

RESOLUTION NO. 13-09 - AT MEETING HELD MARCH 18, 2013

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA
APPROVING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
FOR PROPOSED CONDITIONAL USE PERMIT PLN2010-00041,
ALTAMONT LANDFILL and RESOURCE RECOVERY FACILITY (ALRRF) –
MATERIALS RECOVERY FACILITY COMPLEX, RECLAIMABLE ANAEROBIC
COMPOSTER SYSTEM AND AERATED STATIC PILE COMPOSTING
("PROJECT");
MAKING FINDINGS CONCERNING ENVIRONMENTAL REVIEW AND
MITIGATION MEASURES;
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND
APPROVING, WITH CONDITIONS, THE PROPOSED PROJECT**

Introduced by Commissioner Ratto

Seconded by Commissioner Imhof

WHEREAS Waste Management of Alameda County, Incorporated (WMAC) operates a waste management facility, the Altamont Landfill and Resource Recovery Facility (ALRRF), located at 10840 Altamont Pass Road, under Conditional Use Permit C-5512 and various other subordinate Conditional Use Permits, for specific waste management activities on a site occupying several parcels of land (Assessor's Parcel Numbers 99B-6275-001 -01, 02 & 03) located in the Altamont Pass Area north of I-580 and Altamont Pass Road, east of Dyer Road in unincorporated Alameda County, northeast of the City of Livermore, comprising a total of approximately 2,170 acres of land owned by the WMAC, and this facility has been in operation in some form since 1976 under various successive Conditional Use Permits; and

WHEREAS, pursuant to applicable provisions of the Alameda County Zoning Ordinance, on March 30, 2010, WMAC submitted to the Alameda County Community Development Agency an application for a Conditional Use Permit PLN2010-00041 to expand and modify the existing waste management operations at ALRRF by including, within the existing landfill footprint, three new operations: Materials Recovery Facility Complex (MRF); a Reclaimable Anaerobic Composter System; and an Aerated Static Pile Composting System (collectively the "Project" or the "Altamont Recycling and Composting Facility"); and this application was determined to be complete in accordance with the Alameda County Zoning Ordinance and applicable Planning Department requirements; and

WHEREAS the County of Alameda ("County") is the lead agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act ("CEQA") and for Project approval; and

WHEREAS the County prepared the *Draft Initial Study / Mitigated Negative Declaration ("IS/MND") for the Altamont Recycling and Composting Facility Conditional Use Permit* in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, on July 11, 2011, the County issued a combined Notice of Completion and Notice of Intent to Adopt of an Initial Study / Mitigated Negative Declaration (“IS/MND”) for the Altamont Recycling and Composting Facility Conditional Use Permit, which was mailed to all Responsible and affected agencies pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15072; and

WHEREAS, on July 11, 2011, the County provided notice regarding the availability of the Draft and distributed copies of the Draft IS/MND to public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS notice inviting comments on the Draft IS/MND was given in compliance with CEQA Guidelines Section 15072; and

WHEREAS, on August 12, 2011 the 30-day public comment period for the Draft IS/MND ended, but comments were still accepted beyond that date; and

WHEREAS written and oral comments to the Draft IS/MND were received, and responses to those comments prepared in the form of discussion in the Planning Commission Staff Analysis for the Project and IS/MND; and

WHEREAS, prior to approving this resolution and recommending action on the Project, the Planning Commission independently reviewed and analyzed the IS/MND and considered the information contained therein and all comments, written and oral, received prior to and during the public hearing on the IS/MND; and

WHEREAS the Planning Commission considered the IS/MND prepared for the Project, staff reports pertaining to the IS/MND, and all evidence received at the duly noticed public hearing. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS the IS/MND identifies certain potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS the County is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures and feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS the IS/MND and responses to comments in the Staff Analysis reflects the County’s independent judgment and analysis of the potential for environmental impacts and constitute the Final Initial Study and Mitigated Negative Declaration for the Project; and

WHEREAS notice of public hearing was given as required by law, and the Alameda County Planning Commission held a public hearing on the EIR and the Project on March 18, 2013 at 224 West Winton Avenue, Hayward, California; and

WHEREAS the comments and testimony submitted in writing and at the public hearing, the analysis by County staff, and other items in the public record have been considered by the Commission prior to the actions by this Commission as set forth in this Resolution; and

WHEREAS prior to the actions by this Commission set forth in this Resolution, this Commission reviewed and considered the proposed Project, the IS/MND prepared by the County's environmental consultant and all comments thereon and responses to such comments, and the proposed Mitigation Monitoring and Reporting Program for the environmental mitigation measures, in accordance with the provisions of CEQA and the County's environmental review guidelines; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels those potential significant environmental effects of the Project as identified in the IS/MND; and

WHEREAS this Commission further finds that the proposed Altamont Recycling and Composting Facility are the public interest for the reasons that it maximizes recovery of various recyclable, reusable and compostable wastes that might otherwise be discarded, enables co-locating of recycling activities with landfill activities at the common point of receipt for most waste types, and serves to reduce vehicle miles travelled for delivery of some compostable wastes to processing locations; and

WHEREAS this Commission further finds that, based upon this Commission's review of the proposed Project, the EIR, the staff analysis and other items in the public record and other findings set forth in this Resolution, the Altamont Recycling and Composting Facility is consistent and complies with and conforms to the requirements of:

1. Applicable policies of the Alameda County General Plan and the East County Area Plan; and
2. The Alameda County Zoning Ordinance; and
3. The protection of the public health, safety and welfare; and

WHEREAS this Commission further makes the following findings as required by the Alameda County Zoning Ordinance pertaining to Conditional Use Permits:

1. **Is this use required by the public need?** Yes. The project will reduce the amount tonnage in the waste stream, will support Assembly Bill 32 (AB 32), the Global Warming

Solutions Act of 2006, greenhouse gas reduction measures related to the use of anaerobic digestion and help reach the County's stated goal of reaching a waste diversion goal of 75 percent, and the goals of the Community Climate Action Plan.

2. **Will the use be properly related to other land uses and transportation and service facilities in the vicinity?** Yes. The use is properly related to other land uses and transportation and service facilities in the vicinity. The proposal would be adjacent on all sides to existing waste management activities and to sparsely populated rural and open space lands beyond that. Adequate access and service facilities are available to sustain the project.
3. **Will the use, if permitted, under all circumstances and conditions of this particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?** No. If recommended mitigation measures, permit conditions and performance standards are implemented as conditioned herein, the use would not adversely affect the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood adjacent properties. The Mitigated Negative Declaration, prepared by CH2M HILL, addresses and mitigates concerns regarding air quality, water quality, biological and traffic concerns.
4. **Will the use be contrary to the character or performance standards established for the District in which it is to be considered?** No. The use will be consistent with the character and performance standards established for the Agricultural District and Resource Management lands, and will include conditions and mitigation measures to avoid environmental impacts and other tangible and intangible adverse effects to the character of the area.

WHEREAS this Commission further finds that certain conditions of approval are necessary for maintenance of the public health and safety and are a necessary prerequisite to safe and orderly construction and operational activities on the Project site;

NOW, THEREFORE:

BE IT RESOLVED that this Planning Commission does hereby certify that the IS/MND has been completed in accordance with CEQA, has been presented to and reviewed by this Planning Commission prior to the Commission's decision on the Project, and reflects the County's independent judgment and analysis; and does hereby adopt the proposed Mitigation Monitoring and Reporting Program (MMRP) as the valid environmental review for this Project; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby approve the Altamont Recycling and Composting Facility as proposed in WMAC's Application for the

Project dated March 30, 2010, subject to the conditions of approval hereinafter set forth in Attachment A, which include the incorporation of environmental mitigation measures as identified in the EIR and responses to comments on the IS/MND; and

BE IT FURTHER RESOLVED that the facts, findings and other information set forth in the recitals portion of this Resolution, the Application, the Draft IS/MND, the responses to the comments as contained in the Staff Analysis, and the staff analysis overall for this Project are hereby incorporated herein by this reference and adopted by this Planning Commission as findings in support of its actions set forth in this Resolution; and

BE IT FURTHER RESOLVED that the above stated Conditions of Approval to the Altamont Recycling and Composting Facility Permit PLN2010-00041 are set forth in **Attachment A** to this Resolution, and are consistent with all existing Conditions of Approval for existing approved Conditional Use Permit C-5512 and others governing activities at the ALRRF; and

BE IT FURTHER RESOLVED that the approved Mitigation Monitoring and Reporting Program for this Project is set forth in Attachment B to this Resolution; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby direct County staff to promptly file an appropriate Notice of Determination with the County Clerk.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Imhof, Moore, Ratto, Ready, Rhodes

NOE:

EXCUSED: Jacob, Loisel

ABSENT:

ABSTAINED:

Albert Lopez, Secretary to the County Planning Commission of Alameda County

ATTACHMENT A

ALAMEDA COUNTY PLANNING COMMISSION – RESOLUTION 13-09, MARCH 18, 2013 COMPLETE CONDITIONS OF APPROVAL FOR PLN2010-00041, ALTAMONT RECYCLING AND COMPOSTING FACILITY

Conditions of Approval - Conditional Use Permit PLN 2010-00041

This permit authorizes the Altamont Landfill and Resource Recovery Facility (ALRRF) to develop three recycling and composting facilities for waste diversion and resource recovery subject to plans marked “Exhibit A”. Conditions include the June, 2011 Mitigated Negative Declaration Mitigation Measures, “Exhibit B”.

1. Minor changes or additions to permit conditions stated herein or the approved site plan may be authorized by the Planning Director subject to a determination that any proposed change or addition is found to be in substantial compliance with the original approved permit conditions or site plan.
2. Owner or successor shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers, and employees to attack, set aside, void, or annul Conditional Use Permit, PLN 2010-00041 or any subsequent Conditional Use Permit, or any combination thereof. Such indemnification shall include, but not limited to, an awards of costs and attorney’s fees incurred by Alameda County in its defense. The County shall promptly notify owner or successor of any challenge.
3. Secure approval from the Director of Public Works of all easements for drainage facilities or drainage releases located off site, if any.
4. Maintain compliance with the requirements of the following agencies:
 - a) Building Inspection Department
 - b) Clean Water Program
 - c) Alameda County Fire Department
 - d) Environmental Health Department
 - e) Bay Area Air Quality Management District (BAAQMD)
 - f) Alameda County Waste Management Authority (Stopwaste.org)
 - g) State Department of Resources Recycling and Recovery
 - h) California Department of Transportation
5. The Applicant shall design all new lighting to be sensitive to neighboring land uses and minimizes energy use. This will include designing area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits. New lighting shall be designed so that night lighting does not illuminate neighboring properties, does not radiate above the horizontal (i.e. is angled downward), and is shielded to illuminate only areas of concern.

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6. In the event that cultural or archaeological resources, including human remains, are encountered during trenching for utilities or other grading activities, excavation or disturbance of the site or portions expected to overlie the resources (to the satisfaction of the Planning Director) shall cease until the following procedures are completed:
- The Alameda County Coroner shall be contacted to determine if cause of death must be investigated, and if determined to be of Native American origin, the Coroner shall contact the California Native American Heritage Commission, who shall in turn notify the most likely descendants, as designated by the Commission.
 - If such remains are identified as Native American in origin, the most likely descendants designated by the Commission shall make recommendations to the landowner or contractor for means of treating or disposing of the remains, and associated grave goods, in an appropriate, dignified manner. If the Commission is unable to ascertain the identity of the most likely descendants, the descendent does not make a recommendation, or following mediation by the Commission of a disagreement on procedures between the landowner and the most likely descendant(s), the landowner or their representative shall rebury the remains and any associated grave goods with appropriate dignity on the property in a location not subject to further surface disruption.
 - In the event that other cultural resources are located on the site, the contractor shall contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, rebury and/or remove appropriate archaeological materials.
 - The archaeologist must study any archaeological resources found onsite and publish data concerning these resources, and shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
 - Monitoring for these measures must be performed by the applicant on a continual basis during site disturbance activities. At the completion of work, the applicant shall submit a summary of findings to the Planning Director for review and for the final record.

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7. The applicant and/or contractor shall use the procedures and design criteria consistent with the requirements of the most currently applicable Uniform Building Code (UBC), and subject to approval by the Building Inspection and Grading Departments of the Alameda County Public Works Agency. The UBC provides specific design criteria for sites that match certain criteria, such as seismic zone, soil profile, and proximity to active faults.
8. All grading not previously approved as part of the landfill shall be permitted on the site only after a grading plan and erosion and sedimentation control plan have been reviewed by the County Grading Inspector and a grading permit is issued in accordance with the Alameda County Grading Ordinance.
9. A soils report shall accompany the grading permit application in accordance with the provisions of Chapter 15.36.320 of the Alameda County Grading Erosions and Sediment Control ordinance, unless otherwise specified by the Grading Inspector.
10. During construction activity the applicant shall:
 - Only clear land which will be actively under construction in the near term (e.g., within the next 6-12 months), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed.
 - Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site through water spraying or application of dust suppressants, and gravel covering of high-traffic areas.
 - Provide permanent stabilization during finish grade and landscape the project site.
 - Delineate the project site perimeter to prevent disturbing areas outside the project limits.
 - Divert upstream run-on safely around or through the construction.
 - Runoff from the project site should be free of excessive sediment and other constituents.
 - Control tracking at points of ingress to and egress from the project site.
 - Retain sediment-laden waters from disturbed, active areas within the project site.
 - Perform activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off site to eliminate or avoid exposure.
 - Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and keep stormwater from flowing onto or off these areas. Prevent spills and clean up spilled materials.

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11. The applicant shall comply with Alameda Countywide NPDES Municipal Stormwater Permit C.3 Provisions. The project sponsor shall demonstrate compliance with the countywide NPDES permit requirements by preparing a detailed Stormwater Management Plan (SMP), incorporating the most appropriate post-construction source control measures into the project design. The Stormwater Management Plan shall be prepared during County's review of project engineering design and shall incorporate the required post-construction (permanent) stormwater quality controls. The SMP should include, but is not limited to demonstration of the following: The proposed finished grade; The storm drainage system including all inlets, pipes, catch basins, overland flows, outlets and water flow directions; The permanent stormwater treatment system (soil and landscape-based treatment facilities, filters and separators), including all design details; Design details of all source control measures (preventing contact between stormwater and potential sources of pollution) and site design measures (reductions in flow from impervious surfaces) to be implemented; Calculations demonstrating that stormwater treatment measures are hydraulically sized as specified by the County's stormwater permit; and An Operations and Management Plan to ensure continued effectiveness of structural BMPs and implementation of non-structural BMPs.
12. During project construction, the operation of heavy equipment shall be limited to the hours specified by the Alameda County Building Department to minimize potential disturbance of adjacent residents.
13. All construction equipment operated at the project site shall be equipped with manufacturer's standard noise control devices (i.e. mufflers, lagging, and/or engine enclosures). Equipment and trucks used for project construction shall utilize the best available noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuated shields).
14. Where and when applicable, equipment used for project construction shall have hydraulically or electrically powered impact tools (e.g. jack hammers, pavement breakers, and rock drills) whenever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust would be used. This muffler can lower noise levels from the exhaust up to about 10 dBA. External jackets on the tools themselves would be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used such as drilling rather than impact equipment, whenever feasible.
15. **Air Quality:**
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day during active use of these operations areas.

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- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to a maximum of 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Continuation of existing dust control measures listed in the ALRRF Title V permit and facility dust control plan for paved and unpaved roads.

16. Biological Resources: To avoid impacts to any nesting birds, ground disturbing activities would be scheduled outside of the breeding season (January 1 – August 31). If construction cannot be avoided during this period, a qualified biologist would conduct a survey for nesting birds no more than fourteen days prior to the start of ground disturbing activities. If no nests are present, the project activities can take place; however, if active nests are detected, the California Department of Fish and Game (CDFG) should be contacted to determine an appropriate course of action. Typically, the appropriate response may involve the establishment of a protective buffer around the nest. These protective buffers could be 50-foot to 90-foot in radius for passerine and non-passerine nests; 250-foot radius for burrowing owls; and between 200- and 500-foot radius for raptor nests.

- Active nests should be monitored by a qualified biologist to determine when the young have fledged and are feeding on their own. The California Department of Fish and Game should be consulted for clearance before construction activities resume.

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17. The following additional measures shall be enacted by the applicant to help protect biological resources:
- Protective barrier fencing shall be erected along any portion of grading or construction sites that border undisturbed lands.
 - A biological monitor shall be present at project start-up to deliver a Worker Environmental Awareness Training (WEAT) to onsite construction workers. Printed WEAT materials, which would be stored onsite, would include photographs and descriptions of potentially occurring sensitive species that could be encountered during construction.
 - A biological site monitor would be available on an on-call basis in the event that a sensitive species is encountered during construction. If a listed species is observed, it will not be physically removed from the site under any circumstances. The listed species individual will be allowed to leave the site under its own power or an appropriate response will be developed between the operator / client, the biological monitor and the regulatory agencies, as appropriate.
18. **Hydrology and Water Quality:** The applicant will incorporate a sedimentation basin into the project design in places where peak discharges would increase substantially.
19. **Transportation:** To reduce the number of vehicle trips during the AM peak hour, a ridesharing plan to promote carpooling among employees will be implemented by the project owner, subject to the approval of the Planning Director.
20. Traffic impact fees, if any, should be paid at the time of building permit approval and should be adjusted to recognize the level of waste receipt current at the time of the building permit; the associated traffic with that level of waste receipt; and the difference between the predicted traffic for the entire site (equal to current actual traffic at the time of the building permit plus this project), and the level of traffic already permitted for C-5512 for 11,130 tons per day of waste receipt.
21. A mandatory review shall be conducted at the end of 10 years or at the time of the first ordinary periodic review for the overall ALRRF under CUP C-5512 that occurs after the project has been in operation for 7 years, whichever occurs first, and thereafter at the time of each successive periodic review for the entire landfill under CUP C-5512. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance, and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.

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22. Pursuant to Section 17.52.050 of the Alameda County Zoning Ordinance, said Conditional Use Permit shall begin to be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.
23. If implemented, said Conditional Use Permit shall remain revocable for cause in accordance with Section 17-54.030 of the Alameda County Zoning Ordinance.

ATTACHMENT B: Mitigation Monitoring and Reporting Program

**Mitigated Negative Declaration for CUP PLN 2010-00041:
Development of three recycling and composting facilities for waste diversion and resource recovery
located at Altamont Landfill & Resource Recovery Facility, Alameda County, California**

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires adoption of a monitoring and reporting program for project in which the agency has required changes or adopted mitigation to avoid significant environmental effects. Specific reporting and/or monitoring requirements to be enforced during project implementation must be defined prior to final approval or the project proposal by the responsible decision maker(s).

Each required mitigation measure is listed in the table below and categorized by impact area.

Mitigation Measure	Monitoring and Reporting
AIR QUALITY	
<p>Construction Dust and Emissions:</p> <p>AQ-1 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day during active use of these operations areas.</p> <p>AQ-2 - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</p> <p>AQ-3- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>AQ-4 - All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>AQ-5 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>AQ-6 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to a maximum of 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.</p> <p>AQ-7 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>AQ-8 - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>AQ-9 - Continuation of existing dust control measures listed in the ALRRF Title V permit and facility dust control plan for paved and unpaved roads.</p>	<p>Applicant shall be responsible for all mitigation measures, during both construction and operation.</p> <p>Staff of the County Planning Dept., County Public Works – Grading Dept. & Land Development shall Verify that Requirements are Included in Grading Contracts; Confirm Receipt of BAAQMD Forms.</p> <p>Applicant / Operator shall verify compliance with these requirements during annual reports to the above agencies.</p>

BIOLOGICAL RESOURCES	
<p>BIO-1 - To avoid impacts to any nesting birds, ground disturbing activities would be scheduled outside of the breeding season (January 1 – August 31). If construction cannot be avoided during this period, a qualified biologist would conduct a survey for nesting birds no more than fourteen days prior to the start of ground disturbing activities. If no nests are present, the project activities can take place; however, if active nests are detected, the California Department of Fish and Game (CDFG) should be contacted to determine an appropriate course of action. Typically, the appropriate response may involve the establishment of a protective buffer around the nest. These protective buffers could be 50-foot to 90-foot in radius for passerine and non-passerine nests; 250-foot radius for burrowing owls; and between 200- and 500-foot radius for raptor nests.</p>	<p>The Applicant is responsible for this mitigation measure, to be carried out prior to any construction on new or undisturbed areas, or areas where no activity has occurred during the previous non-nesting season and into any portion of the nesting season as specified.</p> <p>Active nests shall be monitored by a qualified biologist to determine when the young have fledged and are feeding on their own. The California Department of Fish and Game should be consulted for clearance before construction activities resume.</p> <p>Applicant shall notify the Planning Director prior to conducting field evaluations by the biologist, and file copies of any reports resulting from such field evaluations with the Planning Director.</p>
HYDROLOGY AND WATER QUALITY	
<p>HYD-1 - The applicant will incorporate a sedimentation basin into the project design in places where peak discharges would increase substantially.</p>	<p>Hydrogeologist or groundwater hydrologist will identify locations that meet the mitigation criteria and recommend specifications for sedimentation basins. This information shall be compiled and placed in a report prior to construction and operation and submitted to the Planning Director and Public Works Director for review and approval; review and approval or comments back shall be returned to the Applicant within 15 days.</p> <p>Sedimentation basins identified by the experts identified shall be constructed before operations begin, and a report of compliance submitted.</p>
TRANSPORTATION	
<p>TRA-1 - To reduce the number of vehicle trips during the AM peak hour, a ridesharing plan to promote carpooling among employees will be implemented by the project owner, subject to the approval of the Planning Director.</p>	<p>Applicant is responsible for plan creation. Plan shall be submitted to the Planning Director prior to roject operation for review and approval; review and approval or comments back shall be returned to the Applicant within 15 days.</p> <p>Plan shall be implemented by the start of operations. Compliance and success rates shall be reported to the Planning Director annually.</p>