutout, bypass, or similar devices intended to thwart quieting.
82. The operator shall provide the option of retrofitting existing noise-sensitive land uses along Altamont Pass Road to reduce exterior noise levels to 45 dBA, Ldn. "Exterior noise levels" means exterior noise as heard inside residences. This option shall apply at a minimum to the two residences southwest of the landfill. The option might also apply to the residence on Altamont Pass Road east of the landfill, or other noise-sensitive uses along the road, if any (the potential impact would need to be calculated at those locations). Exterior noise levels could be reduced by double-panning windows and adding sound insulation on walls facing the roads. The homes shall be retrofitted prior to the commencement of filling operations in the Class II Landfill Expansion Area.
83. When conducting design review for future noise-sensitive land uses along Altamont Pass Road (as is required for proposed development in Agricultural zoning districts), Alameda County Planning Department staff shall consider the potential noise exposure from landfill activities, and require site and/or building design features to keep noise at acceptable levels.

CONDITIONS GENERALLY APPLICABLE TO THE OPERATION OF THE ALRRF

84. Before June 30, 2000, the operator shall submit for Planning Department review a detailed draft Mitigation Monitoring and Reporting Program (MMRP) for monitoring and enforcement of the impact mitigation measures and conditions of approval for the project as directed in the Mitigation Monitoring Program adopted for this Conditional Use Permit. Prior to implementation of any mitigation measures, a final program shall be submitted for review and adoption by the Planning Department on or before September 30, 2000.

An annual progress report shall be submitted to the Planning Director and LEA for concurrent review at the beginning of each calendar year. The operator shall respond to and report on the status of each condition of this permit.

The MMRP shall require that the operator pay to Alameda County full costs incurred for review, approval, administration, monitoring and inspection of all programs. This amount does not include routine costs of the LEA program or programs mandated by other responsible agencies. A minimum amount of \$10,000 shall be deposited and maintained at that level, in trust, to the Treasurer, Alameda County, for MMRP review and related monitoring costs.

The Planning Department may use its employees, employees of the Planning Department, other agencies or private consultants, as needed, to conduct such reviews, inspections and administration to ensure satisfactory implementation and enforcement of these measures and may include hiring additional personnel on a part-time or full-time basis. When required by the Planning Department, the operator shall post an additional cash deposit, as determined to be necessary, to cover estimated costs to satisfy this requirement.

85. A Notice of Acceptance of the ALRRF Closure Plan and Postclosure Maintenance Plan approved by the California Integrated Waste Management Board and LEA shall be submitted to the Planning Department for review prior to initiation of facility closure.
86. A copy of the evidence of financial ability, approved by the California Integrated Waste Management Board and LEA, to provide for the cost of closure and postclosure maintenance, in an amount equal to the estimated cost of closure and 30 years of postclosure maintenance, contained in the closure plan and the postclosure maintenance plan, shall be submitted to the Planning Department.

87. The operator shall hold harmless and indemnify the County of Alameda against liability for personal injury or property damage caused by or resulting from acts or omissions by the operator, its agents, officers or employees in conducting this landfill operation. The operator shall agree to defend, at their sole expense, any action brought against the County, its agents, officers or employees, because of the issuance or operation of this permit. The operator shall reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees, may be required by a court to pay as a result of such action. The County may, at its sole discretion and expense, participate in the defense of any such action, but such participation shall not relieve the operator of the obligations under this condition.

The County will cooperate, to the maximum extent practicable, with the operator in the defense of any such action and may, at its sole discretion and expense, participate in the defense, but such participation will not relieve the operator of their obligations under this condition. The operator may request revocation of this permit to minimize the obligations under this condition and the County shall respond as expeditiously as possible and, to the maximum extent practicable.

88. If problems develop regarding landfill operation or restoration, as the LEA may determine based on results of inspections or complaints, the operator shall take corrective action with all due haste, in good faith, consistent with solutions approved by the LEA, who shall consult with affected persons and agencies, including the LEA, in determining appropriate solutions.
89. If any problems develop regarding slope stability, erosion control, surface water or related matters, as may be determined by the Director of Public Works, the operator shall engage an engineering geologist to prepare an investigation detailing the problem and possible solutions in a timely manner. The operator shall implement solutions as approved by the Director of Public Works.
90. There shall be no assignment, trade, sale, or any other creation of an interest by San Francisco solid waste exporters in their capacity at the Altamont Landfill to any other public agency or private party.
91. Prohibition on Rail Haul. The operation of the ALRRF shall not include any delivery of waste to the ALRRF by railroad.
92. Prohibition on Soil Mining. The operator shall not engage in the mining of soil on the ALRRF for sale or export outside the ALRRF site (including any such mining for sale or export that requires a surface mining permit).

93. Five Year Permit Compliance Reviews. Consistent with applicable provisions of the Alameda County Code, the County shall conduct a permit compliance review every five years to determine the compliance of the ALRRF with the provisions of this permit. The permit compliance reviews shall not include reconsideration or re-evaluation of the terms and conditions of this permit.
- 93.1 Notice and Hearing. The County shall provide ninety (90) day advance written notice to each of the Parties of any public hearings (the "Compliance Review Hearings") held by the County in conjunction with the County's Compliance review of the New Permit (the "Five Year Compliance Review"). The Planning Commission shall hear the Compliance Review Hearings. At least one Review Hearing for each Five Year Compliance Review shall take place in the evening in Livermore. The County shall publish notices of all Compliance Review Hearings at least 60 days prior to the earliest such hearing in major newspapers of general circulation in the County, including the Tri-Valley Herald, the Independent and the Valley Times. The operator's submittals and the relevant County staff reports that are intended to be considered at any Compliance Review Hearing shall be made available to the general public, and copies shall be provided to the cities of Livermore and Pleasanton, and representatives of the Sierra Club, the Northern California Recycling Association and Altamont Landowners Against Rural Mismanagement, or their designated representatives, at least forty-five (45) days prior to the public hearing. Any follow-up documentation, such as a response to or clarification of a public comment, shall be made available to the general public upon submittal to the County, or if prepared by the County, upon submittal to the Planning Commission. The County shall make copies of all such written materials publicly available at one or more locations in Livermore and in the City of Oakland.
- 93.2 Operator Submissions. In connection with each Five Year Compliance Review, the operator shall submit to the County (i) comprehensive information on the record of ALRRF's compliance with the terms and conditions of this permit, (ii) current data and information included in the required reports made pursuant to the California Integrated Waste Management Act, Public Resources Code Sections 40050 et. seq., in connection with review of the Solid Waste Facilities Permit for ALRRF, (iii) current data and information included in the required reports made to the RWQCB in connection with review of waste discharge requirements, (iv) current data and information included in the most recent existing air quality report and related monitoring reports for ALRRF.

- 93.3 Possible CEQA Review Due to Substantial Noncompliance. In the event the Board finds that there has been substantial noncompliance by the operator with any of the permit conditions during the five-year period under review, the County may, in addition to any other recourse the County may have, and provided that such action is allowed pursuant to Public Resources Code section 21166 and sections 15162 through 15164 of the CEQA Guidelines or any other applicable provisions of CEQA, require CEQA review of the non-complying operations prior to any approval of the continuation of such activities.
- 93.4 Possible CEQA Review Due to Substantial Changes or Significant New Information: Consistent with the provisions of CEQA, including Public Resources Code section 21166 and sections 15162 through 15164 of the CEQA Guidelines, the County shall require additional CEQA review if, and to the extent, the County finds, based on substantial evidence, that further CEQA review is required pursuant to the terms of Public Resources Code section 21166, and sections 15162 through 15164 of the CEQA Guidelines or any other applicable provisions of CEQA.
94. Augmented Board of Supervisors Permit Compliance Review Prior to Mid-Capacity Buildout Point. During that Five Year Compliance Review which is closest in time but prior to that date which the operator projects that fifty percent (50%) of the total approved capacity of the ALRRF expansion will be filled (the "Mid-Capacity Compliance Review"), the County shall conduct a more intensive review of ALRRF's compliance with this permit and based solely on that permit compliance review shall specifically review whether the operator should be allowed to continue operation of the ALRRF and fill the remaining fifty percent (50%) of the total approved capacity of ALRRF. In addition to the requirements for Five Year Reviews set forth in Condition No. 92 above, during the Mid-Capacity Review, the Board of Supervisors shall determine whether ALRRF may continue operations after fifty percent (50%) of ALRRF's total approved capacity has been filled based solely upon its determination that the following conditions have been met:
- (a) the operator has requested continued operation of ALRRF;
 - (b) ALRRF is in compliance with all the conditions of this permit; and
 - (c) there is a demonstrated need for continued operation of the ALRRF based upon consideration of the availability of other technologies or programs for source reduction, reuse or recycling, existing or projected contracts or franchise agreements for disposal of solid waste at the ALRRF, and the existence of a market for solid waste disposal in the area, provided that this Mid-Capacity Compliance Review may

not base any need finding upon the availability of space at any other solid waste landfills that do or could compete with the ALRRF.

Prior to any determination by the Board regarding the conditions described above, the Board shall hear and consider the recommendations made by the Planning Commission regarding appropriate findings for the conditions. The County shall hold at least one Review Hearing in connection with the Mid-Capacity Review and the necessary findings in Livermore.

At the same time that the Planning Commission and the Board consider the determinations set forth above, but not as a condition to continued operation of the ALRRF, the Planning Commission and the Board shall also consider whether the County should take, or recommend to other agencies or parties, any further actions to encourage or establish other technologies or programs for source reduction, reuse, and recycling.

95. Insurance for Environmental Damage. The operator currently carries insurance related to environmental impairment, corrective action for landfill releases, and landfill closure and post-closure costs in the amounts described in the certificates attached hereto as Exhibit "3." The operator shall continue to maintain insurance at the same coverage, and at any higher coverage required by applicable law and regulation, during the operation of ALRRF and, as required by applicable law and regulation, during the closure and post-closure periods.
96. Liner Technology Requirements. At the time each new cell within ALRRF is built, the operator shall comply with the existing then current regulatory requirements for the best available liner technology.
97. Davis Street Organics for Compost. The operator shall make available, for purchase at a reasonable price and use as compost material, organic material that is received at the Davis Street Transfer Station operated by the operator.
98. Monthly Reporting Protocols
 - 98.1 Solid Waste Disposal. The operator shall prepare and deliver to the County and to the Community Monitor monthly reports specifying the quantity, point of origin and material types of all solid waste disposed at ALRRF, including, without limitation, sludge, inert wastes and special wastes.
 - 98.2 Alternate Daily Cover. The operator shall prepare and deliver to the County and to the Community Monitor monthly reports setting the forth the materials received at

ALRRF for use as alternative daily cover as allowed pursuant to State of California regulations governing such alternative daily cover, and such reports shall specify the type, source and quantity of the alternative daily cover materials received.

- 98.3 Standardized Truck Counts. The operator shall implement a standard means of counting all truck trips to the landfill each day, including separate counts of transfer trucks and counts of trucks other than transfer trucks. These daily truck trip counts shall be compiled into monthly reports to be delivered to the County and to the Community Monitor.
99. Limiting Use of Highway 84. The operator shall limit the use of that portion of State Highway 84 between Interstate 680 and Interstate 580 so that trucks which haul solid waste or other material to the ALRRF and which are subject to the operator's routing control shall not use that portion of State Highway 84. This provision shall not apply to trucks collecting solid waste or other material from local areas served by this portion of Highway 84. It is acknowledged that the operator does not have routing control over self-haul trucks.
100. City of Livermore Traffic Impact Fee. The operator will pay the City of Livermore Traffic Impact Fee per Chapter 12.30 of the Livermore Municipal Code within 30 days after the newly developed expansion landfill area first receives waste for disposal. For the purposes of computing this fee, (a) every large truck will count as the equivalent of three vehicles, (b) the project will be assumed to generate 50 additional truck trips during the peak hour, and (c) the payment will be based upon the per trip fee in effect at the time the payment is made. The operator shall not be required to pay more than once for any roadway improvement within the City of Livermore. Accordingly, the operator will be given a credit or refund for any portion of the City of Livermore Traffic Impact Fee for which the City of Livermore receives payment or in kind services for roadway improvements within the City, which are paid by the operator directly or through other fees imposed by this permit (including the Alameda County Cumulative Traffic Mitigation Fee or the Alameda County Public Works Traffic Impact Fee or pursuant to any other condition of this permit).
101. Distribution of Litter Control Literature. On an ongoing basis, ALRRF shall distribute informational flyers regarding litter control to customers as a reminder of the ALRRF's obligation to the environment and community. ALRRF shall also fund litter control on an additional portion of Interstate 580 in the vicinity of the landfill through the "Adopt a Highway" Program.

102. RWQCB Concurrence Regarding Bethany Reservoir. The operator shall request that the RWQCB's review of the landfill expansion include that Board's concurrence that ALRRF is designed to ensure that there is no drainage of landfill leachate to the Bethany Reservoir.
103. County Fees.

103.1 The operator shall pay the following fees on all solid waste deposited at the ALRRF to the Planning Department to help cover the Department's costs in administering its Waste Management Program:

103.1.1 \$.0075 per ton to pay for that proportion of the Planning Department's Waste Management Program attributable to the project. Collection of this existing fee shall continue except as provided below. In approximately one year from the effective date of this permit, the Planning Department will decide whether this fee should continue to be collected considering whether the same fee has been retroactively applied to the Vasco Road Sanitary Landfill through its Conditional Use Permit. No public hearing will be required for this decision.

103.1.2 \$.01 per ton to pay that proportion of the Planning Department's Transportation Planning & Management Program attributable to the project. Payment shall begin concurrently with Planning Department action on the Conditional Use Permit for the Vasco Road Sanitary Landfill.

The fees required by Conditions 103.1.1 and 103.1.2 shall be paid into a designated account on either a monthly or quarterly basis. The tonnage on which these fees are based shall be the total tonnage of solid waste deposited at the ALRRF during the previous quarter. The amount of surcharge shall be adjusted annually to account for inflation, in a proportion equal to the Manufacturing Index Value in the Engineering News Record.

103.2 The operator shall pay twenty-five cents (\$0.25) per ton as a host community fee for all solid waste disposed at the ALRRF during current operations and the expansion authorized by this permit. This fee shall be collected on every ton of waste disposed at the ALRRF throughout the life of the landfill facility. Beginning in January 2001, and each January thereafter, this fee shall be adjusted to reflect the change in the Consumer Price Index (CPI) for the most recent 12-month period for all urban

consumer items in San Francisco, Oakland and San Jose as published by the U.S. Department of Labor Bureau of Labor Statistics.

- 103.3 The operator shall pay an additional one dollar (\$1.00) per ton as an additional host community fee for all solid waste disposed at the ALRRF during current operations and the expansion authorized by this permit. This fee shall be collected on every ton of waste disposed at the ALRRF beginning immediately and continuing throughout the life of the landfill facility. Beginning in January 2001, and each January thereafter, this fee shall be adjusted to reflect the change in the Consumer Price Index (CPI) for the most recent 12-month period for all urban consumer items in San Francisco, Oakland and San Jose as published by the U.S. Department of Labor Bureau of Labor Statistics. For the adjustment in January 2001, the fee shall be adjusted to reflect the change in the aforementioned CPI dating back to the effective date of this permit.
- 103.4 With respect to non-franchise waste disposed at the ALRRF, the fees imposed pursuant to Conditions No. 103.2 and 103.3 shall be collected by the operator at the time of waste disposal. The fees payable for non-franchise waste deposited during each calendar quarter shall be paid to the County within 30 days following the close of each calendar quarter. With respect to franchise solid waste disposed at the ALRRF:
- (a) the fees imposed pursuant to Condition No. 103.2 shall be collected by the operator at the same time that regular franchise disposal fees are paid for the solid waste disposed at the ALRRF, and the fees payable for waste deposited during each calendar quarter shall be paid to the County within 30 days following the close of each calendar quarter, regardless whether the fees imposed in Condition No. 103.2 have been collected by the operator; and
 - (b) the fees imposed pursuant to Condition No. 103.3 shall be collected by the operator and payable at the time and only to the extent that these fees are included in the franchise rate base for solid waste. As the fees imposed pursuant to Condition No. 103.3 are included in the franchise rate base for solid waste, such fees shall be collected by the operator at the same time that regular franchise disposal fees are paid for the solid waste disposed at the ALRRF, and the fees payable for waste deposited during each calendar quarter shall be paid to the County within 30 days following the close of each calendar quarter regardless of whether the fees imposed in Condition No. 103.3 have been collected by the operator (but provided such fees are only

payable when and to the extent the operator and the party paying the fee have agreed that the fees are included in the franchise rate base).

The operator shall take all actions necessary to ensure that these fees are included in the franchise rate base for each franchisor or each jurisdiction which disposes of franchise solid waste at the ALRRF at the earliest possible date allowable under each franchise agreement or other agreement providing for disposal of franchise solid waste at the ALRRF. If any franchisor or other party to such an agreement fails to take diligent steps to include these fees in the franchise rate base, the operator, at its expense, shall initiate and diligently pursue litigation no later than twelve (12) months following the effective date of this permit to enforce payment of the fees, including recovery of all unpaid fees retroactive to the effective date of this permit; the County shall join as a co-plaintiff in any such action. The operator shall report to the Board of Supervisors and to the County Counsel regarding collection and payment of these fees bimonthly for twelve (12) months following the effective date of this permit, and annually thereafter. The operator shall not enter into any new or amended franchise agreement or other agreement providing for disposal of franchise solid waste at the ALRRF, or extend an existing agreement, if the new or amended agreement or extension omits the fees set forth in Conditions No. 103.2 and 103.3. In the event that these fees are judicially determined in whole or in part to be unenforceable against a franchisor, the operator shall cooperate with the County in any modification of these fees necessary to make them enforceable.

As stated in Conditions No. 103.2 and 103.3, the fees imposed by those conditions apply to all solid waste disposed at the ALRRF during current operations and the expansion authorized by this permit. The reference to "franchise solid waste" in this Condition No. 103.4 refers to all solid waste that is deposited at the ALRRF pursuant to a franchise agreement or other agreement or arrangement whereby solid waste from a jurisdiction is disposed at the ALRRF whether or not that other agreement or arrangement is formally labeled a "franchise" or "franchise agreement". Jurisdictions currently disposing "franchise solid waste" at the ALRRF include a number of cities and districts within Alameda County as well as the City and County of San Francisco.

- 103.5 The fees imposed by Conditions No 103.2 and 103.3 shall be distributed as provided in the Settlement Agreement Between and Among the County of Alameda, the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement, and Waste Management of Alameda County, Inc.
- 103.6 Following each calendar quarter, the operator shall submit to the County a report specifying the amount of fees paid during such calendar quarter by the operator, including the fees specified in Conditions No. 102.2 and 102.3.
104. Expiration of this Conditional Use Permit shall coincide with facility closure and thirty-year postclosure maintenance and monitoring requirements as established under CCR Title 23 (Subtitle D) or other successor regulations.
105. Pursuant to Section 17.52.050 of the Alameda County Zoning Ordinance this Conditional Use Permit shall be implemented according to the schedule described in the project's description. If the project is not substantially implemented within a term of three (3) years following the aforementioned schedule, it shall be of no force or effect.
106. This Conditional Use Permit shall remain revocable for cause in accordance with Section 17.54.030 of the Alameda County Zoning Ordinance.