

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXXX

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-11-09 Amendment No. 2 of **Recology Hay Road** to allow the following: 1) the lateral expansion for municipal solid waste which would result in an increase of approximately 8.8 million cubic yards to the landfill disposal capacity; 2) modification of the peak tonnage from 2400 tons per day (tpd) maximum to 3400 (tpd) peak day limit with a 7 day average of 3200 tpd; 3) temporary storage of baled recyclables; 4) one (1) additional Landfill Gas Flare (LFG); 5) include portable equipment to the construction and demolition (C&D) sorting operations, allow friable asbestos; and minor modifications to the existing borrow pit, boundaries of Jepson Prairie Organics and the footprint of disposal module number 1. The site is located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in an "A-80" and "A-160" Exclusive Agricultural Zoning District, APN's: 0042-020-060, 280 and 020; and

WHEREAS, the Planning Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the application at a duly noticed public hearing held on May 7, 2020; and

WHEREAS, the Planning Commission has certified a Subsequent Environmental Impact Report (SEIR) for the proposed project, and has read and considered the SEIR prior to taking action on the application; and

WHEREAS, the Planning Commission finds that changes or alterations have been required in the project through the conditions described herein which avoid or substantially lessen the significant environmental effects as identified in the certified SEIR, or can and should be imposed on the project by agencies that the County having responsibility and jurisdiction over the project, as is more fully described in the CEQA Findings of Fact attached as Exhibit A and incorporated by reference; and

WHEREAS, documents constituting the record of proceedings for the Planning Commission's action on the project are held by, and are available for review at, the Solano County Department of Resource Management, Solano County Government Center (675 Texas Street, Suite 5500, Fairfield, CA 94533); and

WHEREAS, after due consideration, the Planning Commission has made the following findings in regard to the application:

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulations, population densities and distribution, and other aspects**

of the General Plan.

The project will allow continued operation and maintenance of the landfill. The proposal is consistent with the goal and the objectives and policies of Solano County General Plan.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The project is conditioned to provide required improvements such required groundwater and landfill gas monitoring network, and drainage. The site has adequate access road and the project is conditioned to collaborate with Caltrans regarding fair-share contribution to the State Highway Transportation Network, specifically, State Highway 12 and 113 improvements.

3. The subject use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Impacts relative to biological resources, litter control, roadway improvements and air quality can be reduced to a less than significant level by conditions imposed on the project and mitigation measures specified in the mitigation monitoring program.

BE IT, THEREFORE, RESOLVED, the Planning Commission of the County of Solano adopts the Mitigation Monitoring Program, attached as Exhibit B, and approves Amendment No. 2 to Use Permit Application No. U-11-09, subject to the following conditions of approval:

1. Approval is hereby granted to Recology for a landfill and composting facility located at 6426 Hay Road on a total of 640 acres zoned A-80 and A-160.
 - a. Solid waste disposal: The maximum capacity of the disposal site is 45,800,000 cubic yards. The maximum elevation at Mean Sea Level is 215 feet or the equivalent of 217.5 feet utilizing the National American Vertical Datum of 1988 (NAVD 88).
 - b. Composting Facility/Jepson Prairie Organics (JPO): The composting facility footprint is an overlay within the landfill footprint and comprises of 39 acres in size. The JPO boundaries are shown on Figure 3-2 of the May 2020 Subsequent Environmental Impact Report. The maximum composting capacity shall not exceed 225,000 cubic yards.

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- c. Temporary Storage of Baled Recyclables & Landfill Gas to Energy Facility are limited to the areas shown on Figure 3-2 of the Subsequent Environmental Impact Report.
- 1.5. Approval of application no. U-11-09 Amendment No. 2, subject to the conditions of approval described here, supersedes all prior use permit approvals and permit conditions.
2. The maximum amount of municipal solid waste accepted at the Recology Hay Road landfill shall not exceed 3400 tons per day (tpd) and limited to 3200 tpd over a 7-day average. Jepson Prairie Organics is limited to 600 tons per day, averaged over a 7- day period, with a peak of 750 tons per day, or a lesser amount as may be specified in permits issued for the facility by other agencies. All vehicle trips to the facility shall be limited to 620 trips daily, averaged over a 7-day period.
- 2.5. The Baled Recyclable Storage Operations shall be in compliance with the Revised Recyclable Material Bale Management Operations Plan, dated April 11, 2018. Any revisions or modifications to the operations or plan, shall be subject to Department of Resource Management Review as specified in condition no. 10.
3. The permitted hours of operations for the landfill and composting facility are 7 days per week, 24 hours per day. Public tipping area may be open 8 am to 4 pm, 7 days per week. Commercial haulers may bring in waste between 8 am – 4 pm, 7 days a week. Arrangements may be made with commercial haulers to bring waste in earlier or later than 8:00 am to 4:00 pm. Delivery of asbestos containing waste and all designated wastes are limited to 7:00 am – 4:00 pm, Monday – Saturday. In order to minimize traffic impacts, the permittee shall make every effort to restrict acceptance of waste material from outside Solano County during the am peak hour in order to avoid peak-hour congestion on Interstate-80 through Fairfield and Vacaville.
4. In order to effectively implement and monitor the adopted mitigation monitoring program for FSEIR 2020, -a minimum of 60 days of any ground disturbance related to the landfill expansion and, in conjunction or prior to submitting the grading/improvement plan application referred to in condition no. 14, the permittee shall provide the Planning Services Division the construction schedule and weekly updates until construction is complete.
- 4.5. The permittee shall submit an updated Soil and Borrow Area Cut Slope Stability analysis to the Planning Services Division, 30 days prior to excavating the borrow pit.
5. The landfill, composting and landfill gas to energy facility shall be established and operated in accord with the plans and documents

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submitted with the application for U-11-09 Amendment No. 2 and previously approved use permit applications and the corresponding minor revisions, and as described all applicable State and local entitlements, including but not limited to the following documents:

- a. Recology Hay Road Site Plan consistent with Figure 3-20 of the Subsequent Final EIR 2020 for Recology Hay Road.
- b. The landfill gas to energy facility shall be established in accord with the plans entitled "G2 Energy at Recology Hay Road, 6426 Hay Road, Vacaville, CA 95667 submitted with Minor Revision No. 5 of Use Permit Application No. U-91-28
- c. Recology Hay Road Solid Waste Facility Permit 48- AA-0002 (June 23, 2008) and Joint Technical Document (Aug 2008 Rev July 2010), and all approved updates and revisions as approved by the California Integrated Waste Management Board and as issued by the Solano County Department of Resource Management Local Enforcement Agency (LEA).
- d. Jepson Prairie Organics Compostable Materials Handling Facility Permit #48-AA-0083 (May 25, 2012) and Report of Composting Site Information, and all approved updates and revisions.
- e. Solano County Reclamation Plan 91-04 (rev. #1, December 1995).
- f. Waste Discharge Requirements Order R5-2008-0188 (Dec 10, 2008) and all approved updates and revisions.
- g. Hazardous Materials Management Plan and Emergency Response Plan EPA-ID- CAD 982042475 (10/99, rev. 9/25/09).
- h. Letter of December 14,1992, Revised Soil Borrow Area Cut Slope Stability Analysis and subsequent updates.
- i. Memorandum from Michael Caprio, Norcal Waste Systems, December 2,1992, Description of Existing and Future Leachate Management Practices and as updated or revised by the Joint Technical Document.
- j. Wetlands Mitigation Plan by Global Environmental, December 1, 1992.
- k. Weed Monitoring and Control Program by Global Environmental, March 1993.
- l. Letter of April 13,1993, Clarification of Aspects of Reclamation Plan.

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- m. Revised Recyclable Material Bale Management Operations Plan, April 11, 2018
- 6. The permittee shall make the site available for inspection at any time by regulatory agencies with oversight authority in order to monitor compliance.
- 7. The permittee shall reimburse the Department of Resource Management pursuant to Solano County Code Section 1-18 and Government Code Section 21081.56 for the Department's cost of verifying compliance with the terms of this permit and monitoring and enforcing the use of performance standards by the permittee. Billing for this activity may occur on a monthly basis. In the annual compliance report the permittee shall indicate an annual total paid toward the LEA functions of permitting, monitoring and enforcement.
- 8. The site design and operations shall meet the specifications and requirements of all applicable permits and permitting agencies including but not limited to the Cal Recycle, the Solano County Department of Resource Management (DRM), the Local Enforcement Agency (LEA), the Central Valley Regional Water Quality Control Board (RWQCB), and the Yolo-Solano Air Quality Management District (Y-SAQMD). Changes or amendments to the design and/or operation of the facility by the agencies which regulate this site shall be reported to the LEA by the permittee consistent with PRC 44004(b) at least 180 days prior to their implementation.
- 9. The permit shall be valid until the California Department of Resource Management Recycling and Recovery (Cal Recycle) has determined that the landfill closure is complete and in compliance with the Solid Waste Facility Permit.
- 10. Substantial or significant change(s) in the permitted operation and/or facilities as determined by the Director of Resource Management, shall require an application for an amended Use Permit and additional environmental review for continuance of the permitted activity.
- 11. Prior to final closure of the landfill, the permittee shall submit an application for a revision to this permit covering closure, post-closure monitoring and maintenance, the status of on-site wetlands, and a final reclamation and habitat creation plan for the borrow area.
- 12A. The permittee shall on or before January 31st of each year submit to the Department of Resource Management, an annual compliance report to document compliance with all conditions contained in the permit.

- 12B. In each annual compliance report the permittee shall submit a status report to the Director of Resource Management by January 31st of each year containing information required for completion of the "self-monitoring" provisions of the Solid Waste Facilities Permit.
- 12C. The permitted operation shall submit an Odor Management Compliance Report covering the operations of Jepson Prairie Organics. The report shall be submitted annually by June 30, covering the period from October through May of the prior period.

The Odor Management Compliance Report shall address the following items at minimum:

- a. Odor sources and sensitive receptors.
- b. Complaints and violations and description of how the complaints were resolved.
- c. Odor control strategies implemented and proposed.

The report shall be presented to the Zoning Administrator for review and consideration on two-year intervals and at its discretion, may request more frequent reviews. The Zoning Administrator public hearing shall be duly noticed and advertised.

These hearings may be held for the purpose of modifying any conditions previously imposed conditions of approval or adding conditions of approval that may be required to guarantee the continued validity of the findings made by the Planning Commission for approval of the use permit. This reconsideration may include, but is not limited to, the imposition of requirements for the modification, closure, and/or removal of facilities, operations, materials or equipment from the premises affected by this permit within thirty days of notification, or the requirement that appropriate guarantees to secure such changes or removal be filed and maintained.

Any condition modified or added shall be of the same force and effect as if originally imposed. This periodic review shall be for project facilities or any part thereof, and each review, although to be accomplished in accordance with CEQA, shall not be considered a separate project under CEQA

13. Pursuant to Assembly Bill 901 (Gordon, Chapter 746, Statute of 2015), the permittee is required to report to the types and quantities of organic material, recyclables, and solid waste that the permittee sells, transfers or disposes to CalRecycle through the online Recycling and Disposal Reporting System (RDRS) effective October 2019. The permittee shall submit this required reporting on a quarterly basis to the Department of Resource Management in accordance with the RDRS reporting schedule to

support the County's compliance with the California Integrated Waste Management Act 1989 (AB 939).

14. Prior to any ground disturbance activity related to the landfill expansion (FSEIR 2020) and minimum of 60 days prior to the issuance of a grading/improvement plan permit, the permittee shall submit the following:
 - a. An updated Grading, Drainage, and Erosion Control Plan approved by the County Department of Resource Management in conformance with the County Grading Ordinance and Erosion and Sediment Control Handbook. Said plan shall include, but is not limited to, detailed design features to maintain downstream water quality; maintenance of sediment basins; a comprehensive landfill revegetation plan to establish and maintain adequate erosion control and slope stability and to restore the site; and an interim landfill reclamation plan showing final slopes and grades.
 - b. An application for a grading permit for development of the on-site borrow area to the County Department of Resource Management.
 - c. Application for a grading permit and encroachment permit for development of any off-site borrow area to the County Department of Resource Management.
 - d. Documentation from the Department of Resource Management that all encroachment permits have been obtained as necessary for any access locations to County roads.
 - e. A surety bond or other guarantee acceptable to the County in favor of the County of Solano in the amount of \$100,000 to ensure immediate availability of funds for emergency remedial action at the Recology Hay Road site, or for correcting any conditions on adjacent properties caused by site operations that are determined by the Department of Resource Management to be harmful to public health, safety or welfare or detrimental to agricultural operations. In the case of a bond, the permittee shall post the bond through a surety bond company that is rated "A" by the A.M. Best Company Guide. The bond or other guarantee shall remain in effect and be in the possession of the Department of Resource Management until after all phases of landfill site reclamation and revegetation are completed.
 - f. Comply with the Road Damage and Litter Agreement executed between the County and permittee and any subsequent amendments. The purpose of the agreement is to recover costs due to damage of County roads caused by transfer trucks and trucks used for hauling soil to the facility along County roads. An annual

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- fee as determined by the Department of Resource Management shall be paid to the Department of Resource Management. The fee will be indexed and adjusted yearly in accordance with the prevailing costs as shown by the Engineering News Record - Construction Cost Index. The fee shall be due on the anniversary date of issuance of this permit.
- g. The permittee shall file with the Department of Resource Management the name, and phone number of the site manager and alternate. The site manager or alternate shall be available to county officials at all times (24 hours) and shall be responsible for the control of operations and for keeping specific records of operations to be made available upon request of, and in conformance with the requirements of the Department of Resource Management. The site manager or alternate shall be present at the site at all times when loads are accepted for disposal and during construction activities.
 - h. The permittee shall document that closure and post closure maintenance cost estimates have been prepared and financial mechanisms established for the Recology Hay Road site in accordance with the standards established by the CalRecycle. The permittee shall make payments in full each year as required by Title 27 of the California Code of Regulations, Article 1, sections 22205 (closure) and Article 2, 22210 (post closure).
 - i. The permittee shall maintain a comprehensive General Liability and Workers' Compensation insurance policy in the minimum amount of \$1,000,000 during the term of the permit. Evidence of such coverage shall be filed with the Director of Resource Management and shall comply with the requirements of the County Risk Manager.
15. By signature of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers, agents and employees from all claims, liabilities, losses, or legal actions arising from any such injuries, and from all approvals and conditions associated with issuance of this permit. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit, and all associated approvals and conditions. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
16. The permittee shall be responsible for remediating any off-site contamination, damage, or injury to surrounding properties, including ground and surface water contamination, litter or safety hazards, or pollution

of the air above any properties which may result from issuance of the permit; and during exercise of the use permit shall take adequate measures to prevent litter, dust, standing water, generated traffic, unsafe conditions, trespass to adjacent properties, or other activity in excess of, or inconsistent with conditions of the permit from creating a hazard or nuisance.

17. Non-compliance with the approved use permit or any condition(s) set forth therein shall be cause for revocation by the Planning Commission of said permit, and for payment of applicable bonds to the County.
18. Subsections (j) and (m) of Section 28-53 of the Solano County Code concerning revocation of a use permit for non-compliance with conditions of a use permit and minor revisions to a use permit are expressly made applicable to this permit. Upon any revocation, permittee shall reclaim the site in accordance with conditions of the permit and the closure requirements. If necessary, the County may resort to any security to accomplish such reclamation. In addition, any term or condition of this use permit and any violation of this permit may be enforced by injunction issued out of the Superior Court upon suit by the County. In the event of permit revocation, the permittee shall submit within 90 days a report to the Department of Resource Management fully describing their reclamation of the site. The permittee shall make periodic reports, as required by the Department of Resource Management, on the progress and conclusion of site reclamation procedures.
19. The permittee shall notify the Division of Environmental Health Services within 24 hours of any significant injury to a worker, fire, spill, explosion, vehicle or equipment accident. Notwithstanding above, California Health and Safety Code, Chapter 6.95 requires immediate reporting of a potential or actual release of a hazardous substance to the State of California and Division of Environmental Health Services. All such incidents shall be summarized in the annual report.
20. The permittee shall comply with all applicable Federal, State and local enactments, laws, and regulations, as they now exist and as they may be amended. A copy of correspondence concerning any enforcement action shall be provided to the Department of Resource Management. Compliance with any enforcement action shall be summarized in the annual compliance report.
21. The permittee shall provide for the employees both a water supply and sewage disposal system which have been approved by the Division of Environmental Health Services and shall comply with hazardous materials and hazardous waste management laws and regulations including when applicable preparing, revising, and updating a Hazardous Materials Business Plan that has been reviewed and accepted by the Division of Environmental Health Services.

22. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. The permittee shall submit three sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
23. The permittee shall prevent a reduction of land available for grazing by continuing to permit and encourage grazing on areas not used for the landfill or landfill facilities pursuant to a management plan that promotes the maintenance of native plants and vernal pools and consistent with the management plan used for grazing at the Jepson Prairie Preserve.
24. The project shall be consistent with the Travis Air Force Base Airport Land Use Compatibility Plan. The following measures shall be taken so that the facility is operated in a manner consistent with this plan:
 - a. Existing and proposed sheds and structures with reflective exteriors, including roofs, shall be painted or coated so that they are rendered nonreflective.
 - b. If night and/or security lights are to be used on the subject site, they shall be downcast and shielded so that off-site glare is prevented, and lighting is confined to the work area.
 - c. Prior to establishment of an office on the western parcel, noise abatement measures shall be incorporated into its design and construction to achieve a noise level reduction (NLR) of 35 dBA.
 - d. If a residence is proposed to be constructed on-site, it shall be located in an area with a noise level below 75 CNEL.
 - e. Litter, dust and smoke shall be controlled as required by conditions 16, 29A, 33, 34, 36, and 69.
 - f. Bird hazards shall be controlled as required by condition 25, 79 and 80.
 - g. The permittee shall notify Travis Air Force Base - Airfield Management when lighting operation commences.
 - h. Future landfill support facilities involved with recycling operations and onsite improvements shall be considered by the Solano County Airport Land Use Commission prior to any construction.

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25. Bird hazards for aircraft using Travis Air Force Base shall be controlled by the following measures:
- a. The size of the working face of the landfill during the wet season (October 15 to April 15) shall be limited to a maximum of 15,000 square feet (75' x 200').
 - b. Selected landfill staff shall be trained on firearm safety and instructions on Bird Aircraft Strike Hazard (BASH) strategies. At least one landfill employee shall be designated to enforce the bird control strategies.
 - c. A combination of deterrent measures shall be used in consultation with the Solano County Department of Resource Management including: the use of "screamers" as a frightening device (shells fired from a hand-held pistol); broadcast of seagull distress signals over a loudspeaker in conjunction with mock elimination (attach a stuffed seagull to a wire and simulate injury) or elimination if necessary (a predatory permit from the California Department of Fish and Game would be required); and the use of blank shotgun shells and/or a propane cannon as a scare device.
 - d. The permittee shall analyze incoming regular and seasonal waste loads for those which might be particularly attractive to birds, such as commercial restaurant loads, cannery loads, or brewery loads. If appropriate, these wastes shall be placed at the side of the working face and covered immediately to prevent bird access to the refuse.
 - e. A monitoring program shall be established to determine the effectiveness of the bird control program. A wildlife biologist shall visit the site to establish baseline conditions for 1993. After implementation of the bird control program, the wildlife biologist shall document results of the program in monthly reports for the first six months and on a quarterly basis thereafter. These reports shall be provided to the Solano County Department of Resource Management and to Travis Air Force Base.
26. To prevent erosion and sedimentation the permittee shall take the following measures;
- a. Maintain grading, sedimentation, drainage, and erosion controls pursuant to the Solano County Grading Ordinance and/or Sedimentation and Erosion Control Guidelines as required by the Solano County Department of Resource Management as applicable.

- b. Space drains that convey surface runoff from closed landfill surfaces as shown on the most recent approved closure plan.
 - c. Keep graded areas as small as feasible and vegetation shall not be removed until necessary.
- 27. To prevent increased water infiltration and leachate production in the landfill and damage to drainage and leachate control facilities, the permittee shall take the following actions:
 - a. Submit a report to the County prior to closure, which documents settlement rates and existing cover and slope stability performance.
 - b. Install permanent survey monuments during closure construction to measure and monitor settlement following closure.
- 28. The permittee shall prevent adverse impacts to ground water and surface water by implementing the following measures:
 - a. Comply with existing Waste Discharge Requirements (Order R5-2008-0188 (Dec 10, 2008) and all approved updates and revisions, and with all enforcement orders issued by the Regional Water Quality Control Board.
 - b. Reimburse the County for the expense of third party engineering review and inspection to verify the adequacy of construction of the sub base and liner system.
 - c. Comply with most recent requirements for leachate management and disposal specified by the Regional Water Quality Control Board.
- 29A. The permittee shall control dust, PM10, odor, and other airborne contaminants as specified by all applicable environmental impact studies and reports, the most recent and updated Joint Technical Document (JTD), Report of Composting Site Information (RCSI), Mitigation Monitoring Reporting Plan (MMRP), Odor Impact Management Plan (OIMP), Solid Waste Facility Permit, and by the Y-SAQMD, RWQCB, LEA, and other agencies with regulatory authority over the site.
 - a. A water truck shall be located and used at the site for dust suppression at least twice a day during excavation and grading activities, and thereafter as necessary until vegetation is reestablished.
 - b. Comply with the asbestos acceptance and handling protocols described in the most recent Joint Technical Document.

- c. For special wastes not addressed in the JTD or for new sources of sludge, a waste handling protocol shall be submitted to the LEA and other responsible agencies for review and approval prior to acceptance of the wastes.
- d. All Recology affiliated haul trucks shall use tarpaulins or other effective covers and every effort shall be made by the permittee to prevent self-haulers from bringing uncovered loads into the facility. Reasonable measures would include but shall not be limited to imposing fines on uncovered vehicle loads. The landfill shall continue to post signage that loads must be covered.
- e. Soil shall not be exposed nor grading occur during high wind conditions with wind speeds greater than 20 mph over 1 hour.

29B: In order to mitigate PM-10 emissions from stationary sources, the permittee shall acquire emission offsets during the permitting process, if determine necessary by the YSAQMD, consistent with YSAQMD Regulation 3-4.

29C: The permittee shall control additional landfill gas generation through modifications to the landfill gas collection and treatment system and shall implement any required offsets, consistent with the YSAQMD Rule 3-4.

30. The permittee shall control reactive organic compounds (ROC's) by conforming to the requirements of the YSAQMD and by implementing the following measures:

- a. Petroleum contaminated soils shall continue to be managed as required by the YSAQMD.
- b. Provide proper maintenance of equipment and engines.
- c. Lengthen the construction period during smog season (May through October) to minimize the number of vehicles and equipment operating at the same time.
- d. Use new technologies to control ozone precursor emissions for vehicles and equipment as they become available and feasible.
- e. Minimize vehicle idling, generally below 5 minutes.
- f. Install and operate a vertical or horizontal landfill gas (LFG) extraction and treatment system at the existing landfill and any proposed landfill cells. The design of any landfill gas extraction system(s) shall be incorporated into the JTD for the landfill, shall be reviewed and approved by the LEA, RWQCB, and other appropriate

agencies prior to installation, and shall be referenced as part of the revised Solid Waste Facilities Permit.

31A Comply with the Road Damage and Litter Agreement executed between Solano County Department of Resource Management and Recology Hay Road regarding reimbursement to the County for the cost of removing trash and materials and impacts to roads.

31B Notwithstanding no. 31A, the permittee shall mitigate traffic impacts associated with trucks operated by the permittee or its contractors by implementing the following measures:

- a. Local soil hauling trucks shall be restricted to routes approved by the Solano County Department of Resource Management.
- b. Recology Hay Road shall collaborate with Caltrans regarding a fair share contribution towards construction and improvements at Highway 113 & Midway Road and Highway 12 and 113 intersection improvements. Recology Hay Road shall provide to the Department of Resource Management, a progress letter signed by Caltrans on a quarterly basis from the date of the approval of Land Use Permit amendment no. 2, until a resolution between both parties have been reached.
- c. The permittee shall make every effort to restrict acceptance of waste material from outside Solano County during the a.m. peak hour in order to avoid peak- hour congestion on Interstate 80 through Fairfield and Vacaville.

32. Adverse impacts on plant and animal life shall be mitigated by the following measures:

- a. Comply with the Wetlands Mitigation Plan approved by the U.S. Army Corps of Engineers.
- b. Continue to implement the wetlands enhancement and development plan and monitoring program.
- c. Maintain and continue to implement the delta green ground beetle management plan.
- d. Filled areas and soil stockpiles shall be revegetated according to the parameters set in the Grading, Drainage and Erosion Control Plan approved by the County Department of Resource Management.

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- e. Any topsoil secured on or off site shall be stored separately from subsoils for use in the preparation of final cover. The location of topsoil stockpiles shall be shown in the annual compliance report.
 - f. Use non-invasive and/or native plant species for interim revegetation of the borrow area.
 - g. A revegetation plan shall be prepared for the site for final closure that includes the use of native grasses, a monitoring program, a grazing management plan if grazing is contemplated, and a habitat development plan for the borrow area lake.
 - h. Prior to final closure, the lake development, enhancement, management, and monitoring plan prepared in consultation with the Solano County Mosquito Abatement District shall be maintained.
33. The Permittee shall develop and maintain the facility so that adverse visual impacts are reduced through the following measures:
- a. All filled areas with interim cover and soil stockpiles shall be vegetated as needed.
 - b. Operations and facilities shall be contained on-site in specified areas to avoid the appearance of haphazard sprawl within the site.
 - c. Fencing and landscaping along the perimeter shall be adequately maintained.
 - d. Night lighting for operations at the facility shall be downcast and shielded so that off-site glare is prevented, and lighting is confined to the work area.
 - e. The permittee shall conform to landfill closure requirements and design, including appropriate slopes, as approved by the Cal Recycle the Regional Water Quality Control Board, and the Planning Commission. Provide visual relief in design of the final landfill surface to avoid artificial geometric appearance.
 - f. Provide a 4:1 (horizontal:vertical) slope in the landfill perimeter.
 - g. Place final soil cover and revegetate incrementally as portions of landfill expansion project are brought to final design grades.
 - h. Keep landfill working face as small as possible and orient away from nearby roads and high use areas whenever possible.

- i. Maintain landscape screening along the portion of the project site which abuts Highway 113.
34. The permittee shall control litter by implementing the following measures:
- a. The maximum size of the working face shall be limited to 200' x 75' or smaller.
 - b. Use portable fencing in the immediate vicinity of the landfills working face and downwind of the working face to contain litter.
 - c. Fencing along the site boundary should be high enough to contain litter from migrating off-site.
 - d. Adequate staffing shall be on site to remove litter immediately from the property boundary in the event of a sudden change in wind speed or direction. Similarly, additional litter collection crews shall be deployed following such high wind events to remove litters from parcels adjacent to the landfill. The permittee shall establish site access agreements with the adjacent property owners within 90 days of issuance of the use permit.
 - e. Litter control shall be the responsibility of the permittee compliance officer and shall be monitored by the LEA to ensure compliance with State Minimum Standards. A plan for litter control, by means of fencing, crews, adjustment of the size of working the face and use of soil cover shall be detailed in the Litter Management Plan.
 - f. On a weekly basis, or more frequently if needed, the permittee shall check for and pick up litter along adjacent properties, and along Burke Lane south of Hay Road, Dally Road north and south of Hay Road, Box R Ranch Road, Binghampton Road between SR 113 and Pedrick Road, Main Prairie Road between SR 113 and Pedrick Road, Brown Road between SR 113 and Pedrick Road, Pedrick Road between Brown Road and Binghampton Road, and along the following major haul routes: Fry Road between Leisure Town Road and SR113, Lewis Road between Fry Road and Hay Road, Hay Road between SR 113 and Meridian Road, Meridian Road between McCrory Road and Fry Road. The site, offsite properties, and roads listed above shall be kept as litter free as possible depending upon weather conditions. The County shall not be charged for disposal of litter or trash picked up during these activities.
 - g. If waste is hauled by the permittee or its contractors over the following roads, the permittee shall check for and pick up litter, on a weekly basis, or more frequently if needed, on the following roads: Vanden Road from Peabody Road to Canon Road, Canon Road

- from Vanden Road to North Gate Road, North Gate Road from Canon Road to McCrory Road, McCrory Road from North Gate Road to Meridian Road, Meridian Road from McCrory Road to Hay Road, Hay Road from Meridian Road to Lewis Road, Lewis Road from Midway Road to Fry Road, and Midway Road from Interstate 80 to State Route 113.
- h. The permittee shall construct a permanent 25 ft. tall litter-control fence along the entire length of the southerly site boundary.
 - i. If Solano County personnel identify litter on roads used by Recology, Solano County shall immediately notify Recology and request that it be removed. Recology shall respond and remove such litter within twenty-four (24) hours of receiving notification from Solano County under this provision.
35. The permittee shall implement the following measures to mitigate for underground migration of landfill gas (LFG):
- a. Install gas probes to monitor for landfill gas migration as required by the LEA in accordance with Title 27 and Title 14.
 - b. Avoid construction of buildings on top of refuse.
 - c. Equip any on-site habitable structures with an automatic combustible gas detection system with an audible alarm.
 - d. Avoid reentering buildings following earthquakes until LFG has been determined not to exist. Make any repairs immediately.
36. The permittee shall implement the following fire protection measures:
- a. The site, including structures, equipment and vehicles, shall be inspected by the Dixon Fire Protection District as deemed necessary by the District and kept in compliance with the Fire District regulations. The landfill permittee shall provide the County LEA proof of compliance with the Dixon Fire Protection District in the annual report.
 - b. Flammable recyclables such as wood, tires, and paper shall be isolated from other materials, contained by a berm, or be stored on-site for less than 30 days.
 - c. A ten (10) foot fire break shall be provided around the perimeter of the active landfill area and any areas used for the storage of compostable materials, recyclables, and any combustible materials prior to their use.

- d. Notify the County LEA immediately if unusual amounts of settlement or venting of smoke occurs and take appropriate corrective action.
 - e. Any fire incidents shall be reported to the County LEA within 24 hours.
37. The permittee shall provide site security by the following measures:
- a. Use lockable gates and fencing around the perimeter of the landfill and the compost facility as deemed necessary by the LEA, and have an on-site emergency coordinator during operating hours, to protect the public health and safety,.
 - b. Maintain fencing and posting of signs to protect the wetlands mitigation area as proposed in the Wetlands Mitigation Plan approved by the U.S. Army Corps of Engineers.
38. The permittee shall not dispose of hazardous wastes other than asbestos. The screening of wastes for hazardous substances and their management shall be governed by the following provisions:
- a. Prior to issuance of the permit, the permittee shall have a load checking plan approved by the County LEA and the RWQCB. It shall be included in the Joint Technical Document (JTD).
 - b. Prior to issuance of the permit, the permittee shall have an approved Hazardous Materials Business Plan from the Division of Environmental Health. It shall be included in the JTD.
 - c. in the annual compliance report the permittee shall summarize any hazardous materials incidents and amounts of collected hazardous materials by volume and/or weight for the year and include a copy of each of the quarterly reports for the load checking program.
 - d. The permittee shall participate in an on-going public education program to make the public aware of household hazardous waste and safe handling practices, along with information on source reduction, recycling and composting. Such participation could include development of a brochure that would accompany billing notices.
39. The following wastes, as defined by the LEA, shall have approved waste handling protocols prior to their acceptance: high moisture content wastes or other wastes with potentially objectionable odors, wastes with an increased potential to cause or contribute to adverse water quality impacts, combustible materials stored in the open, and contaminated soils.

40. In the event of an earthquake, the permittee shall submit to the County within 30 days a post-earthquake inspection plan to evaluate any damage that may have occurred to site structures or equipment.
41. The permittee shall have a portable light with generator, inspected and approved by the LEA, available on the site at all times for emergency work.
42. As required by the JTD, adequate cover material shall be available for use at all times. This may include ADC or soil as determined appropriate by the LEA.
43. The permittee shall follow the disposal procedures outlined in the LEA-approved asbestos disposal manual included in the JTD.
44. The permittee shall not allow standing water to create breeding grounds for mosquitoes. The following restrictions apply to the storage and disposal of tires:
 - a. Tires shall be managed consistent with Title 14 requirements (14 CCR 17350 et seq.) as approved by the LEA and the Dixon Fire Department.
 - b. The site shall be open for inspection to the Solano County Mosquito Abatement District (SCMAD) for random inspections during the wet season (November-April).
 - c. If mosquito larvae are found during inspection, the tires shall be shredded or cut within 10 days, or more frequently as determined by the SCMAD.
45. The permittee shall have resource book(s) at the site to train employees in the identification of all the various types of cultural resources that may be encountered at the site. Should any subsurface cultural resources be encountered during ground altering activities, the permittee shall immediately halt work and consult a registered archaeologist to evaluate the significance of the find. The permittee shall notify the Department of Resource Management within one day of encountering cultural resources and shall notify the department within 5 working days thereafter of the name and qualifications of the archaeologist retained to evaluate the significance of the find. If the archaeologist determines the find to be significant, he/she shall prepare and submit to the Department of Resource Management a mitigation plan consistent with the State CEQA Guidelines for review and approval prior to further site disturbance. The approved plan shall be followed upon the permittee's resumption of work in the area.

46. The permittee shall comply with all relevant conditions and requirements of the City of Vacaville's sewer ordinance, Pretreatment Program, and Industrial Wastewater Discharge Permit. The permittee shall provide a copy of the contract and all correspondence with the City regarding disposal of leachate at the Vacaville Sewage Treatment Plant, and report quantities disposed to the County LEA in the quarterly reports and summarize in the annual compliance report.

RECLAMATION or RESTORATION PLAN PROVISIONS (Number 47-64)

47. Reclamation of the borrow area shall be conducted in accord with the plans submitted with the reclamation plan. An alternate reseeding program may be approved by the Zoning Administrator.
48. Settling ponds, drainage swales and diversion berms shall be constructed as required by the County Department of Resource Management, so as to eliminate adverse flooding and degradation of water quality resulting from any surface runoff. Said drainage facilities shall be established prior to any work done after October 15 and maintained in adequate working condition until such time that revegetation is permanently established on the site.
49. During borrow area excavation a drainage system shall be installed to divert surface water outside the borrow area from entering the borrow area.
50. Eighteen inches of topsoil from the soil borrow area shall be stockpiled for reclamation of the borrow areas and closure covers. Stockpiled topsoil shall be restored to borrow areas for interim reclamation, reclamation of the disturbed area along the perimeter of the borrow area lake above the water level and used for the vegetative layer of the final closure cap. Topsoil shall be restored to these areas at a minimum depth of 12 inches. Prior to spreading topsoil, the subsoil shall be ripped to a 12-inch depth and disked to promote root growth and water percolation. Prior to seeding, the topsoil shall have the same treatment. Stockpiling techniques and topsoil quality shall meet the guidelines found in the Solano County Sedimentation and Erosion Control Handbook. Soil amendments and fertilizer shall be added as determined to be necessary by the County.
51. Stockpiled topsoil shall be vegetated to protect from erosion if stored during a rainy season.
52. The borrow area shall be developed in no larger than five-acre cells. Interim reclamation areas shall be graded so that standing water does not collect in depressions. Final grading shall conform smoothly with surrounding topography.
53. Seed and mulch shall be applied by October 15 of each year to all disturbed slopes steeper than 2% and higher than 3 feet, and to all cut and fill slopes

as directed by the Solano County Department of Resource Management. On slopes, straw shall be anchored in place by punching.

54. Seed used for interim reclamation shall consist of native plants and/or plants that will not be invasive to the wetland habitat areas. Seed used for final reclamation shall consist of native plant species only, using the following mix: *Stipa pulchra*, 10 lbs per acre; *Hordeum californicum*, 10 lbs per acre; and mixed wildflowers (California poppy, lupine, etc.), 4 lbs. per acre.
55. Erosion control measures shall be inspected by permittee on a daily basis during any excavation operations occurring between October 15 and April 15. When no excavation is taking place, erosion control measures shall be inspected on a weekly basis and immediately after each storm to identify damaged areas.
56. Disturbed areas shall be repaired, re-seeded and mulched as soon as possible after damage.
57. Hours of excavation from the borrow area shall be limited to 7:00 a.m. to 6:00 p.m. Monday - Friday and 7:30 a.m. to 4:00 p.m. on Saturdays.
58. Reclamation shall include any maintenance and reseeding of reclaimed areas as necessary, to ensure that revegetation is permanently established and will be productive over the long term. The permittee shall schedule an annual inspection with the Department of Resource Management at an additional expense as listed in that Department's Fee Schedule and authorized under Chapter 1-18 of the Solano County Code. Such inspections shall occur for three (3) consecutive years after completion of reclamation activities.
59. The permittee shall provide a bond secured through a company that is rated "A" by the A.M. Best Company Guide or other financial instrument acceptable to the County in the amount of \$20,000 to cover the cost of installation and maintenance of reclamation measures for a five (5) acre cell. Said instrument shall be made payable to the State Geologist and Solano County with the interest payable to depositor; shall not be released, except as authorized by the Zoning Administrator, upon receipt of a written request and satisfactory evidence that the reclamation has been completed; and may be drawn upon by the County of Solano to cover the cost of any reclamation activities undertaken by the County, if the permittee's reclamation efforts are not adequate or completed within the period of this permit. Said financial assurances may be proportionately reduced upon successful completion of phases of interim reclamation or may be modified annually in correspondence with the construction cost index. Permittee shall provide said financial assurances prior to final issuance of this permit.

60. Prior to completing excavation of the soil borrow area, the permittee shall conduct a slope stability analysis and, based on the recommendations of the analysis, develop a program for refilling the area with water which minimizes the risk of slope failure. This analysis shall be completed and submitted with the application for permit revision for closure of the site as required by Condition 11.
61. If the borrow area operation terminates at any time prior to completion of scheduled reclamation activities, the approved Reclamation Plan shall be held invalid, and a revised plan submitted to the County to reclaim the area actually worked. In this eventuality, the financial assurances shall be re-evaluated for adequacy and applied to the revised Reclamation Plan, and the revised plan shall be subject to approval of the Zoning Administrator.
62. Site inspections of the borrow area reclamation may be conducted by the Department of Resource Management annually in order to insure compliance with plans. Noncompliance with the approved Reclamation Plan or any conditions set forth therein shall be cause for revocation by the Planning Commission of said plan and shall allow the County to begin drawing on the funds to complete reclamation activities.
63. The Reclamation Plan shall be in effect until permanent revegetation has been established as documented by annual site inspections for three (3) consecutive years after completion of reclamation activities. Financial assurances for reclamation shall be retained for this period by the County to guarantee permanent revegetation.
64. The permittee shall provide calculations in the annual report on how much contaminated soil is needed for daily and intermediate cover on an annual basis and how much is being stored annually and cumulatively for use in the final cover. Any remaining contaminated soils above the amount necessary for landfill cover shall be disposed in the landfill.
65. The permittee shall obtain the necessary Authority to Construct from the Yolo-Solano Air Pollution Control District and provide copies to Solano County prior to operation of the composting facility and acceptance of designated waste.
66. The permittee shall prevent adverse impacts to health and safety by implementing the following measures:
 - a. Consult with the Solano County Mosquito Abatement District regarding the retention basins prior to grading permit approval and incorporate any requirements into the design and operation of the basins.

- b. The permittee shall adhere to the Solano County noise standards contained in the County General Plan. If noise complaints are received, the permittee shall investigate the source of noise complaints and make the necessary improvements in operation or environmental controls to reduce noise emissions to acceptable levels.
67. A compliance officer shall be designated for all permitted solid waste facilities on site. It shall be the responsibility of this person to prevent the off-site migration of any airborne contaminants including but not limited to dust, odors, and PM10s, as well as litter. The responsibilities of this person shall include a monitoring and record keeping program to:
- a. Screen all loads for potential creation of nuisance conditions and record the actions taken by the operator to immediately abate those conditions.
 - b. Monitor and record the source of the load (e.g., solid waste, compostable materials, C & D, Alternative Daily Cover (ADC), biosolids, etc.).
 - c. Monitor and record the destination of the load or its use on site (e.g., landfilled, used for ADC, composted, etc.), or other outcome (e.g., load refused).
 - d. Record the specific details of each load, including tonnage, type of material, and time received. Specifically record time of day of receipt of any particularly odorous load, and the time of day of disposition, e.g., time landfilled and covered.
 - e. Monitor and record wind and weather conditions throughout the hours of operation, noting times of day conditions change and any modifications to site operations to prevent nuisance conditions.
 - f. Ensure that all food waste feedstock is incorporated within 24 hours to prevent odors.
 - g. Ensure compliance with all requirements of any applicable entitlement regulating the generation of airborne contaminants and litter, including but not limited to Solid Waste Facility Permit, Standardized or Full Composting Permit, Odor Impact Mitigation Protocols, Air Quality District Permit to Operate, etc.
68. The permittee shall fund and participate in a compost advisory committee, to be organized by the Department of Resource Management for the purpose of advising on compost issues.

69. The permittee shall mitigate or reduce the ROG emissions of the proposed Project to a level that does not exceed the YSAQMD ROG threshold. (Air-1a).
70. The permittee should maintain records of all materials composted (either in terms of volume or weight by material type) and submit them to the YSAQMD in addition to complying with all other applicable YSAQMD rules, regulations and permit conditions. This will enable the YSAQMD to calculate estimated ROG emissions from the composting operation so that emissions reductions can be claimed if specific controls are implemented in the future. The YSAQMD also can use the information in preparing emissions inventories that form the basis of plans developed to achieve attainment of state and national ozone standards (Air-1b).
71. The existing odor source and management techniques (Table 4.2-8 of the 2005 Subsequent EIR) shall be continued and expanded to handle the larger volume of processed material. In addition, the Permittee shall comply with the following complaint response protocol:
 - a. Site receives complaint either verbally (phone call) or in written form.
 - b. During regular business hours (8:00 AM to 5:00 PM), the Solano County Department of Resource Management will be notified as soon as an odor complaint is received at 707/784-6765.
 - c. After business hours, odor complaints will be forwarded as soon as they are received by landfill personnel to the Department of Resource Management 24-hour complaint number (1 866 329 0932) The phone call then will be routed to a Department of Resource Management staff member for disposition.
 - d. Odor complaints can also be logged in at http://www.solanocounty.com/depts/RM/environmental_health/solid_waste_complaint.asp
 - e. Odor investigations will be conducted as follows:
 - i. Determine if odor is detectable by site personnel at off-site complaint location. If not detectable, complete investigation by submitting Odor Complaint Report to the Solano County Department of Resource Management within 24 hours of receiving the complaint.
 - ii. If detectable at the complainant's site, determine the source. Determine if source and nature of odor is short term or long-term duration.

- iii. If short term, take appropriate action to abate the source of odors. Complete investigation by submitting Odor Complaint Report to the Solano County Department of Resource Management within 24 hours of receiving the complaint. Submittal will outline the odor source and steps being taken to abate the odors. Continue to monitor and take steps to abate source of odors.
 - iv. If odors reoccur and become a long-term consistent problem, determine extent and nature of offsite odors. If odor source is related to weather or operations abate the problem by taking appropriate adjustments to storage, process control, and facility improvements will be made to resolve the problem. Submit Odor Complaint Report to the Solano County Department of Resource Management within 24 hours of receiving the complaint outlining the odor source and steps being taken to abate the odors. Continue to monitor and take steps to abate source of odors (Air- 2).
 - f. To mitigate long term consistent odors, the LEA may require an odor abatement system to be employed. The system would consist of either a vapor phase counteractant system during sludge drying operations or the use of topical as an odor neutralizer during sludge spreading or harrowing operations. The vapor phase counteractant system would consist of an automated pumping system that delivers a high-pressure distribution hose that is equipped with misting nozzles. The system produces a fog downwind of the odor area that mixes with the odor and masks or counteracts its nuisance effects. A topical agent would consist of a potassium permanganate solution applied to wet sludge as topical odor neutralizer.
 - g. Alternately, the LEA may require that the receipt of the odor source be discontinued, or drying operations cease. In the event odor impacts continue, the LEA may require the existing, on-site source of the odor to be land filled and covered with soil. Upon odor remediation, the site may resume operations that have implemented odor remediation strategies to the acceptance of the LEA.
72. The landscaping plant palette for the landfill support facility shall not include any invasive exotic plants listed by the California Invasive Plant Council (Cal-IPC) in their "Exotic Pest Plants of Greatest Ecological Concern in California" including all A1, A1, B, or red alert listed species (Bio-1).
73. The Recology Hay Road Landfill's existing Load Checking Program shall be modified to include site surveillance and load inspection protocols to identify the presence of hazardous waste in the recyclables loading area waste

stream. All hazards shall be removed, stored in a contained area and disposed of at a qualified hazardous waste facility (Haz-1).

74. Recology Hay Road landfill shall ensure proper labeling, storage, handling, and use of hazardous materials at the landfill support facility in accordance with best management practices, including applicable California Fire Codes and the California Department of Industrial Relations (Cal-OSHA) pursuant to Title 8 CCR including ensuring that employees are properly trained in the use and handling of these hazardous materials and that each material is accompanied by a Material Safety Data Sheet. Recology shall ensure employees are trained on Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations (8 CCR, Section 5192). and the Occupational Safety and Health Administration's (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations (8 CCR, Section 5192). Recology shall also comply with California Health and Safety Code, Chapters 6.5, 6.67, 6.95 and their associated regulations in the California Code of Regulations (CCR) that regulates the legal management and disposal hazardous materials and hazardous wastes. (Haz- 2a).
75. The following construction-related Best Management Practices (BMP's) shall be implemented as a condition of Solano County grading and building permits in order to minimize the potential negative effects to groundwater and site soils from accidental releases of hazardous materials (Haz-2b).
 - a. The manufacturer's recommendations on use, storage and disposal of chemical products used in construction shall be strictly adhered to;
 - b. Construction equipment and vehicle gas tanks shall not be overtopped during fueling;
 - c. Grease and oils shall be properly contained and removed during routine maintenance of construction equipment;
 - d. Discarded containers of fuels and other chemicals shall be properly disposed of; and accidental spills of construction-related hazardous materials shall be cleaned-up consistent with the Recology Hazardous Materials Management and Emergency Response Plans
76. Recology and JPO shall continue implementation of the existing bird deterrence program and BASH strategies. Bird deterrence measures shall be adjusted as warranted to address any increased bird activity at the site including the periodic use of lethal methods, such as a depredation approach where the remains of one bird is laid out each day as a deterrent. Bombs, whistles, or other screamer devices should be deferred when aircraft are overhead (Haz-3a).

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77. Recology shall develop and implement a program for coordination among Recology, the County Department of Resource Management and Travis Air Force Base (TAFB) to exchange information on conditions associated with the presence of ambient bird population associated with Recology and to identify the process for developing and implementing bird control strategies to avoid or mitigate potential bird impact to TAFB and lands bordering Recology to the south. (Haz-3b).

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The program shall require each entity to assign a liaison and shall identify a method of formal contact among the participating entities. Written records of discussions and coordination efforts shall be prepared and kept on file.

- a. Recology Hay Road Landfill shall employ the services of a qualified individual to perform the duties of "Bird Coordinator" for the Recology.
- b. Recology Hay Road Landfill shall develop a log that will be used to document current conditions associated with bird activity within and adjacent to Recology.. A preliminary document shall be prepared for review by the County Department of Resource Management and TAFB and will be finalized by Recology Hay Road Landfill pending input from these entities. The document shall include:
 - i. The project area (i.e., the boundaries of areas controlled by Recology and (TAFB) and its relationship to surrounding land uses.
 - ii. Project area land uses that may attract birds or provide permanent and seasonal habitats.
 - iii. General bird use characteristics of the project area.
 - iv. Protocols for tracking bird species, behavior and occurrence within the project area.
- c. Recology Hay Road Landfill shall develop and implement a Bird Control Program (BCP) that includes supplemental measures to be implemented dependent upon ambient bird behavior observed and reported by the County Department of Resource Management, TAFB, or Recology. At a minimum, the BCP shall include the following provision:
 - i. Maintenance of the landfill active face to smallest practical size.
 - ii. Protocols for coordination among Recology the County Department of Resource Management, and TAFB to

exchange information and conditions associated with the presence and nuisance of the ambient bird population associated with the Recology and to identify the process for developing bird control strategies as may be necessary;

- iii. Protocols for establishing an ongoing monitoring and reporting program for use in identifying bird use activities and pest behavior;
 - iv. Protocols for developing and implementing strategies to address observed pest behavior; and,
 - v. Protocols for monitoring and reporting the implementation and effectiveness of control strategies. Such protocols should include input from TAFB aircrews using methods agreed to and approved by the TAFB liaison.
- d. Recology Hay Road Landfill shall obtain falconry services of a qualified firm or individual to implement the BCP. Falconry services would be retained on the basis of BCP implementation requirements and may require fulltime (40 hours/week) falconry services with overtime on an as needed basis. Falconry services may not be necessary on a year-round basis.

Any request to change or discontinue falconry services once initiated must be with the concurrence of Travis AFB and Solano County Department of Resource Management, after appropriate coordination, and only after a successful test and trial period agreed to in advance by both Travis AFB and Solano County Department of Resource Management.

- e. Recology Hay Road Landfill shall develop and distribute quarterly reports assessing the effectiveness of the BCP. These reports shall include data and observations compiled for the quarter, as well as any concerns from TAFB that may have been identified and reported. The Bird Coordinator shall produce these quarterly reports with concurrence of TAFB and forward them to the County Department of Resource Management. At a minimum, these reports shall include:
- i. The adequacy of the adopted abatement measures;
 - ii. The appropriateness of the abatement measures; and,
 - iii. The need for new, modified, or different mitigation measures.

If substantive issues or suggestions are identified in any of the quarterly reports or otherwise identified through meetings and discussions with TAFB and/or the County through the coordination protocols, HRLF staff shall conduct focused studies of these subjects and develop additional control

strategies as necessary. These control strategies will be presented by the Bird Coordinator for consideration at a subsequent meeting with the County Department of Resource Management and TAFB. Any such additional control strategies shall be implemented as soon as practicable, pending concurrence by the County and TAFB.

78. To facilitate emergency response, the landfill support facility shall have a separate address from the existing buildings at the HRLF. The address shall be constructed of reflective material with numbering which is a minimum of four inches in height. In addition, the landfill support facility shall be equipped with fire sprinklers, a fire pump, a fire hydrant, and a fire alarm system, or other fire suppression equipment as required by the Dixon Fire Department and the Solano County Fire Marshall (Haz 4-a).
79. The project sponsor shall review and update the facility's Hazardous Materials Management Plan and Emergency Response Plan as necessary to ensure that use of hazardous materials and materials potentially encountered as a result of the proposed project are adequately addressed (Haz 4-b).
80. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared, updated and implemented to reduce potential impacts to surface water quality through the construction of the project. The SWPPP must be prepared in accordance with RWQCB Phase II storm water regulations shall include the following components (Hydro-1):
 - a. BMPs to address construction-related pollutants shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. Designated fueling areas with containment systems for runoff would be created.
 - b. An erosion control plan that may include, but not be limited to, a combination of temporary sediment basins, hydroseeding of unprotected erodible soils, temporary water bars and berms across roads and level building pad areas, silt fences, straw wattles, jute netting, and erosion control mats. Side casting of soil would be prohibited. Slash and other sources of organic material would be collected and directed into the existing composting facility.
 - c. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

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- d. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor and must include both dry and wet weather inspections. In addition, monitoring would be required during the construction period for pollutants that may be present in the runoff that are not visually detectable in runoff.
- 81. Implementation of Mitigation Measure Geo-1 shall assure that impacts to groundwater, soils, and surface water contamination associated with improper installation are avoided (Hydro-2).
- 82. The office portion of the landfill support facility maintenance building shall be constructed to attenuate exterior noise level by 30 dBA within the Travis AFB 75-80 dBA CNEL, reducing the interior noise level within associated enclosed employee spaces to 45 dBA. Submitted building plans shall depict attenuation measures where appropriate such as insulation, double window glazing and other measures, and shall include signature by a certified acoustician verifying conformance with interior CNEL standards (Noi-1).

In addition, noise shall be monitored to ensure working environments meet the Cal-OSHA standards for hearing protection within shops, office and other exterior and interior workplaces within the landfill support facility. Appropriate hearing protection will be provided consistent with a standard hearing protection program.

LANDFILL TO GAS ENERGY FACILITY:

- 83. The container shall be painted a neutral beige color in order to visually blend in to the surroundings.
- 84. All requirements of the Environmental Health Division shall be met, including, but not limited to:
 - a. Obtain an onsite sewage permit from Resource Management according to Solano County Ordinance Chapter 27 if a new restroom/sink is installed in the new building.
 - b. Update the hazardous material business plan for any new hazardous materials that may be stored or used for the project.
 - c. Submit an application to revise the solid waste permit/amendment to the Joint Technical Document.
 - d. Obtain an air quality permit to the satisfaction of the Yolo-Solano Air Quality Management District.

85. The permittee shall secure and abide by the conditions of a minor grading permit for the construction of the facility.
86. The permittee shall apply for secure and abide by the conditions of a Transportation Permit for any and all overweight or oversized loads.
87. In order to minimize the risk and exposure of people to flooding, prior to issuance of a building permit, the permittee shall demonstrate compliance with the County Code Flood Damage Protection regulations.
88. Prior to any construction or improvements taking place, a Building Permit application shall first be submitted as required by the California Building Code. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit".
89. All requirements of the Dixon Fire Protection District shall be met, including, but not limited to:
 - a. Address must be posted at the street and visible from either direction of travel. The numbers must be of 6" high and mounted on a post/sign with contrasting background.
 - b. The physical address must be on any plans submitted.
 - c. The driveway shall be capable of supporting a 50,000-pound fire apparatus and it can be composed of compressed gravel.
 - d. If the property is secured with a wall/fence with a gate, the gate shall be setback at least 30 feet from the road and if it is mechanically operated it shall have a KNOX keyway system installed.
90. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
91. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.

FSEIR 2020 ENVIRONMENTAL MITIGATION MEASURES:

92. Mitigation Measure 4.1-1: Litter Control

The facility operator shall implement the following litter control mitigation measures to address the lateral landfill expansion area and/or the increase in landfill truck trips following implementation of the proposed project:

Windblown Litter from the RHR Site:

- a. Portable litter control fences shall be installed directly downwind of the working face during site operations.
- b. Additional litter collection crews shall be deployed following high wind events to remove litter from the parcels adjacent to the landfill. The RHR facility operator shall work to establish site access agreements with the adjacent property owners prior to project implementation.
- c. The maximum size of the working face shall be limited to 200' x 75' or smaller.
- d. Use of portable fencing in the immediate vicinity of the landfills working face and downwind of the working face shall be used to contain litter.
- e. Fencing along the site boundary of the landfill expansion area shall be high enough to contain litter from migrating offsite.
- f. Prior to the start of landfill operations within the expansion area, RHR shall construct a permanent 25 ft. tall litter-control fence that extends along the entire length of the southerly site boundary of the landfill expansion area.
- g. Adequate staffing shall be onsite to remove litter immediately from the property boundary in the event of a sudden change in wind speed or direction. Similarly, additional litter collection crews shall be deployed following such high wind events to remove litter from parcels adjacent to the landfill. The permittee (RHR) shall negotiate the site access agreement with adjacent property owners and submit a copy of the executed agreement to the Department of Resource Management within 90 days of the approval of Land Use Permit U-11-09 Amendment No, 2.

Windblown Litter from RHR-Related Truck Trips:

If waste is hauled by RHR or its contractors over the following roads, RHR shall check for and pick up litter, on a weekly basis, or more frequently, on the following roads: Vanden Road from Peabody Road to Canon Road, Canon Road from Vanden Road to North Gate Road, North Gate Road from Canon Road to McCrory Road, McCrory Road from North Gate Road to Meridian Road, Meridian Road from McCrory Road to Hay Road, Hay Road from Meridian Road to Lewis Road, Lewis Road from Midway Road to Fry Road, and Midway Road from I-80 to SR 113.

Litter Control:

- i. If Solano County personnel identify litter on roads used by RHR and its contractors, Solano County shall immediately notify RHR and request that it be removed. RHR shall respond and remove such litter within twenty-four (24) hours of receiving notification from Solano County.

Litter Control:

- ii. The facility operator shall reimburse the County the cost of removing trash and materials dumped along the above-mentioned County roads, should County employees be required to assist in the removal of trash associated with the expanded use of the landfill.
- iii. Litter control shall be the responsibility of the RHR compliance officer and shall be monitored by the Solano County Local Enforcement Agency (LEA) to ensure compliance with state minimum standards. A plan for litter control, by means of fencing, crews, adjustment of the size of working the face and use of soil cover, shall be detailed in the litter management plan.
- iv. On a weekly basis, or more frequently if needed, RHR shall check for and pick up litter along adjacent properties, and along Burke Lane south of Hay Road, Dally Road north and south of Hay Road, Box R Ranch Road, Binghampton Road between SR 113 and Pedrick Road, Main Prairie Road between SR 113 and Pedrick Road, Brown Road between SR 113 and Pedrick Road, Pedrick Road between Brown Road and Binghampton Road, and along the following major haul routes: Fry Road between Leisure Town Road and SR 113, Lewis Road between Fry Road and Hay Road, Hay Road between SR 113 and Meridian Road, and Meridian Road between McCrory Road and Fry Road. The site, offsite properties, and roads listed above shall be kept as litter

free as possible depending upon weather conditions. The County shall not be charged for disposal of litter or trash picked up during these activities. RHR shall comply with the executed litter agreement.

93. Mitigation Measure 4.2-2: Ensure Truck-Generated Emissions of NO_x in the San Francisco Bay Area Air Basin Will Not Exceed BAAQMD-recommended Mass Emission Criteria

The applicant shall demonstrate compliance with one or a combination of the following mitigation options to ensure that the level of NO_x emissions in the SFBAAB associated with project-related truck trips does not exceed BAAQMD's recommended significance criteria of 54 lb./day and 10 tons/year. Within 60 days of use permit approval, the applicant shall submit to the Planning Services Division of the Department of Resource Management, a detailed action plan that demonstrates implementation of this measure.

- a. Option A: Achieve Early Compliance with the Truck and Bus Regulation., the applicant shall retrofit and/or upgrade its fleet of trucks to fully comply with CARB's Truck and Bus Regulation prior to increasing average daily throughput at RHR landfill and before January 1, 2023, which is the date by which all trucks are required to comply with the emissions standards imposed by the Truck and Bus Regulation. The action plan submitted for this mitigation measure shall include an inventory of the vehicles to be retrofitted or upgraded and may include a phased approach. After January 1, 2023, Recology shall contract with haulers that are compliant and certified with CARB's Truck and Bus Regulations.
- b. Option B: Pay an Offset Fee to a Third-Party to Fund NO_x Emissions Offsets. The applicant shall purchase and retire NO_x offset credits sufficient to offset NO_x emissions in the SFBAAB at a rate of 57 lb./day and 10.3 tons/year from to a third-party non-profit (e.g., Bay Area Clean Air Foundation) or governmental entity prior to the receiving an increase in truck trips greater than the limits identified in Option B. The NO_x emission offset credits must be used to fund a NO_x reduction project in the SFBAAB. The cost of the credits, as well as any related administrative costs, shall be paid by the applicant. The applicant shall provide to the county the agreement that specifies the payment fee, timing of payment, and offset mechanism. This agreement must be signed by the applicant and the third-party entity. The specific emissions reduction project must result in emission reductions within the SFBAAB that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The cost of implementing the selected measures shall be fully funded by the applicant. The NO_x

project or program that would be implemented to offset NO_x must be approved by BAAQMD. The applicant shall provide proof to the county that the offsets are approved by BAAQMD and have been fully funded by the applicant. This option can only be implemented if NO_x offset credits are available at the time they are needed.

- c. Option C: Use Renewable Diesel Fuel in All Diesel Trucks Operated by the Applicant. The applicant shall use only renewable diesel (RD) fuels in all diesel-powered trucks uses to haul materials to the landfill and the Construction and Demolition Sorting Operation. This measure applies to diesel trucks operated or contracted by the applicant. RD fuel must meet the following criteria:

- i. meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer;
- ii. be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
- iii. contain no fatty acids or functionalized fatty acid esters; and
- iv. have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The use of RD in trucks is estimated to reduce NO_x emissions by approximately 14 percent compared to conventional diesel fuel (SMAQMD 2015:3).

94. Mitigation Measure 4.3-1: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal cultural resource. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to Solano County regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not

necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal cultural resource, Solano County shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. Solano County shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

95. Mitigation Measure 4.3-2: Pre-Construction Cultural Sensitivity Training

Prior to ground disturbance activities for the borrow pit and lateral expansion (Triangle), the project applicant shall provide evidence to Solano County to demonstrate compliance with Mitigation Measure 4.3-2. The project applicant shall arrange for a qualified archaeologist to conduct a cultural resources sensitivity training for all construction personnel who will be active on the project site during project-related construction activities. The training will be provided before the initiation of construction activities and will be developed and conducted in coordination with a representative from Yocha Dehe Wintun Nation. The training will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The cultural sensitivity training will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential tribal cultural resources are discovered.

96. Mitigation Measure 4.4-1a: Special-Status Plant Surveys

Prior to issuance of a grading permit for the lateral expansion (Triangle) and commencement of ground disturbance within habitats in the Triangle where special-status plants may occur (i.e., grassland habitat, vernal pool habitat), and during the blooming period for the special-status plants with potential to occur on the sites (Table 4.4-4), a qualified botanist will conduct protocol-level surveys for the potentially occurring special-status plants that could be removed or disturbed by project activities. Protocol-level surveys will be conducted in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). Surveys will be conducted not more than one or two seasons prior to project implementation. If special-status plants are not found, the botanist will document the findings in a letter report to CDFW and further mitigation will not be required. Perennial shrub species (e.g., Carquinez goldenbrus) may be identified to genus (i.e., *Isocoma*) outside of the plants bloom period. If no specimens in the *Isocoma* genus are detected during the special-status plat survey, further surveys during the species' bloom period will not be necessary to determine presence.

[See p 4.4-19 of the Draft SEIR for Table 4.4-4, Normal Blooming Period for Special-Status Plants with Potential to Occur Within the Triangle]

97. Mitigation Measure 4.4-1b: Special-Status Plant Avoidance

If special-status plant species are found on the project site and are located outside of the permanent footprint of any proposed structures/site features and can be avoided, the project applicant will establish and maintain a protective buffer around special-status plants to be retained.

98. Mitigation Measure 4.4-1c: Special-Status Plant Impact Minimization Measures

If special-status plants are found during rare plant surveys and cannot be avoided, the project applicant will consult with CDFW and USFWS, as appropriate depending on species status, to determine the appropriate compensation to achieve no net loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, preserving and enhancing existing populations, creating offsite populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the campus, and preferably within Solano County. The project applicant will develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants will be compensated. Success criteria for preserved and compensatory populations will include:

- a. The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
 - i. plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
 - ii. reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

99. Mitigation Measure 4.4-2a: California Tiger Salamander Avoidance and Compensatory Mitigation for Habitat Loss

- A. Prior to deepening and widening of the borrow pit and commencement of ground-disturbing activities within suitable habitat for California tiger salamander (i.e., grassland, vernal pools), the project applicant will

implement the following measures to avoid direct loss of California tiger salamanders if present within the project site.

- a. A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.
- b. A USFWS and CDFW-approved biologist will conduct a pre-construction survey of the project site no more than two weeks before commencement of project construction activities.
- c. When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for California tiger salamander. Burrows considered suitable for California tiger salamander will be determined by a qualified biologist, approved by USFWS and CDFW.
- d. All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist. A small excavator or backhoe could be utilized to assist in burrow excavation, under the direction of a qualified wildlife biologist. If California tiger salamanders are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.
- e. For work conducted during the California tiger salamander migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the USFWS and CDFW. If exclusionary fencing is not used, a qualified biological monitor will be onsite during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.
- f. For work conducted during the California tiger salamander migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) each day that the 72-hour National Weather Service forecast predicts a 40 percent chance or greater of precipitation or after rain events of a tenth of an inch or greater. Construction may commence once the biologist has confirmed that no California tiger salamander are in the work area.

- g. Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for California tiger salamander. If any are found, they will be allowed to move out of the construction area under their own accord.
 - h. Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
 - i. All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
 - j. A speed limit of 15 mph will be maintained on dirt roads.
 - k. All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
 - l. Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because California tiger salamander may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
 - m. Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from aquatic habitat. If it is not feasible to store hazardous materials 100 feet from wetlands and the river channel, then spill containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.
 - n. The applicant shall secure any necessary take authorization prior to project construction through formal consultation with USFWS pursuant to Section 7 of the ESA and approval from CDFW and proper take authorization under CESA.
- B. Prior to commencement of ground-disturbing activities within suitable habitat for California tiger salamander in the Triangle (i.e., grassland and vernal pools within the landfill expansion area), the project applicant will implement the following measures to compensate for loss of California tiger salamander habitat.

- a. The project applicant will provide suitable in-kind habitat that will be created, restored, and/ or set aside in perpetuity at a ratio of 3:1. Alternatively, credits will be purchased at a USFWS and CDFW approved conservation bank, located within Solano County to the extent feasible. Compensation plans will be subject to review and approval by USFWS and CDFW. All compensation will be acquired or secured prior to the beginning of ground disturbance.
- b. In-kind habitat compensation will occur prior to initiation of ground or vegetation disturbance activities. Aquatic habitat will be provided for damage or loss of aquatic habitat and upland habitat will be provided for damage or loss of upland habitat. Compensation will be accomplished on lands located within Solano County, to the extent feasible, through the following options: 1) acquire land, by itself, or possibly in conjunction with a conservation organization, State park, State Wildlife Area, National Wildlife Refuge, or local regional park that provides occupied habitat; 2) purchase the appropriate credit units at a USFWS-approved conservation bank; 3) restore habitat to support the Central California tiger salamander; or 4) other method as determined by USFWS and CDFW including participation within an HCP permit area.

100. Mitigation Measure 4.4-2b: Protection of Giant Garter Snake

Prior to deepening and widening of the borrow pit and commencement of ground-disturbing activities within suitable aquatic (i.e., irrigation ditches) or upland habitat (i.e., grassland habitat) for giant garter snake in the Triangle, the project applicant will implement the following measures to avoid direct loss of giant garter snake if present within the project site.

For projects or ground-disturbing activities with potential to disturb suitable aquatic or adjacent upland habitat for giant garter snake, the following measures will be implemented.

- a. The applicant shall retain a qualified biologist to conduct a field investigation to delineate giant garter snake aquatic habitat within the project footprint and adjacent areas within 300 feet of the project footprint. Giant garter snake aquatic habitat includes agricultural ditches. A report summarizing the results of the delineation shall be submitted to the Solano County Department of Resource Management, CDFW, and USFWS within 10 days of the delineation.
- b. During construction, an approved biologist experienced with giant garter snake identification and behavior shall be onsite daily when construction activities within aquatic habitat or within 300 feet of aquatic habitat are taking place. The biologist shall inspect the project site daily for giant garter snake prior to construction activities. The biologist will also conduct

environmental awareness training for all construction personnel working on the project site on required avoidance procedures and protocols if a giant garter snake enters an active construction zone.

- c. All construction activity within giant garter snake aquatic and upland habitat in and around the site shall be conducted between May 1 and October 1, the active period for giant garter snakes. This would reduce direct impacts on the species because the snakes would be active and respond to construction activities by moving out of the way.
- d. If construction activities occur in giant garter snake aquatic habitat (i.e., irrigation ditches, the borrow pit, other habitat identified during the delineation of habitat), aquatic habitat shall be dewatered and then remain dry and absent of aquatic prey (e.g., fish and tadpoles) for 15 days prior to initiation of construction activities. If complete dewatering is not possible, the project applicant shall consult with CDFW and USFWS to determine what additional measures may be necessary to minimize effects to giant garter snake. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing shall be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing shall be erected 36 inches above ground and buried at least 6 inches below the ground to prevent snakes from attempting to move under the fence into the construction area. In addition, high-visibility fencing shall be erected to identify the construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Exclusionary fencing and high-visibility fencing will be made from material that will not cause entanglement (e.g., silt fencing and stakes with flagging and/or poly wire). Giant garter snake habitat outside construction fencing shall be avoided by all construction personnel. The fencing and the work area shall be inspected by the approved biologist to ensure that the fencing is intact and that no snakes have entered the work area before the start of each work day. The fencing shall be maintained by the contractor until completion of the project.
- e. If a giant garter snake is observed, the biologist shall notify CDFW and USFWS immediately. Construction activities will be suspended in a 100-foot radius of the garter snake until the snake leaves the site on its own volition. If necessary, the biologist shall consult with CDFW and USFWS regarding appropriate procedures for relocation. If the animal is handled, a report shall be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect giant garter snake within 1 business day to CDFW and USFWS. The biologist shall report any take of listed species to USFWS and CDFW immediately. Any worker who inadvertently injures or kills a giant garter snake or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

- f. All excavated steep-walled holes and trenches more than 6 inches deep shall be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches shall be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within giant garter snake modeled habitat shall be inspected for giant garter snake by the approved biologist prior to being moved.
 - g. If erosion control is implemented on the project site, non-entangling erosion control material shall be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure snakes are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.
 - h. The applicant shall ensure that there is no-net-loss of giant garter snake habitat by compensating for loss of habitat at a ratio of 1:1, by purchasing credits from a USFWS and CDFW-approved conservation bank. The selected conservation bank will be located within Solano County, if feasible (i.e., if applicable credits are available at conservation banks in Solano County).
 - i. Prior to construction, USFWS shall be consulted pursuant to Section 7 of the ESA. Approval from CDFW and proper take authorization under CESA shall be obtained. The activities may qualify to use the "Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California" (USFWS 1999). The Habitat Replacement & Restoration Guidelines (Appendix A), Items Necessary for Formal Consultation (Appendix B), Avoidance & Minimization Measures During Construction (Appendix C), and Monitoring Requirements (Appendix D) shall be followed.
101. Mitigation Measure 4.4-2c: Vernal Pool Tadpole Shrimp and Vernal Pool Fairy Shrimp Habitat Compensation for Direct Effects

The project applicant shall implement the following measures to minimize and compensate for loss of vernal pool fairy shrimp and vernal pool tadpole shrimp and suitable habitat prior to ground-disturbing activities.

The following mitigation shall occur prior to ground-disturbing activities and approval of improvement plans for the lateral expansion and any project

phase that would allow work within 250 feet of such habitat (or a reduced distance if established in the BO for the project), and before any ground-disturbing activity within 250 feet of the habitat (or a reduced distance if established in the BO for the project).

- a. **Habitat Preservation:** The applicant, in consultation with USFWS, shall compensate for direct effects of the project on potential habitat for vernal pool fairy shrimp, and vernal pool tadpole shrimp at a ratio of 2:1, by purchasing vernal pool preservation credits from a USFWS-approved conservation bank. The selected conservation bank will be located within Solano County if feasible (i.e., if applicable credits are available at conservation banks in Solano County). Compensation credits shall be purchased prior to any ground-disturbing activities.
- b. **Habitat Creation:** The applicant shall compensate for the direct effects of the project on potential habitat for vernal pool fairy shrimp, and vernal pool tadpole shrimp at a ratio of 1:1, by purchasing vernal pool creation credits from a USFWS-approved conservation bank. The selected conservation bank will be located within Solano County if feasible (i.e., if applicable credits are available at conservation banks in Solano County).
- c. For seasonal wetlands and drainages that shall be retained on the site (i.e., those not proposed to be filled), a minimum setback of at least 50 feet from these features will be avoided on the project site. The buffer area shall be fenced with high visibility construction fencing prior to commencement of ground-disturbing activities and shall be maintained for the duration of construction activities.
- d. A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.
- e. The applicant shall secure any necessary take authorization prior to project construction through consultation with USFWS pursuant to Section 7 of the ESA.
- f. Documentation of habitat preservation, habitat creation, and take authorization shall be provided to the County following approval by USFWS.

102. Mitigation Measure 4.4-2d: Protection of Conservancy Fairy Shrimp Habitat From Indirect Effects

The project applicant shall implement the following measures to minimize indirect effects to Conservancy fairy shrimp habitat prior to any ground-disturbing activities within or adjacent to the playa pool on the project site.

- a. During the dry season, when the playa pool is completely devoid of water, the project applicant shall construct a permanent, impermeable barrier along the southern boundary of the new disposal area within the Triangle that overlaps the playa pool. The barrier will be designed to prevent stormwater runoff or sediment discharge between the project site and the playa pool and will remain in place after construction to prevent operation-related discharge into the playa pool. The barrier shall be constructed of material that prevents discharge into the playa pool, including but not limited to: an earthen levee, steel sheet piles, or concrete riprap. Final design plans shall be reviewed and approved by a qualified biologist and the County.
- b. The project site will be graded in a manner that prevents surface water flow from the project site into the playa pool.
- c. A worker environmental awareness training shall be conducted to inform onsite construction personnel regarding the potential presence of listed species and the importance of avoiding impacts to these species and their habitat.

103. Mitigation Measure 4.4-2e: Protection of Burrowing Owl

Prior to ground disturbance, grading, or vegetation removal activities for the lateral expansion (Triangle), the project applicant will implement the following measures:

- a. The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site. Surveys shall be throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls.

- b. If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to ensure burrowing owls are not detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report.
- c. If active burrowing owl nests are found on the site and are destroyed by project implementation, the project applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls impacted are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:
 - i. Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide.
 - ii. If feasible, mitigation lands shall be provided adjacent or proximate to the site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity.
 - iii. If suitable habitat is not available for conservation adjacent or proximate to the project site, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, located within Solano County, if available. If mitigation

credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW.

- d. If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

104. Mitigation Measure 4.4-2f: Special-Status and Other Nesting Bird Surveys and Avoidance.

Prior to any ground disturbances for the lateral expansion (Triangle), the applicant will implement the following measures to reduce impacts on special-status bird species:

- a. To minimize the potential for disturbance or loss of tricolored blackbird, northern harrier, California black rail, or other bird nests, vegetation removal activities will only occur during the nonbreeding season (September 1 – January 31). If all suitable nesting habitat (e.g., trees, grassland) is removed during the nonbreeding season, no further mitigation would be required.
- b. Prior to removal of any vegetation or any ground disturbance between February 1 and September 15, a qualified biologist will conduct protocol-level surveys for Swainson's hawk nests within 0.5 mile of the project site and for black rail within suitable habitat. Protocol-level surveys for Swainson's hawks will follow the Swainson's Hawk Technology Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Protocol-level surveys for Swainson's hawk and black rail may require multiple site visits; some more than 30 days prior to project implementation. Additionally, preconstruction surveys will be conducted within 500 feet of the project site for other nesting raptors, and 100 feet for all other birds. The surveys will be conducted no more than 7 days before construction commences.

- c. If no active nests are found during focused surveys, no further action under this measure will be required.
- d. If active nests are located during the protocol-level and preconstruction surveys, the biologist will notify CDFW. Impacts to nesting Swainson's hawks, other raptors, or other nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Project activity shall not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of 0.5-mile-wide buffer for Swainson's hawk, 500 feet for other raptors, and 100 feet for other nesting birds, but the size of the buffer may be adjusted if a qualified biologist and the project applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest.

105. Mitigation Measure 4.4-2g: Swainson's Hawk Foraging Habitat Mitigation

To mitigate for the loss of approximately 17 acres of suitable Swainson's hawk foraging habitat, the project applicant shall implement a Swainson's hawk mitigation plan consistent with the following but not limited to the requirements described below:

- a. Prior to site disturbance associated with the landfill expansion, such as clearing or grubbing within the Triangle, building, or other site improvements, or recordation of a final map, whichever occurs first, the project applicant shall acquire suitable Swainson's hawk foraging habitat as determined by CDFW.
- b. The project applicant shall preserve through conservation easement(s) or fee title one acre of similar habitat for each acre affected or shall purchase credits from a CDFW-approved mitigation bank in Solano County at the same ratio.
- c. The project applicant may transfer said easement(s) or title to CDFW and a third-party conservation organization as acceptable to CDFW. Such third-party conservation organizations shall be characterized by non-profit 5019(c)(3) status with the Internal Revenue Service.

106. Mitigation Measure 4.4-3: Wetland Delineation Verification, Permitting, and Compensatory Mitigation

Prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches) the project applicant will implement the following measures:

- a. Wetlands and vernal pools are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the CWA and other applicable regulations. An updated delineation of waters of the United States or state, including wetlands that would be affected by the project, was completed by ICF in 2017 (ICF 2017). This delineation shall be submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States or state would result from implementation of the project, authorization for such fill shall be secured from USACE through the 404-permitting process.
- b. Any waters of the United States that would be affected by project development shall be replaced or restored on a "no-net-loss" basis in accordance with USACE mitigation guidelines (or the applicable USACE guidelines in place at the time of construction). In association with the Section 404 permit (if applicable) and prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches), Section 401 Water Quality Certification from the RWQCB shall be obtained.
- c. If it is determined that waters subject to jurisdiction by CDFW are present within the project site following the delineation of waters of the United States and state, and that site development would affect the bed, bank, or channel, a Streambed Alteration Notification will be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the project proponent will abide by the conditions of any executed agreement prior to ground disturbance, grading, or vegetation removal activities within undeveloped areas of the project site (including ditches). Several aquatic features onsite, including intermittent streams, would likely fall under the jurisdiction of CDFW.

107. Mitigation Measure 4.6-1: Paleontological Resources

Prior to initiation of earthmoving activities associated with the Triangle or deepening and widening of the borrow pit, Recology shall retain a qualified paleontologist to alert all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen

during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.

If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the County. Recology will retain a qualified paleontologist that will be readily available for quick identification and salvage of fossils so that construction delays can be minimized. If large specimens are discovered, the paleontologist will have the authority to halt or divert grading and construction equipment while the finds are removed. The paleontologist will be responsible for implementing the following measures.

- a. In the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits
- b. Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting
- c. Laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens
- d. Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database
- e. Transferal, for storage, of cataloged fossil remains to an appropriate repository
- f. Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 7, 2020, by the following vote:

AYES: Commissioners _____
NOES: Commissioners _____
EXCUSED: Commissioners _____

By: _____
Bill Emlen, Secretary

Commented [A17]: To be updated