

LAND USE SERVICES DEPARTMENT

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP



JULIE RYNERSON ROCK
Director of Land Use Services

CURRENT PLANNING DIVISION
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 • (909) 387-4131
Fax (909) 387-3249
15456 West Sage Street • Victorville, CA 92392 • (760) 843-4340 • Fax (760) 843-4338
<http://www.sbcounty.gov/landuseservices>

April 2, 2007

Effective Date: March 29, 2007
EXPIRATION DATE: March 28, 2010

Nursery Products, LLC
Attn: Jeff Meberg
647 Camino De Los Mares, #108-174
San Clemente, Ca 92673

RE: P200500644/CUP; APN 0492-021-24; CONDITIONAL USE PERMIT TO ESTABLISH A SITE FOR COMPOSTING OF BIO-SOLIDS AND GREEN MATERIALS ON AN 80-ACRE PORTION OF 160 ACRES IN THE BARSTOW AREA

Dear Jeff:

Please be advised that the San Bernardino County Board of Supervisors **conditionally approved** the above referenced application at their February 27, 2007 hearing. This approval is dependent on your compliance with the conditions listed on the attached pages.

The CUP conditions are listed under various categories and indicate when the conditions shall be met. To assist you in obtaining departmental clearances of the CUP conditions, we are enclosing Condition Compliance Release forms listing the conditions that must be met before various permits can be obtained. Allow at least ten (10) working days after submission of the Condition Compliance Release forms for review by the project planner. **NOTE: The Planning Division considers your conditions of approval and site plan your final development criteria/design. This is not considered a conceptual design. Therefore, any modifications and/or alterations will require the submittal of a Revisions application and approval "Prior to Issuance of Permits".**

All CUP conditions shown on the attached sheets must be met prior to FINAL approval and occupancy or use of your project. After the Building and Safety Division finalizes your project and notifies the Planning Division, a Conditional Use Permit will be issued and any remaining monies on deposit will be authorized for release.

This approval shall become null and void if all conditions have not been complied with within thirty-six (36) months of the date of conditional approval. One extension of time, not to exceed thirty-six months, may be granted upon written application and the payment of the required fee to the County Planning Division not less than thirty (30) days prior to the date of the expiration. THIS WILL BE THE ONLY NOTICE GIVEN FOR THE ABOVE SPECIFIED EXPIRATION DATE. The applicant is responsible for initiation of extension requests.

If you have any questions or need additional information, please contact this office by mail at the address above, by fax at (760) 843-4338, by phone at (760) 843-4340 or by e-mail at tcreason@lusc.sbcounty.gov.

Sincerely,



TRACY CREASON, Senior Associate Planner
Current Planning Division – Victorville Office

Enclosures: Conditions of Approval
Condition Compliance Release Forms
Approved Site Plan

cc: Building and Safety Division (VV & SB) EHS/Local Enforcement Agency
Land Development Engineering (VV) Surveyor's Office
County Fire Department County Museum
County Fire/HazMat Division Code Enforcement Division
Environmental Health Services File

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS/ON-GOING CONDITIONS

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

1. This Conditional Use Permit is to establish a site for composting of bio-solids and green materials on an 80-ACRE portion of 160 acres. HOURS OF OPERATION ARE LIMITED TO THE HOURS BETWEEN 6:00 A.M. AND 8:00 P.M. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the approved site plan will require submission of an additional application for review and public hearing.

2. THE APPLICANT SHALL USE THE BEST AVAILABLE CONTROL TECHNOLOGY (BACT), I.E., MODIFIED STATIC WINDROWS, TO REDUCE THE EMISSION OF VOLATILE ORGANIC COMPOUNDS (VOCs) FROM THE COMPOSTING PROCESS.
 - 2A. APPLICANT SHALL PROVIDE A 24-HOUR HOTLINE AND 24-HOUR SECURITY AT THE FACILITY SITE.

 - 2B. APPLICANT SHALL ESTABLISH A CITIZEN'S ADVISORY BOARD WITHIN 90 DAYS OF COMMENCING OPERATIONS AT THE FACILITY. APPLICANT SHALL PROVIDE EVIDENCE OF ESTABLISHMENT OF THIS GROUP TO THE FIRST SUPERVISORIAL DISTRICT, CURRENT PLANNING, CODE ENFORCEMENT, AND ENVIRONMENTAL HEALTH SERVICES FOR REVIEW AND APPROVAL.

3. In compliance with San Bernardino County Development Code Section 81.0150 (a-c), the applicant/owner shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the San Bernardino County Development Code. The applicant shall reimburse the County, its agents, officers or employees, for any court costs and attorney's fees which the County, its agents, officers may be required by court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

4. This approval shall become null and void if all conditions have not been complied with and the occupancy or use of the land has not taken place within three (3) years of the date of approval. One extension of time, not to exceed three (3) years may be granted upon written request and submittal of the appropriate fee, not less

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PLANNING COMMISSION ADDITIONS ARE IN SMALL CAPS

BOARD OF SUPERVISORS ADDITIONS/DELETIONS ARE UNDERLINED/STRIKEOUT IN SMALL CAPS

Environmental Mitigation Measures are bold

Non-Standard Conditions are italicized

than 30 days prior to the date of expiration. PLEASE NOTE that this will be the only notice given for the above specified expiration date. The applicant is responsible for the initiation of an extension request.

5. The applicant/owner shall ascertain and comply with requirements of all Federal, State, County and local agencies as are applicable to the project area. They include, but are not limited to: County Environmental Health Services, County Public Works, Fire Department, Building and Safety, California Integrated Waste Management Board, Local Enforcement Agency, County Solid Waste Division, Lahontan Regional Water Quality Control Board, California Department of Fish and Game, and U.S. Fish and Wildlife Service.
6. All conditions of this Conditional Use Permit are continuing conditions. Failure of the applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
7. Parking and on-site circulation requirements shall be maintained.
 - a. Any occupancies that require additional parking that have not been provided for through this Conditional Use Permit shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b. Parking and site circulation surfaces shall be maintained in good condition at all times. Reduction of fugitive dust through watering or soil binding methods is required. Additional maintenance includes blading the surface when needed.
8. Any sign must be applied for and permitted according to County Development Code Chapter 7 Sign Regulations.
9. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
10. **Windrows shall be sprayed with water frequently enough to minimize the generation of visible dust. All ~~unpaved on-site roads and any unpaved access roads~~ shall be sprayed with water frequently enough to minimize the generation of visible dust. Alternatively, these roads may be paved to eliminate the watering requirement.**
11. **The applicant shall maintain a functioning anemometer at the Hawes site at all times and shall refrain from ~~t~~urning of the windrows during active**

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~~composting shall not occur during episodes of high wind speeds (30 miles per hour or higher).~~

12. **Cross-country (off-road) vehicle use shall be prohibited and signs posted.**
13. **Except on paved roads with posted speed limits, vehicle speeds shall not exceed 20 miles per hour through desert tortoise habitat. This speed limit shall be posted along all access routes associated with the project. Any tortoises encountered on the roads shall be avoided by drivers where feasible (i.e. driver will stop and wait for tortoise to cross road).**
14. **Baseline studies for invasive plants shall be done in the fire break of the property, as well as within a 500-foot buffer outside the fire break, no later than 30 days after the facility opens. These surveys should be conducted in early spring 2007 if the facility would open later that year. All plant species that are present shall be identified and this area monitored annually (early spring) to detect any invasive species that may be present. An herbicide that is appropriate to the species shall be applied to prevent dispersal of exotic or invasive plant species onto BLM property and adjacent habitat. The monitoring frequency may be reduced to once every four years if no invasive species are detected during the first five years of monitoring.**
15. **Perform misting or spraying of compost piles when mixing to control airborne spore movement.**
16. **Lighting shall be consistent with the Night Sky ordinance provisions of County Development Code Section 87.0921. Only areas operational during nighttime hours shall be illuminated. All unneeded lighting shall be shut down or reduced as feasible.**

**DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH SERVICES,
LOCAL ENFORCEMENT AGENCY (LEA) PROGRAM (909) 387-4655**

- 16.1 **All deliveries of green material to the project shall be made in covered or enclosed vehicles in order to avoid or mitigate the potential for significant environmental impacts related to invasive species and damage to habitat. The Applicant shall not accept deliveries of green material in uncovered vehicles, and shall post a sign at the entrance to the composting facility notifying drivers of that policy. (Added by EIR Mitigation Measure B-15)**

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- 16.2 **All deliveries of biosolids to the project shall be made in covered or enclosed vehicles in order to avoid or mitigate the potential for significant environmental impacts related to damage to habitat, airborne transmission of pathogens, and soil contamination. The Applicant shall not accept deliveries of green material in uncovered vehicles, and shall post a sign at the entrance to the composting facility notifying drivers of that policy. (Added by EIR Mitigation Measure B-16)**
17. **Wash down vehicles and equipment at regular intervals (weekly or more frequently, if needed) to reduce dust and spore levels. Compliance will be verified during routine inspections by LEA.**
18. **Employees engaged in moving or turning compost piles should be equipped with protective clothing, gloves, and face mask. Training programs shall be instituted to instruct employees on the necessary of wearing protective gear.**
19. **Muscadine, or other suitable bait materials shall be distributed along the external project boundaries of the composting pad if the LEA determines that periodic fly problems become an area nuisance.**
20. **Employees shall be trained in procedures to prevent, detect, and remedy fly breeding areas.**
21. **Biosolids shall be mixed with suitable bulking agents (i.e., clean soil, sand, gypsum, sawdust) within four (4) hours after arrival.**

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

22. Adequate sanitary facilities shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at (909) 387-4666.
23. Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For information, Call DEHS/Land Use at (909) 387-4666.
24. All refuse generated at the premises shall be stored in approved containers at all times and shall be placed in a manner so that visual, noise, or other impacts, and environmental public health nuisances are minimized and comply with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, call DEHS/Local Enforcement Agency (LEA) at (909) 387-4655.

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25. All refuse containing garbage shall be removed from the premises to an approved solid waste facility at least 1 time per week in conformance with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/LEA at (909) 387-4655.
 26. **All trash and discarded food items generated by construction and operation activities shall be promptly contained and regularly removed from the project site to reduce the attractiveness of the area to ravens and other potential desert tortoise predators. Prior to ground disturbing activities, the applicant shall submit, and the County and CDFG shall approve, a raven management plan designed to minimize tortoise predation as part of the Incidental take permit or permits required under Mitigation Measure B-2 in the EIR. Additionally, all artificial water sources must be covered or otherwise made inaccessible to wildlife.**
 27. **The retention basin(s), designed and sized to contain the entire runoff from the windrow and compost storage area during a 24-hour, 100-year storm event is (are) essential to protect surface water and the public from runoff that could be contaminated with pathogens. The retention basin(s) must be included in any modification to or redesign of the facility.**
 28. **Following each storm event or surface water discharge, no standing water shall be retained in the impoundment basin for more than 30 days. Water from the basin may be used for process water or for dust control on windrows.**
 29. **Compost leachate shall be captured and may be reused to maintain compost moisture levels.**
- LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4244**
30. Submit plans and obtain separate building permits for any required wall, retaining walls or trash enclosures.

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PRIOR TO ANY LAND DISTURBANCE OR ISSUANCE OF PERMITS, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND DEVELOPMENT ENGINEERING - ROADS AND DRAINAGE (760) 843-4366

31. Legal access shall be required to a maintained road. It shall be the developer's responsibility to obtain the necessary dedications to make the connection.
32. Prior to occupancy and use, the following easements shall be granted by separate document: 44' public right-of-way grants of easement for road and utility purposes are required along each property line (¼ section lines).
- 32a. APPLICANT SHALL PROVIDE PAVED ACCESS TO THE SITE FROM A COUNTY-MAINTAINED ROAD.

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

33. Applicant shall provide evidence of sufficient water for dust suppression, drinking water and fire protection.
34. Applicant shall provide evidence of sanitary service contract (i.e. portable toilets).
35. Written clearance shall be obtained from the designated California Regional Water Quality Control Board listed below and a copy forwarded to the Division of Environmental Health Services.
 - Lahontan Region, 14440 Civic Drive, Suite 200, Victorville, CA 92392, 760-241-6583
36. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, San Bernardino County Development Code Section 87.0905(b) (Section 83.01.080 of the Proposed 2007 Update of the San Bernardino County Development Code). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the Division of Environmental Health Services (DEHS) for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.

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SAN BERNARDINO COUNTY MUSEUM (909) 307-2669

37. **Monitoring by a qualified archaeologist shall occur during grubbing, grading or any construction excavation that disturbs native soils. In the event that an unanticipated find is discovered during construction activities, the construction crew will stop work in the immediate vicinity of the discovery. Nursery Products will report the discovery to the San Bernardino County Museum and the Land Use Services Department (LUSD). A qualified archaeologist will be required to assess the integrity and significance of any discovery prior to work proceeding in the area. Should human remains be encountered, work in the vicinity must be terminated and the County Coroner will be notified immediately pursuant to Section 7050.5 (c) of the Health and Safety Code. If the Coroner recognizes the remains to be those of a Native American, or has reasons to believe that they are those of a Native American, he or she will contact the Native American Heritage Commission. The Museum or LUSD may require Nursery Products to take reasonable measures to avoid or minimize impacts to the resource if the resource is determined to be significant, i.e., eligible for the CRHR. Adverse effects to significant non-renewable paleontological resources shall be mitigated by the following mitigation measures to be conducted under the direction of a qualified professional vertebrate paleontologist.**
38. **Monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor is required for all excavation into undisturbed sediments of Pleistocene older alluvium, both at the surface and in the subsurface. Paleontologic monitors must be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.**
39. **Any recovered specimens shall be prepared and stabilized to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates.**
40. **Any small specimens collected shall be identified and curated into an established, accredited museum repository with permanent retrievable paleontologic storage (e.g., SBCM). These procedures are also essential steps in effective paleontologic mitigation (Scott and others, 2004) and CEQA compliance (Scott and Springer, 2003). The paleontologist must have**

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a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented.

41. **If any paleontological resources are found during excavation, a report of findings with an appended itemized inventory of specimens, shall be prepared and submitted to the County Museum and LUSD.**

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4244

42. If any grading exceeds fifty (50) cubic yards, approved plans will be required.
43. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
44. Submit manufacturer's installation instructions, or engineered foundation plans for commercial coach/modular unit(s). Note: A Temporary Use Permit (TUP) is required for units not on a permanent foundation.
45. A pre-construction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
46. **Prior to clearing and grading of the Project site, the applicant shall prepare a SWPPP (Storm Water Pollution Prevention Program) to obtain coverage under the State-wide general construction storm water National Pollutant Discharge Elimination System (NPDES) permit. The Best Management Practices (BMPs) outlined in the SWPPP shall be implemented.**

SAN BERNARDINO COUNTY FIRE DEPARTMENT - HAZARDOUS MATERIALS DIVISION (909) 386-8401

47. Prior to installation, plans for underground or aboveground tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division, contact (909) 386-8464.

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SAN BERNARDINO COUNTY FIRE DEPARTMENT (909) 386-8465

48. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
49. Rural Water System: In areas without water serving utilities, the fire protection water system shall be designed to NFPA 1142 and shall be operational prior to combustible materials being placed on-site. All NFPA 1142 systems shall provide an approved water supply with a minimum fire flow of 1500 gallons for 30 minutes. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles material being stored on the site. The applicant is required to provide new six inch (6") fire hydrant assembly with two (2) two and one half inch (2 ½") and one (1) four inch (4") outlet. All fire hydrants shall be spaced no more than three hundred feet (300') apart (as measured along vehicular travel-ways) and no more than one hundred fifty feet (150') from any portion of the compost piles.
50. **The project site must maintain an adequate water supply and delivery capacity (as stated in Condition 49) as well as clear aisles between windrows for easy access in case of fire. Aisle spacing between windrows shall be a minimum of 26'0" unobstructed.**
51. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8465.
52. Combustible Vegetation: Combustible vegetation shall be removed as follows:
- Where average slope of the site is less than 15%, combustible vegetation shall be removed a minimum distance of thirty feet (30') from all structures or to the property line, whichever is less.
 - Where the average slope of the site is 15% or greater, combustible vegetation shall be removed a minimum distance of one hundred feet (100') from all structures or to the property line, whichever is less.
53. Building Plans: Not less than two (2) complete sets of Building Plans shall be submitted to the fire department for review and approval.
54. *There may be additional conditions upon plan submittal.*

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LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

55. The applicant/owner shall process a Conditional Compliance Review through the County in accordance with the direction stated in the Conditional Approval letter, for verification of conditions prior to the issuance of building permits. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review.
56. **Prior to commencing ground disturbing activities, Mohave ground squirrel trapping surveys shall be conducted prior to construction of the project to determine this species presence within the project area. If the surveys determine that the Mohave Ground Squirrel is present, the applicant shall avoid or mitigate environmental impacts by obtaining required incidental take permits from the United States Fish and Wildlife Service and/or the California Department of Fish and Game, and by complying with the terms of those permits, including, without limitation, the purchase and conservation of such habitat as required and the preparation and approval of an adequate Habitat Conservation Plan.**
57. **The project proponent shall prepare a Habitat Conservation Plan (HCP) and obtain an incidental take permit/authorization from the wildlife agencies for desert tortoise and its habitat prior to project implementation. In order to avoid incidental take of birds protected under the Migratory Bird Treaty Act, grading and brush removal of any undisturbed habitat shall be scheduled outside the breeding season of most migratory birds (i.e., grading shall not take place from March through July unless surveys for nesting birds are conducted and no significant impacts will occur).**
58. **Purchase of offsite conserved habitat shall be based upon the requirements of the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS), and follow the West Mojave Plan (WMP) if it is in effect at the time. Prior to commencing ground-disturbing activities, the project proponent shall mitigate and/or avoid impacts to federally- and state-protected species by obtaining required incidental take permits from the United States Fish and Wildlife Service and the California Department of Fish and Game, and by complying with the terms of those permits, including, without limitation, the purchase and conservation of such off-site habitat as required, the preparation of an HCP, and any installation of permanent**

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tortoise fencing along roads required by the United States Fish and Wildlife Service or the California Department of Fish and Game.

59. ~~As defined by permit conditions and the Implementing Agreement associated with the permit, adequate funding must be set aside to manage the conserved habitat and to monitor the effects of the project on the surrounding habitat. Prior to commencing ground-disturbing activities, the Applicant shall submit, and the County shall review and approve, evidence of financial ability to properly manage conserved habitat and to monitor the impact of the Project on surrounding habitat.~~
60. All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in an desert tortoise awareness program covering desert tortoise, burrowing owl, Mohave Ground Squirrel, and other federally and state-protected species with educational materials provided by the West Mojave Implementation Team. The program shall be administered by the Authorized Biologist or Environmental Monitor. The program may be given in the field prior to initiation of construction activities, and shall include truck drivers, delivery personnel, and other project-related personnel occasionally entering the work site. Wallet-sized certification cards shall be provided to personnel who have attended the training, and personnel shall carry those cards when working on site.
61. A permanent tortoise-proof fence shall be installed around the perimeter of the project impact area prior to grading of the site. Once the fence is installed, clearance surveys for desert tortoise shall be conducted by qualified biologists to locate and remove any tortoises and close their burrows within the project site. An authorized biological monitor shall be present during construction to ensure that tortoises do not re-enter the construction area and to remove or rescue any individuals that may be injured. Mortality of any tortoise shall be reported to wildlife agency staff.
62. Between February 15 and November 15, the tortoise clearance survey shall occur within 48 hours prior to ground disturbance. Between November 16 and February 14, the survey may be performed several days or weeks prior to ground disturbance. Ground disturbance shall not occur during a rain event, unless a clearance survey has occurred within the previous 48 hours.
63. ~~Where practicable, v~~**Vegetation clearing activities shall occur when tortoises are least likely to be active, generally between November 15 and February 15.**

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64. PRIOR TO CONSTRUCTION, APPLICANT SHALL OBTAIN DESIGN SPECIFICATIONS FOR A LINER FROM THE LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD (LRWQCB). THESE SPECIFICATIONS SHALL APPLY TO A LINER FOR THE FEEDSTOCK AREAS, COMPOSTING AREAS, FINISHED PRODUCT STORAGE AREAS, AND RETENTION BASIN. LINER PERMEABILITY STANDARDS SHALL BE EQUAL TO OR GREATER THAN THOSE FOR SOLID WASTE LANDFILLS. APPLICANT SHALL PROVIDE LINER MEETING THESE STANDARDS OR WRITTEN CONFIRMATION FROM LRWQCB THAT A LINER IS NOT REQUIRED.

PRIOR TO THE ISSUANCE OF FINAL OCCUPANCY PERMITS OR USE OF THE SITE, THE FOLLOWING CONDITIONS SHALL BE MET:

SAN BERNARDINO COUNTY FIRE DEPARTMENT - HAZARDOUS MATERIALS DIVISION (909) 386-8401

65. Prior to occupancy, operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
66. Prior to occupancy, applicant shall be required to apply for one or more of the following: A Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Above Ground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8418.
67. **The Project design includes proponent shall submit, and the County shall review and approve, guidelines for fuel transfer operations to minimize impacts associated with fueling areas and fuel transfer sites. The Project proponent shall submit, and the County shall review and approve, A an Emergency Contingency Plan will be prepared and adopted for the composting facility. The Plan will provide information such as emergency contact persons and numbers, the types of hazardous materials stored on-site, the correct emergency responders to contact for specific emergencies, and evacuation procedures and routes to use during an emergency event.**
68. **A Spill Prevention, Control, and Countermeasure Plan (SPCC) will be prepared and certified prior to the commencement of on-site operations. Measures contained within the SPCC Plan would include: containment, clean-up, and reporting of spilled liquids containing petroleum products or hazardous materials, the use of absorbent pads near the sources of leaks,**

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sand and gravel dikes to contain spills, inspections of containers, dispensers and fueling areas, employee awareness and training, and secondary containment areas. The SPCC Program also refers employees to Material Safety Data Sheets (MSDS) that explain the proper response for clean up of spills and emphasizes the use of personal protection equipment.

SAN BERNARDINO COUNTY FIRE DEPARTMENT (909) 386-8400

69. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty feet (150') or more in length. Cul-de-sac length shall not exceed six hundred feet (600'). All roadways shall not exceed a 12% grade and have a minimum of a forty-five foot (45') radius for all turns.
70. Street Sign: This project is required to have an approved permanent street sign. The street sign shall be installed on the nearest street corner to the project. Installation of the sign shall occur prior to final inspection or use of the site.
71. **The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. A 52'0" strip of cleared land must be maintained along the perimeter of site operations to act as a fire barrier or break. The applicant will consult with the local fire agency and obtain approval prior to placing any combustible material on site.**

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

72. A Solid Waste Facility Permit for composting is required prior to operation. For information, contact DEHS at (909) 387-4666.
73. **Prior to operation of the facility, the operator shall obtain coverage under the Statewide general storm water NPDES permit for industrial facilities or obtain an individual facility storm water NPDES permit.**
74. **If a groundwater well is installed to provide water for the site, a sample shall be collected quarterly for the first year and analyzed for nitrate, phosphate, chloride, arsenic, copper, lead, mercury, molybdenum, nickel, selenium and zinc (at a minimum) to establish baseline groundwater conditions at the site. Results shall be submitted to the Lahontan RWQCB, the LEA, and LUSD for review and approval. the Applicant shall perform a groundwater survey prior to well installation. The Applicant shall collect a sample quarterly for the**

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Environmental Mitigation Measures are bold

Non-Standard Conditions are italicized

first year. Samples shall be analyzed by an independent laboratory and results submitted to the County and RWQCB for review, and approval. Samples shall be analyzed for the constituents listed in Mitigation Measure W-2 (at a minimum) to establish baseline groundwater conditions at the site. If the thresholds set forth in Mitigation Measure W-3 have been exceeded, or if there is a significant increase over time in the concentration of constituents listed in Mitigation Measure W-2, the Applicant, the County, and the RWQCB shall develop and implement an action plan that will ensure no substantial adverse change in groundwater resources. Specific elements of the action plan shall be tailored to actual conditions. Elements of the action plan may include, but are not limited to, lining composting pads and/or the retention basin with an appropriate liner.

75. Prior to facility development, the applicant shall prepare an Odor Impact Minimization Plan (OIMP) to reduce potential odor impacts during operation of the compost facility. The applicant shall prepare the OIMP that will outline self-imposed operating requirements that will result in odor impacts control and reduction. The OIMP shall be prepared pursuant to the requirements established by the CIWMB (14 CCR 17863.4) and would act as the overall program document for odor control at the compost facility. The OIMP shall include written procedures for reducing odors due to feedstock receipt, processing and handling and for compost processing. The OIMP shall be submitted to the Local Enforcement Agency for review and approval prior to operation.

The OIMP shall include, but not be limited to, the following measures:

- **Odor-Screening and Load-Checking Procedures**

As feedstock arrives at the proposed facility, the compost facility operator shall screen materials to assess the potential for the production of objectionable odors. If necessary, the compost facility operator would implement one or more of the following measures:

- Rejection or priority processing of loads that produce objectionable odors;
- Blending or covering of feedstock producing objectionable odors;
- Treatment of feedstock producing objectionable odors with a neutralizing agent such as lime or other suitable chemical.

- **Feedstock Storage Measures**

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- Incoming biosolids feedstock shall be mixed and placed into windrows within ~~two~~ four (4) hours of arrival.
- **Feedstock Processing Measures**
 - Highly odorous materials received at the facility shall be sprayed, as necessary, with an odor neutralizer to control odorous compounds through adsorption and enzymatic action.
- **Windrow Management Measures**

Measures that shall be implemented to control odor emissions from windrow and curing operations will include:

- Wind direction, weather conditions and time of day shall be taken into account when turning compost windrows and curing piles.
 - When inversion conditions are forecasted, windrow turning should be avoided, if feasible. Meteorological equipment shall be installed on-site and the operator shall record wind direction, wind speed, and temperature at the site on a daily basis and will use that information to guide facility windrow management practices.
 - Windrows and/or curing piles generating objectionable odors shall be sprayed with an odor neutralizer, when necessary.
 - When feasible, the ratio of carbon to nitrogen should be optimized by adding carbon-rich materials (e.g., woody waste) to high-nitrogen content feedstock (e.g., grass clippings).
- **Good Housekeeping Procedures**

The compost facility operator shall implement the following housekeeping and operational procedures:

- The compost facility site shall be kept clean and free of minor odor sources, which individually would not result in an objectionable odor, but cumulatively, could result in an objectionable odor.
- Prior to the rainy season (i.e., by October 1st of each year), the compost facility operator shall undergo pre-season site preparation to ensure that conditions that could result in ponding of stormwater runoff or leachates are minimized or eliminated.
- If ponding occurs after a rain, the ponding shall be treated with lime or other suitable material and the feature causing the ponding shall be eliminated.

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- **Odor Complaint Response System**

The compost facility operator shall develop an odor complaint response procedure prior to operation of the facility. The odor response procedure shall include the following components:

- Designation of an "odor impact coordinator" who would be responsible for responding to any complaints about odors.
- Establishment of a telephone hotline for nearby receptors to contact the compost facility. Complaints shall be recorded in writing and provided to the LEA and the CIWMB for review.
- If requested by the LEA, the odor impact coordinator shall immediately notify the LEA of any odor-related complaints.
- The odor impact coordinator shall coordinate with the LEA to make any operational and/or technical modifications necessary to minimize the likelihood of future odors, redesigning portions of the facility to employ different technologies, or other such measures as necessary to minimize objectionable odors.

76. Prior to beginning operations at the site, in order to establish baseline soil conditions, at least ten (10) samples shall be collected in the portion of the Phase 1 area that would be most frequently used for windrows. Two (2) additional samples shall be collected from the lowest area of the retention basin after construction of the retention basin is complete. Samples shall be collected at each location using a drive sampler to a depth of approximately one and one-half feet (1-½'). Samples collected at six inches (6") and one foot (1') shall be analyzed for nitrate, phosphate, chloride, arsenic, copper, lead, mercury, molybdenum, nickel, selenium and zinc. The same sampling program shall be conducted in Phase 2 prior to commencing operations in the Phase 2 area. Results shall be submitted to the Lahontan RWQCB, the LEA, and LUSD for review and approval.
77. Soil beneath the retention basin and the composting pad shall be sampled annually to confirm that the migration of constituents into subsurface soil is limited. Soil sampling shall be conducted at six (6) different locations on the most frequently used portion of the composting pad. Two (2) soil samples shall be collected at least one hundred feet (100') apart at the lowest area of each retention basin. Samples will be collected at each location using a drive sampler to a depth of approximately one and one-half feet (1-½'). Samples collected at six inches (6") and one foot (1') will be analyzed. The results will be compared to the levels listed in 40 CFR 503.13, Table 1 that specifies the ceiling metals concentrations at which the application of

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biosolids to land is not allowed. These ceiling concentrations currently are 85 mg/kg arsenic, 4,300 mg/kg copper, 840 mg/kg lead, 57 mg/kg mercury, 75 mg/kg molybdenum, 420 mg/kg nickel, 100 mg/kg selenium and 7,500 mg/kg zinc. These ceiling concentrations will be used as an indicator that further action is necessary. There are no ceiling concentrations for nitrate and phosphorous, therefore the analytical results for the site will be compared to those from the background location. Results shall be submitted to the Lahontan RWQCB, the LEA, and LUSD for review and approval.

78. If the sample results indicate that the limits in 40 CFR 503.13 have been exceeded or if the levels show a significant increase compared to the background conditions, the operator shall meet with the RWQCB and LEA to discuss an appropriate action plan. The additional actions could include but are not limited to: removal of soil and replacement of compacted clean soil on the pad and/or retention basin, or lining the pads or basin with an appropriate liner. If there are no significant overages of the constituent concentrations after five years of monitoring, the operator may request approval for either a reduction in the sampling frequency ~~or to eliminate the monitoring program altogether~~. Upon closure of the facility, sampling will be conducted and affected soil will be handled in accordance with applicable cleanup criteria.

LAND USE SERVICES DEPARTMENT/CODE ENFORCEMENT (760) 843-4337

79. Verification of application for sign registration and plot plan approval by Code Enforcement must be submitted prior to the issuance of a building permit for the installation, wiring, remodeling or reconstruction of any freestanding sign or portion thereof which has an area of eighteen (18) square feet or greater and/or which has a height of six feet (6') or greater. For information, contact Code Enforcement at (760) 843-4337.
80. The applicant shall submit for review and obtain approval of a Special Use Permit (SUP). Thereafter the SUP shall be renewed annually and shall authorize an annual inspection. The inspections shall confirm continuing compliance with the listed conditions of approval, including all mitigation measures and conditions of operation. The inspections shall not replace inspection requirements of any other permitting agency. Failure to comply shall cause enforcement actions to be brought against the property. Such actions may cause a hearing or action that could result in the revocation of this approval and the imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code

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Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time with a time not to exceed three (3) hours per inspection.

- 80A. PRIOR TO OPERATIONS, APPLICANT SHALL PROVIDE A CLOSURE PLAN TO COUNTY PLANNING FOR REVIEW AND APPROVAL. THE CLOSURE PLAN SHALL INCLUDE A COST ESTIMATE FOR SITE REMEDIATION. WITHIN 90 DAYS OF COUNTY APPROVAL OF THE CLOSURE PLAN, APPLICANT SHALL POST A BOND (OR OTHER ACCEPTABLE FINANCIAL ASSURANCE) WITH COUNTY CODE ENFORCEMENT IN THE APPROVED SITE REMEDIATION COST ESTIMATE AMOUNT. VERIFICATION OF FINANCIAL ASSURANCE SHALL BE PROVIDED TO COUNTY PLANNING.

SURVEY MAPPING SECTION (909) 387-8145

81. A Record of Survey/Corner Record shall be filed in the following instances:
- Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
 - Monuments set to mark the property lines.
 - Pursuant to applicable sections of the Business and Professions Code.

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4244

82. Provide van accessible parking spaces for the disabled. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six inches (96") wide and shall be designated 'VAN ACCESSIBLE'. The words 'NO PARKING' shall be painted on the ground within each eight-foot (8') loading area as specified in the California Building Code.

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

83. Parking and on-site circulation requirements shall be provided for as identified on the approved site plan.
84. All access drives shall be a minimum of twenty-four feet (24') wide to facilitate two-way traffic and emergency access.
85. Prior to final inspection by Building and Safety Division and/or issuance of a Conditional Use Permit by the Planning Division, all fees required under actual cost job number **P200500644CU1** shall be paid in full.

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