SOLANO COUNTY ZONING ADMINISTRATOR MINOR REVISION

Resource Management Staff Report

Application No. U-89-33 MR 2 **Project Planner: Nedzlene Ferrario** Meeting of January 6, 2011

Agenda Item No. 1

Applicant:

Name:

Aqua Clear Farms

Address: 826 Elm Way

Rio Vista, CA 94571

Property Owner:

Hatch Investments Name: Address: C/O Nola T Hatch

> 19901 Yorba Linda Blvd. Yorba Linda, CA 92886

Action Requested:

Minor revision to an existing use permit to allow waste mud from other wet-rotary drilling operations, such as directional drilling, water well drilling and stability boring drilling operations. The current use permit allows the acceptance of waste mud from oil and gas well drilling operations only. (Amend condition no. 18 of U-89-33).

Site Information:

6762 Flannery Road Size: 159 acres Location:

APN: 0048-010-100 & 090

Land Use Type: Landfill Zoning: A-160

Ag. Contract: N/A General Plan: Agriculture

Utilities: Well and septic Access: Flannery Road

Adjacent General Plan Designations, Zoning and Existing Land Uses

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	General Plan	Zoning	Land Use	
North	Agriculture	A-160	pasture	
South	Agriculture	A-160	pasture	
East	Agriculture	A-160	pasture	
West	Agriculture	A-160	pasture	

Motion to Approve:

- 1. APPROVE the request subject to the recommended conditions of approval and findings, contained in this staff report.
- 2. Determine that the project qualifies for a Categorical Exemption pursuant to Section 15301 -Existing Facilities, Class 1 of the California Environmental Quality Act.

BACKGROUND AND SURROUNDING USES

Background

A drilling mud disposal facility was permitted by Solano County on September 24, 1969 under Use Permit R-453. A new use permit, U-79-04 was granted to the current owners (ACF) in 1980 for operation of a Class II disposal facility for the acceptance of waste drilling mud from the exploration of oil and gas wells. In 1988, an extension to this permit was denied by the Board of Supervisors due to lack of compliance with a Clean Up and Abatement Order from the Central Valley Regional Water Quality Control Board (RWQCB). ACF addressed the violation and subsequently applied for U-89-33 and Reclamation Plan RP-89-01 to reopen and expand the facility and to excavate the borrow area. On December 19, 1991, the Solano County Planning Commission certified the Environmental Impact Report with a Statement of Overriding Considerations for U-89-33 and RP-89-01. U-89-33 and RP-89-01 were approved by the County on February 11, 1992. There were two additional revisions in 1993 and 1994 to modify a condition to extend deadline for receiving drilling mud into Basin 7 and to incorporate conditions from its Solid Waste Facility Permit, respectively.

In addition to U-89-33 and RP-89-01, ACF also operates in accordance with Waste Discharge Requirements Order No. R5-2002-0120 and the 2003 Final Closure and Post-Closure Maintenance Plan under the auspices of the RWQCB.

PROJECT DESCRIPTION

The Aqua Clear Farms (ACF) facility, located at 826 Elm Way in Rio Vista, currently operates a drilling mud disposal facility under Use Permit No. U-89-33 and Reclamation Plan No. RP-89-01. The existing facility is approximately 110 acres in size. Approximately 60 acres of the 110 acres are developed as drilling mud management. An additional 40 acres is adjacent to the facility is owned by Aqua Clear Farms (ACF) and used as a borrow area. 11 basins were approved and 3 have been used and closed and the remaining 8 are active. This type of facility is classified as a surface impoundment.

Currently, condition no. 18 limits ACF to process and dispose mud from oil and gas wells only and reads as follows:

Condition no. 18: Waste accepted at Aqua Clear Farms Drilling Mud Disposal Facility shall be limited to drilling mud produced by gas or oil well exploration. No other wastes may be accepted and no substances considered hazardous shall be mixed with drilling mud accepted for disposal.

Approval would allow waste mud from other operations such as directional drilling, water well drilling and stability boring operations to be disposed in the surface impoundments.

ANALYSIS

The request is limited to a change in permit conditions and no zoning or General Plan policy conflicts have been identified and a modification to the reclamation plan is not required.

Approval of the request would allow disposal of drilling mud from sources other than oil and gas wells operations. The proposed mud sources would be from directional drilling operations such as cable and pipeline installation projects when trenching is prohibitive or a natural or man made barrier must be avoided, stability boring drilling which is used in deep foundation constructions such as pilings, shafts and piers, and water well drilling is used in constructing drinking water wells.

According to the applicant's engineer and Central Valley Regional Water Quality Board staff (Bill Bratton), the drilling mud removed from these types of projects are inert and usually contain more than 50% moisture. Such types of mud are inappropriate within landfills in that the lined surface impoundments or basins are designed to contain higher moisture content waste than allowed in a standard landfill. Drilling muds are designated non-hazardous waste according to the Central Valley Regional Water Board and subject to the Waste Discharge Requirements issued by the agency.

The additional sources are not anticipated to add traffic trips above the amount previously analyzed in the certified EIR. The certified EIR assumed a maximum trip generation of 60 trucks per day. According to the applicant, the actual rates of receipts are approximately 20 truck trips per day or less and truck traffic trips will not exceed 20 truck trips per day if the request is approved.

Finally, drilling mud produced from water well, directional drilling, and stability boring waste drilling mud projects use the wet rotary method of drilling, thus, are no different physically from drilling mud produced from natural gas well or oil well drillings. Therefore, potential impacts relative to groundwater contamination will continued to be monitored by the Central Valley Regional Water Quality Control Board through sampling analysis as required by the adopted Mitigation Monitoring Plan.

ENVIRONMENTAL REVIEW

Staff recommends that the project qualifies for an exemption from environmental review under CEQA Section 15301 (Existing facilities) for the following reasons:

- There will be no increase in vehicle trips,
- 2. Staff from both the Environmental Health Division and Central Valley Water Board confirmed that mud from the new source is not physically different from mud produced from natural gas or oil well drillings, as previously approved, and
- 3. The site is a disturbed site with no potential to impact biologically sensitive plant or animal communities.

DEPARTMENTAL REVIEW

Environmental Health, Building and Safety and Public Works Division have reviewed the request and indicated no major concerns with the proposal.

USE PERMIT MANDATORY FINDINGS

1. That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.

The request to allow additional mud source types is consistent with the approved surface impoundment operations. No zoning or General Plan policy conflicts have been identified.

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

Access, utilities and drainage improvements are already installed and approval of the request does not require additional improvements.

3. The subject use will not, under the circumstances of this 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.

The additional sources are not anticipated to add traffic trips and drilling mud produced from directional drillings, water well drillings and stability boring foundations are no different physically from drilling mud produced from natural gas well or oil well drillings. Therefore, potential impacts relative to groundwater contamination will continued to be monitored by the Central Valley Regional Water Quality Control Board through sampling analysis as required by the adopted Mitigation Monitoring Plan.

4. That the project qualifies for a Categorical Exemption pursuant to Section 15301 – Existing Facilities, Class 1 of the California Environmental Quality Act.

As previously discussed above, the project will not cause additional vehicular trips. In addition, Environmental Health Division and Central Valley Water Board confirmed that mud from the new source is not physically different from mud produced from natural gas or oil well drillings, as previously approved. The site has been disturbed and there is no potential for impacts on sensitive plant or animal communities.

SUGGESTED FINDINGS

5. That the proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.

The proposal would not change the functions of the surface impoundment operations which is an already permitted land use activity; therefore, will not add a negative effect on to neighboring properties or pose a threat to the public's health or safety.

RECOMMENDATION

APPROVE the request subject to the recommended conditions of approval referred to as Exhibit A and findings contained in this report.

Attachments:

Exhibit A: Draft Conditions of Approval

Exhibit B: Site Plan

Exhibit C: Project Location

EXHIBIT A

DRAFT CONDITIONS OF APPROVAL

AQUA CLEAR FACILITY U-89-33 Minor Revision No. 2

GENERAL PROVISIONS:

- 1. The above use shall be established and operated in accord with the plans and information submitted during the application and review process for Use Permit No. U-89-33, Reclamation Plan No. RP-89-01, and Solid Waste Facilities Permit No. 48-AA-0006, as described in the following documents, and as approved by the Planning Commission:
- a. Aqua Clear Farms Report of Disposal Site Information, October 19, 1990 including modifications by letters dated December 13, 1990 and January 23, 1990.
- b. Preliminary Closure and Post-closure Maintenance Plan, October 19, 1990.

Verification

The permittee shall file a letter with the Department of Resource Management prior to issuance of the use permit agreeing to make the project site available for inspection by staff of designated public agencies at the discretion of said agencies in order to insure compliance with plans.

2. 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.

The county, acting as the local Enforcement Agency (LEA), shall monitor and enforce compliance with this permit and Facilities Permit No. 48-AA-0006 by the operator. The operator shall reimburse the County for all costs associated with monitoring and enforcement activities occurring at the site including the use of a third party engineer. Billing for this activity will occur on a quarterly basis.

Verification

The Department of Resource Management may bill the permittee monthly, due and payable thirty (30) days after posting, for its costs in verifying compliance during the previous quarter.

In the annual compliance report the operator shall indicate an annual total paid to reimburse the County for the LEA functions of permitting, monitoring and enforcement.

3. The site design and operations shall meet the specifications and provisions of Facilities Permit No. 48-AA-0006 as approved by the California Integrated Waste Management Board. Changes or amendments to the design and/or operation of the facility by the agencies which regulate this site as listed in the Facilities Permit shall be reported to the Division of Environmental Health Services by the permittee within five (5) working days.

Verification

See verification for Condition No. 1.

Exhibit A

4. The facility shall comply with Waste Discharge Requirements, the Monitoring and Reporting Program, and any enforcement orders of the Regional Water Quality Control Board. Lack of compliance with this condition may result in revocation of this use permit.

Verification

The permittee shall submit copies of monitoring reports and responses to any enforcement orders required by the RWQCB to the Department of Resource Management at the time of submittal to the RWQCB.

5. The permit shall be valid for a period of fifteen (15) years, subject to the modification and revocation provisions of Condition Nos. 5, 6, 7, 13, 14 and 43. Prior to the expiration of the permit, the permittee may apply for an extension of said permit. Any extension shall be applied for in writing no later than two (2) years prior to expiration. Additional conditions and restrictions may be imposed upon the granting of any extension or modification.

Verification

No verification required.

6. Substantial or significant changes(s) in the permitted operation and/or facilities as determine by the Director of Resource Management, shall require an application for an amended Use Permit for continuance of the permitted activity.

Verification

No verification required.

7. Upon approval of the permit, review of the permitted operation may be set for hearing by the Planning Commission within five (5) years of the initial approval and may be subsequently set for hearing every two (2) years thereafter at the discretion of the Planning Commission for the purpose of modifying any conditions previously imposed or adding conditions that may be required to guarantee the continuance of the affirmative findings contained herein. 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 (30) 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. The review of the permitted operation and the imposition of amended or additional requirements shall not be unreasonably applied such that the long term, continued viability of the disposal operation is constrained or unreasonably limited. At the first five year review after permit issuance, the Planning Commission shall review the feasibility of recycling drilling muds.

Verification

No verification required.

8. The permit shall become exercised upon satisfying Condition Nos. 10 a-g and Condition 24 Verification authorizing signature of this permit. The permittee shall January 31 of each year submit to the Department of Resource Management, Division of Environmental Health Services, Division of Planning and the Planning Commission an annual compliance report to document compliance with all conditions contained in this permit.

Documentation of fulfillment of all the conditions mentioned above filed with the Planning Division of the Department of Resource Management.

- 9. In each compliance report following commencement of the operation of the permit activity, the permittee shall submit a status report to the Director of Resource Management by January 31 of each year beginning on January 31, 1993, containing at last the following information:
- a. Quantity of wastes received at the site by county of origin with annual total only. (tonnage and barrels)
 - b. Calculation of remaining capacity in each basin.
- c. Quantities of dried muds placed in the landfill and calculation of remaining landfill capacity.
- d. Documentation of compliance with the conditions of this permit and Solid Waste Facility Permit No. 48-AA-0006.

Verification

The permittee shall submit in the annual compliance report the information described above, which will be circulated to the Solano County Planning Commission.

- 10. Prior to the issuance of this permit by signature of the Director of Resource Management, the permittee shall submit the following:
- a. Proof of filing a Grading Permit Application, including a Grading, Drainage and Erosion Control Plan, to the Department of Transportation in conformance with the Solano County Grading Ordinance and the Sedimentation and Erosion Control Manual. Said plan shall include, but is not limited to, site construction and borrow area development for the first construction season, winterization plans for the first wet seasons, final contours of the Basin 2-5 landfill, stockpiling methods and location of topsoil stockpiles, dust control, techniques, methods of maintaining erosion control and slope stability, and maintenance of any proposed sedimentation basins.
- b. The permittee shall post 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 Aqua Clear Farms Drilling Mud Disposal Facility 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.
- c. 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 Department of Resource Management and shall comply with the requirements of the County Risk Manager.

- d. Proof of an agreement with the Department of Transportation that any damage to Flannery Road from the entrance of the facility to State Route 113 due to site operations will be paid by Aqua Clear Farms, Inc.
- e. 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.
- f. The permittee shall document that adequate financial assurances for closure and post-closure maintenance cost estimates found in the Preliminary Closure and Post-Closure Maintenance Plan, October 19, 1990, have been provided to an accepted by the Regional Water Quality Control Board or California Integrated Waste Management Board. If the permittee fails to provide this documentation, the Solano County Planning Commission shall require that financial assurances for site closure be provided in favor of Solano County at an amount determined by said Commission to be adequate and fair.
- g. Separate financial assurances in the amount of \$10,000 (as listed in Exhibit B of Reclamation Plan No. RP-89-01) shall be provided, made payable to Solano County and/or the State Geologist, for reclamation of the borrow area. These may cover the first 5 year phase for borrow area development and may be transferred to subsequent phases upon successful reclamation of the portion excavated.

The permittee shall submit to the Director of Resource Management the documentation describing the above conditions before issuance of the permit.

- 11. By acceptance 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 and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. 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. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
- 12. The permittee shall be responsible for remediating any offsite contamination, damage, or injury to surrounding properties, including ground and surface water contamination, which may result from issuance of this permit; and during exercise of construction, site operations, traffic, dust or other activity in excess of, or inconsistent with conditions of this permit from creating a hazard or nuisance.

Verification

The permittee shall document required remediation measures in the annual compliance report.

13. Non-compliance with the approved use permit or any conditions(s) set forth therein shall be cause for revocation by the Planning Commission of said permits, and for payment of applicable bonds to this county.

Verification

No verification required.

14. Subsections (j) and (m) of Section 28-27 of the Solano County Code concerning revocation of a use permit for non-compliance with conditions of a Use Permit and Minor Revision to a Use Permit are expressly made applicable to this permit. Upon any revocation, applicant shall reclaim the site in accordance with conditions of the permit and the closure requirements. If necessary, the County may resort to any security posted by the permittee 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.

Verification

Upon revocation of this permit, 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.

15. The permittee shall notify the Division of Environmental Health Services within 24 hours of any significant injury to a worker, fire, spill, explosion, vehicles or equipment accident.

<u>Verification</u>

The permittee shall summarize all incidents from the preceding year in its annual compliance reports.

16. 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.

Verification

No verification required.

17. The permittee shall provide for the employee both a water supply and sewage disposal system which have been approved by the Division of Environmental Health.

Verification

No verification required. Documentation of compliance already on file through site inspection by County staff.

SPECIFIC PROVISIONS

18. Wastes accepted at Aqua Clear Farms Drilling Mud Disposal Facility shall include be limited to drilling mud produced by gas or oil well exploration, stability boring, water well and directional drilling. No other wastes may be accepted and no substances considered hazardous shall be mixed with drilling mud accepted for disposal.

Verification

Prior to issuance of this permit, the permittee shall provide documentation of a load checking program approved by the Division of Environmental Health. Results of load checking shall be reported quarterly and summarized in the annual compliance report.

19. The permittee shall keep monthly records of quantities of drilling mud landfilled and remaining basin capacity for all basins. This information shall be submitted to the Department of Resource

Management, Division of Environmental Health Services in the quarterly report, and shall be summarized annually in the annual compliance report.

Verification

Lack of compliance with this condition may result in permit revocation.

20. Lysimeters or other moisture sensing device shall be installed in all clay liners during liner construction as approved by the Regional Water Quality Control Board, meeting the requirements of Title 23, Chapter 15 (CCR),

Verification

The permittee shall submit to the County verification of the RWQCB's approval of the locations and specifications for liner moisture sensing devices. The County shall hire a licensed civil engineer or certified engineering geologist with expertise in Class II facility construction to review the plans and inspect during construction to verify compliance with Title 23, Chapter 15 requirements and standard engineering practice. The permittee shall reimburse the County for the cost of these inspections.

21. Liners and levees shall be designed and constructed to meet the prescriptive standards and performance goals of Title 23, Chapter 15 (CCR), and shall comply with the designs approved by the RWQB.

The following practices shall be followed during liner construction:

- a. Periodic testing shall be performed by the permittee to verify permeability of borrow material.
- b. Thicker layers of sand shall be segregated and eliminated from use for liner and closure cap construction.
 - c. Soil shall be placed and compacted at optimum moisture content.
- d. Basin bottoms shall be designed to maintain a minimum five (5) foot separation from maximum groundwater elevations as determined by the RWQCB.
 - e. Liners shall be compacted to at least 90% relative compaction.
- f. Periodic testing of the permeability of the liner material shall be performed by the permittee during construction.

Verification

Test results shall be submitted to the County for review and approval by a third party engineer.

22. Monitoring results of lysimeters or other moisture sensing devices shall be recorded monthly, reported to the Department of Resource Management quarterly, and summarized in the annual compliance report. If moisture is detected, the basin shall be emptied and the bottom liner tested for contamination. The contaminated portion shall be replaced with a new liner constructed to RWQCB and Chapter 15 specifications at that time.

Verification

Same as Verification, Condition 18.

23. Standing water shall not be allowed to accumulate the landfill basins at any time. The permittee shall hire a licensed civil engineer or engineering geologist to inspect the site during landfilling of dried drilling muds and to test samples of newly deposited muds for moisture content. If test results show moisture content exceeding 50%, the permittee shall till the soil until it falls below 50%.

Verification

Test results shall be reported to the Department of Resource Management quarterly and summarized in the annual compliance report. The site shall be inspected by County staff monthly.

24. With the approval of the RWQCB, Basin 7 may be used for receipt of muds without retrofitting to current standards found in Chapter 15, Title 23 (CCR) until June 1, 1993. After that time, no further receipts into Basin 7 may be allowed. An overflow basin at least 1.3 acres in size serving Basin 7 shall be constructed during that year meeting Chapter 15 standards. Waste acceptance into Basin 7 shall be restricted to a rate not exceeding 60,000 barrels per acre per year. Beginning in October 1993, all water shall be removed to the overflow basin or a mud disposal basin meeting Chapter 15 standards. By October 1993, the existing liner and muds shall be removed from Basin 7. A new liner meeting Chapter 15 requirements shall then be constructed before the permittee accepts additional muds in that basin.

<u>Verification</u>

Site inspection by County staff. The permittee shall provide the surface area measurement of Basin 7 to the Department of Resource Management prior to permit issuance. The permittee shall install a freeboard marker at the Basin 7 levee prior to waste acceptance.

25. If retrofitting of a basin has not been completed by December 1, 1992, the permittee shall cease accepting wastes at the facility until a basin is fully retrofitted to Chapter 15 standards and approved by the County and the RWQCB.

Verification

Site inspection of County staff.

26. Prior to discharging waste to a waste management unit, all wells within 500 feet of the unit shall have sanitary seals which meet requirements of the division of Environmental Health Services or shall be destroyed.

Verification

The permittee shall send a record of the sealing or destruction of wells to the Department of Resource Management. Destruction or sealing of the appropriate wells shall be verified during site inspection by County staff.

27. Basin 1 shall by maintained as a detention basin for non-contact water from the Basin 2-5 landfill, once it is capped and closed. Surface runoff from the closed landfill shall be trapped and routed to Basin 1. After a rainstorm, the water shall be pumped to the discharge culvert under Route 113, or be allowed to evaporate.

Verification

The drainage plan submitted for the grading permit for closure of this area as a landfill shall include this provision. Approval of the Department of Resource Management shall be required prior to issuance of the grading permit.

28. Freeboard markers shall be installed at the levee of each basin showing zero at the top of the levee and increasing in number vertically downward.

Verification

Inspection by County staff.

29. Surface runoff from the northeast area of the site shall be tested by the permittee for pH, conductivity, chloride, nitrate, sulfate, ICP metals and TDS. If this test shows concentrations above the hazardous waste STLC, the permittee shall submit a surface runoff management plan for retaining this runoff onsite for evaporation within 90 days of receiving the test results to the Department of Resource Management. If this test does not show concentrations above the hazardous waste STLC, the permittee shall monitor this runoff as required by the RWQCB.

Verification

The permittee shall submit test results in the quarterly report due for the quarter ending March 31 of each year.

30. The permittee shall apply for annual grading permits for site construction, landfill closure4, borrow area development, and site winterization, for the years during which such activities are planned. All grading activities onsite shall comply with the standards adopted in the Solano County Grading Ordinance and the Solano County Erosion and Sediment Control Handbook. Issuance of Grading Permits may be subject to separate CEQA review.

Verification

The permittee shall provide proof of grading permit issuance to the Department of Resource Management.

31. Levees and other disturbed ar4as subject to erosion shall be seeded and mulched prior to October 15 of the year when soil disruption occurs. Any erosion of levees shall be repaired immediately.

Verification

Revegetation plans shall be included in the application for grading permits. Site inspection of County staff. Repair of erosion shall be described in the annual compliance report.

32. Oil accumulations shall be removed from the surface of water or muds and disposed in compliance with state law.

<u>Verification</u>

Inspection by County staff. Report of oil removal in quarterly reports, summarized in annual compliance report.

33. If birds are attracted to the site, topwater shall be drained to Basins 6 or 11 and netting shall be installed.

Verification

Report of bird counts in quarterly reports. Describe any draining and/or need for installation of nets in annual compliance report. Inspection by County staff.

34. A recessed gate and pull-off area large enough for two (2) vacuum trucks shall be maintained at the site entrance.

Verification

Diagram of the entrance showing adequate space for trucks shall be provided prior to permit issuance. Site inspection by County staff.

35. Portable lights for night disposal operations shall be provided by the permittee after evaluation and determination of need by staff of the Division of Environmental Health.

Verification

Inspection by County staff.

36. During construction activities, exposed soil surfaces shall be watered, at a minimum, in the late morning and after work is completed for the day. The frequency of watering shall be increased whenever the wind speed exceeds 15 mph. Watering of all onsite roadways shall be done at least once a day during the dry season (April to October).

Verification

Report of watering frequencies in quarterly reports. Inspection by County staff.

37. All construction and mud transport vehicles shall be cleaned in the truck washdown area before returning to the public roadways.

Verification

Inspection by County staff.

38. The final shape of landfills shall be natural in appearance. The final covering and contouring of landfills shall be subject to grading permit approval.

Verification

Final closure plans and grading plans shall be submitted to the Department of Resource Management for review prior to their approval.

39. 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 five (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 Appendix K of the State CEQA Guidelines for review and approval prior to further site disturbance.

Verification

The permittee shall document compliance with this condition in its annual compliance report.

40. A ten foot firebreak shall be provided along the perimeter of the site.

<u>Verification</u>

Inspection by County staff.

41. The site shall be completely fenced. There shall be locking gates at all access points to roadways. Fencing shall be maintained in good condition.

Verification

Inspection by County staff.

42. Basin 1 shall be used only to store non-contact water from surface runoff. Basins 6 and 11 shall be used only as water or topwater storage and/or evaporation basins. Drilling muds shall be received only into Basins 7-10 and Basins 12-14.

Verification

Inspection by County staff.

43. Should the site not be used for dumping for a continuous period of twelve (12) months, the use permit shall be null and void.

Verification

Quarterly and annual reports of waste receipts.

44. The permittee shall provide and maintain all weather roads to each disposal basin.

Verification

Inspection by County staff.

45. The permittee shall pay their fair share of installing a left turn lane onto Flannery Road from state Route 113 when the Level of Service exceeds the capacity, if additional funds are determined to be necessary by the California Department of Transportation (Caltrans).

Verification

Permittee shall obtain traffic data from Caltrans every three years and submit to the Department of Resource Management in the annual compliance report. County staff shall contact Caltrans if the need for a left turn lane exists.

46. The permittee shall maintain or require maintenance records for construction vehicles used onsite, and submit these to the Department of Resource Management in the annual compliance report. Equipment idling shall be kept to a minimum when not in use.

Verification

Review of annual compliance report and site inspection by County staff.

47. Any roofing materials used for onsite structures shall be non-reflective or painted to be non-reflective.

Site inspection by County staff.

48. In the event that the TDS level of Monitoring Well HA3 exceeds 1500 mg/L or the Level of Monitoring Well HA7 exceeds 1000 mg/L, the permittee shall notify Environmental Health Services in writing within ten (10) days of such event in order to give notice to neighboring property owners who have requested notification.

Verification

Upon notification by the permittee or at the discretion of the County, Environmental Health Services shall notify interested parties of TDS level changes observed as identified above.

RECLAMATION PLAN PROVISIONS

49. 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.

Verification

Inspection by County staff.

50. Settling ponds, drainage swales and diversion berms shall be constructed as required by the County Department of Transportation, so as to eliminate adverse flooding and degrading of water quality resulting from any surface runoff. Said drainage facilities shall be established prior to any work done after October 15th and maintained in adequate working condition until such time that revegetation is permanently established on the site.

Verification

Inspection by County staff.

51. Two (2) feet 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 after excavation is completed and shall be spread evenly over all disturbed areas to a minimum depth of one (1) foot. Prior to spreading topsoil, the subsoil shall be ripped to 12 inch depth and disced to promote root growth and water percolation. Prior to seeding, the topsoil shall have the same treatment. Stockpiling techniques and topsoil quality shall meet5 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.

Verification

Inspection by County staff.

52. Stockpiled topsoil shall be vegetated to protect from erosion.

Verification

Inspection by County staff.

53. Final grade shall be accomplished to conform smoothly with surrounding topography. No slopes exceeding those shown on the plans and no depressions that will collect standing water shall be created.

Inspection by County staff.

54. A water truck shall be located and utilized at the site for dust suppression at least twice a day during excavation and grading activities, and thereafter as necessary until vegetation is reestablished.

Verification

Inspection by County staff.

55. Reclamation shall include any maintenance and reseeding of reclaimed areas as necessary, to insure that revegetation is permanently established and will be productive over the long term. The applicant shall schedule an annual inspection with the Dpartment 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.

Verification

Inspection by County staff.

56. The permittee shall provide a bond or other acceptable financial instrument in the amount of \$10,000 to cover the cost of installation and maintenance of reclamation measures for Phase I. 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 reclamation is not adequate or complete within the period of this permit. This bond may be transferred to subsequent phases of borrow area development upon completion of reclamation of Phase 1. Said financial assurances may be updated in correspondence with the construction cost index.

<u>Verification</u>

Applicant shall provide the financial instrument prior to final signature of the use permit and reclamation plan by the Director of the Department of Resource Management.

57. If the mining 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 reclaim the area actually worked. In this eventuality, the financial assurances shall be applied to the revised Reclamation Plan, and the revised plan shall be subject to approval of the Zoning Administrator.

Verification

Inspection by County staff.

58. Site inspections of the borrow area reclamation may be conducted by the Department of Resource Management annually after completion of each phase of borrow area excavation in order to insure compliance with plans. Non-compliance with the approved Reclamation Plan or any conditions set forth therein shall be cause for revocation by the Planning Commission of said plan, and will allow the County to being drawing on the funds to complete reclamation activities.

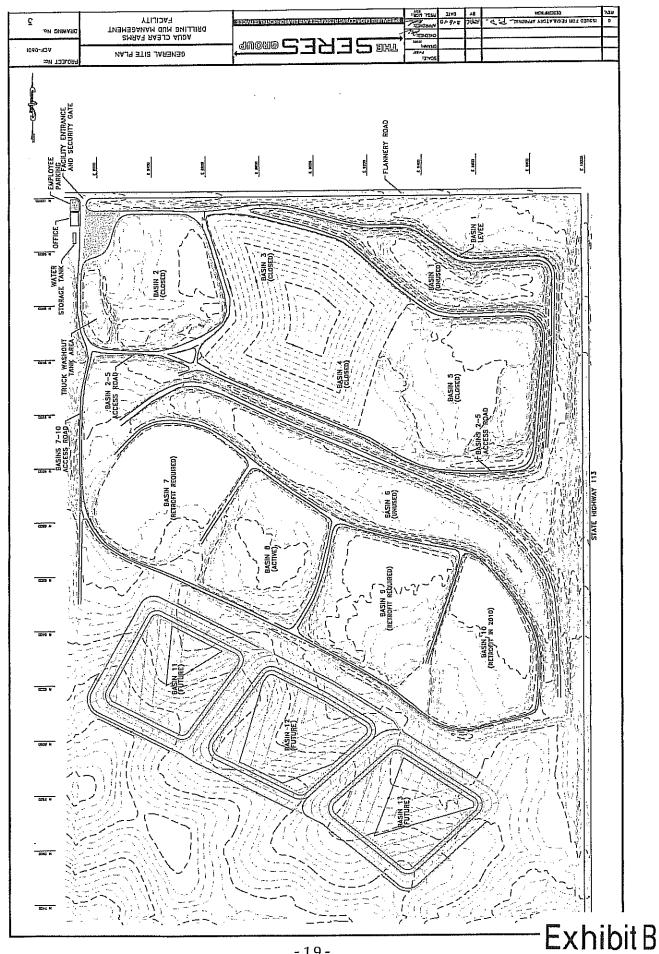
<u>Verification</u>

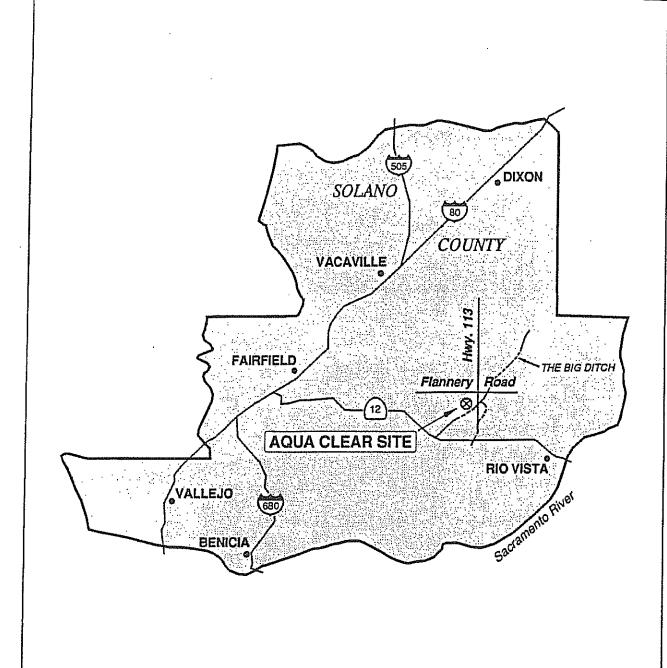
None required.

59. 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 will be retained for this period by the County to guarantee permanent revegetation.

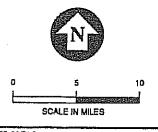
Verification

None required.





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REGION AND SITE LOCATION

Aqua Clear Farms
Drilling Mud Disposal Site
Solano Cou

Exhibit C