

EXHIBIT 'A'

Mitigation Measures/Monitoring Plan and Conditions of Approval

Date: May 26, 2011
Applicant: Biostar Systems LLC
Address: 2025 Aviation Blvd, Santa Rosa
Approved: May 26, 2011 by BZA

File No.: PLP11-0010
APN: 059-271-003

Project Description: Request for a Use Permit and Design Review for an alternative energy system on a 5.4 acre site, including construction of facilities to collect and process agricultural and commercial organic waste in biodigesters to produce approximately 1.26 million cubic feet per day of biomethane gas, which would be used both in fuel cells to produce electricity (powering the onsite public wastewater treatment plant and other offsite public or private facilities), and directly injected into the PG&E natural gas network, including three sixty-five foot tall biodigesters located 30 feet from the east property line. Solids remaining from the biodigestion process would be converted to a commercial grade organic fertilizer and distributed through wholesale channels.

NOTE: Standard PRMD Departmental conditions are located in each subsection following required mitigation measures.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,044.00 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,094.00 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The applicant shall apply for and obtain building related permits from PRMD for new buildings. The necessary applications appear to be, but may not be limited to site review and building permit(s). Construction inspections shall occur and the building permit(s) finalized prior to occupancy of new or remodeled structure(s).
5. A soils report is required to be submitted to PRMD Plancheck section prior to issuance of grading permits.
6. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
7. All required paths of travel (parking lots, sidewalks) shall comply with State and Federal accessibility guidelines. Grading plans submitted to PRMD shall include sufficient details of

features to validate compliance.

8. All buildings, structures, sidewalks, curbs, and related facilities shall be accessible to and usable by persons with disabilities.
9. Accessible parking shall be provided for both assigned and unassigned and/or visitor spaces per CBC requirements.
10. This project is required to comply with wildland-urban interface (WUI) regulations, Chapter 7A of the CBC. These regulations apply to building materials, systems and/or assemblies used in the exterior design and construction of new buildings.
11. Project shall be designed and constructed complying with the Sonoma County Green Building Standards Code. Plans shall show all required compliance elements.
12. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

HEALTH:

Air Quality

13. **Mitigation Measure AIR-1:** The project applicant will implement applicable BAAQMD basic control measures. The project applicant will include the following requirements in the construction contracts for all areas with active construction activities:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day, if humidity is below 50 percent;
 - b. All haul trucks transporting soil, sand, or other loose material off-site will be covered;
 - c. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day;
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph;
 - e. All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building and foundation pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and
 - f. Post a publicly visible sign with the telephone number and person to contact representing the project applicant regarding dust complaints. This person will respond and take corrective action within 48 hours of a complaint. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Health Specialist indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed.

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

14. **Mitigation Measure AIR-2:** The project applicant will implement an Odor Management Plan (OMP) to specifically address odor control associated with digester operations that will include:

- a. A list of potential odor sources, both on and off site (from haul trucks);
- b. Identification and description of the most likely sources of odor;
- c. Identification of potential, intensity, and frequency of odor from likely sources;
- d. A list of odor control technologies and management practices that could be implemented to minimize odor releases. These management practices will include the establishment of the following criteria:
- e. All organic material imported to the site shall be placed within the sealed feedstock building within two hours.
- f. All organic material imported to the site shall be placed into the mixing tank within 48 hours of receipt.
- g. Establish contingency plans for operating downtime (e.g., equipment malfunction, power outage).
- h. Manage delivery schedule to facilitate prompt handling of odorous co substrates.
- i. Protocol for monitoring and recording odor events.
- j. Protocol for reporting and responding to odor events.

Mitigation Monitoring: The applicant shall submit the Odor Management Plan to the PRMD Project Review Health Specialist for review and approval prior to issuance of building permits. Complaints received by PRMD regarding non-compliance with operative provisions of the Odor Management Plan shall be referred to BAAQMD and investigated by PRMD staff within one week and if violations are confirmed the applicant shall be required to take steps to correct the problem. Continued non-compliance may result in the project being returned to hearing for potential modification and/or revocation of the use permit.

Noise

15. **Mitigation Measure NOI-1:** Operational Noise Reduction Plan. The Applicant shall ensure that noise levels associated with the Project non-transportation sources do not exceed the limits identified in Sonoma County Policy NE-1c noise limits for public property and/or the General Plan normally acceptable land use noise exposure limits (further specified in these conditions of approval). Noise control techniques may include, but not be limited to: locating the gas compressors with as much setback from the existing light-industrial and institutional properties as possible, use of noise enclosures and/or walls, and the use of equipment with special noise control specifications designed in a way to specifically achieve acceptable regulatory noise standards.

Mitigation Monitoring: The applicant shall submit the Operational Noise Reduction Plan to the PRMD Project Review Health Specialist for review and approval prior to issuance of building permits. Complaints received by PRMD regarding non-compliance with operative provisions of the Operational Noise Reduction Plan shall be investigated by PRMD staff within one week and if violations are confirmed in PRMD's opinion, the applicant shall be required to take steps to correct the problem within 60 days and/or submit further noise monitoring reports. Continued non-compliance may result in the project being returned to hearing for potential modification and/or revocation of the use permit.

Water:

16. Connection shall be made to public sewer and water. Prior to building permit issuance the applicant shall submit a "Will Serve Letter" for water and sewer to the Project Review Health Specialist to verify compliance, except for a connection to a County operated sewer system where

clearance for the sewer will come from the PRMD Sanitation Section.

17. Toilet facilities shall be provided for employees. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Vector Control:

18. A Mosquito and Vector Control Plan for fly control acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) and the Project Review Health Specialist shall be submitted prior to the trucking of agricultural waste onto this site. The fly control plan must specifically address criteria for manures that are, or are not acceptable with respect to fly, larvae or maggot content for loading into trucks and transporting across the County. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Noise:

19. Prior to building occupancy the applicant shall submit a letter from a qualified sound consultant to the PRMD Project Review Health Specialist regarding conformance with the design and final construction with the Operational Sound Reduction Plan and compliance with the General Plan Noise Standards (further specified in these conditions).

OPERATIONAL REQUIREMENTS:

20. Prior to educational activities starting on site, the applicant shall submit a letter at least two weeks in advance explaining the activity to the PRMD Project Review Health Specialist to review for compliance with applicable Health and Safety laws. Any changes to the approved activities require further review by PRMD.

Water:

21. A safe, potable water supply shall be provided and maintained.

Vector Control:

22. No manure or agricultural waste shall be transported to this site in violation of the approved Fly Control Plan.

Odor:

23. Operation of this facility shall at all times comply with the approved Odor Control Plan, including transport of feedstock materials, and at no time shall this facility be operated so as to create a public nuisance due to odor.
24. Trucks in the process of making manure deliveries to this project will only be spotted or parked at the originating farm where they are based, or at the project site (the bio-gas plant site). The trucks will not be spotted or parked at other unrelated locations while making manure deliveries to this project excepting for required servicing or fueling of the truck or due to unforeseen circumstances such as accidents or breakdowns.
25. Obtain and maintain all required permits from the Bay Area Air Quality Management District. This facility shall be operated at all times to be in compliance with all applicable laws, codes, ordinances, orders, directives and policies of the Bay Area Air Quality Maintenance District.

Hazardous Materials:

26. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Noise:

27. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2:Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

Solid Waste:

28. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

TRANSPORTATION AND PUBLIC WORKS:

Transportation and Traffic

29. **Mitigation Measure TRA-1:** Prior to issuance of grading permits, the project applicant will submit a Traffic Safety/Traffic Management Plan for the construction process to Sonoma County's Transportation and Public Works Department. Elements of the plan will include, but are not necessarily limited to, the following:
- a. Develop circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible. Use flaggers and/or signage to guide vehicles through and/or around the construction zone.
 - b. To the extent feasible, and as needed, avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
 - c. Limit lane closures along pipeline alignments during peak traffic hours to the extent possible. Restore roads and streets to normal operation by covering trenches with steel plates outside of allowed working hours or when work is not in progress.

- d. Limit, where possible, the pipeline construction work zone to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.
- e. Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.
- f. Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.
- g. To the maximum extent feasible, maintain access to private driveways located within pipeline construction zones.

Mitigation Monitoring: The applicant shall submit the Traffic Safety/Traffic Management Plan to the County Department of Public Works for review and approval prior to issuance of grading permits. Complaints received by PRMD or Public Works regarding non-compliance with operative provisions of the Traffic Safety/Traffic Management Plan shall be investigated by PRMD or Public Works staff within three working days, and if violations are confirmed the applicant shall be required to take steps to correct the problem and/or a stop work order shall be issued.

30. The applicant shall sweep as necessary Aviation Boulevard between the Water Agency access gate and the Skylane Boulevard intersection to remove incidental dirt and materials tracked onto the public roadway resulting from the shipment of waste feedstock. Sweeping shall be performed by mechanized sweeping equipment that can collect the sweepings and is equipped with devices/features to adequately control dust. Sweeping operations shall be performed under the appropriate traffic control contained in the California Manual of Uniform Traffic Control Devices (MUTCD) and for which the applicant will be required to obtain a blanket encroachment permit from the County's Permit and Resource Management Department.
31. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
32. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any gas pipelines and appurtenances within public road rights-of-way.
33. Prior to issuance of an encroachment permit for pipeline construction, the applicant shall submit to the Encroachment Section of the Engineering Division of PRMD the name and qualifications of the entity providing the inspection, testing and certification of the pipeline construction. A copy of the certification shall be provided to the Encroachment section prior to finalization of the permit by PRMD.

GRADING AND STORMWATER:

Hydrology and Water Quality

34. **Mitigation Measure HYD-1:** The project applicant will implement the following measure:
 - a. Prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) along with a Notice of Intent and permit registration documents (PRDs) to the State Water Resources Control Board (SWRCB) prior to construction;
 - b. Develop and implement the SWPPP identifying best management practices (BMPs) to reduce erosion of disturbed soils and release of hazardous materials into water courses

during and following project construction. The BMPs include the use of straw wattles, silt fencing, water detention structures, temporary storage tanks, and other control measures that would limit construction-related storm runoff. Non-stormwater management BMPs would include installing specific discharge controls during activities such as paving operations, vehicle and equipment washing and fueling;

- c. Implement BMPs from the most recent CASQA BMP Handbook to effectively reduce degradation of surface waters to an acceptable level. BMPs that relate to the handling of hazardous materials, spill prevention and clean up, and the handling of contaminated soil could include minimizing the storage of hazardous materials storage onsite, providing training on spill prevention and cleanup, and ensuring proper handling procedures for contaminated soils;
- d. File a Notice of Termination following construction.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Drainage Specialist indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during and post construction shall be referred to the SWRCB and investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

35. **Mitigation Measure HYD-2:** The project applicant will implement the following measure:

- a. Obtain coverage for any discharges from dewatering during construction from the North Coast RWQCB. The RWQCB could require sampling and/or treatment of the flows prior to discharge. The coverage may be obtained as part of the Construction General Permit for stormwater control during construction or General Industrial Permit, or separate permit for the project.
- b. The groundwater removed by dewatering would either be discharged to the sanitary sewer or storm drain system with authorization from the RWQCB

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Drainage Specialist indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be referred to the RWQCB and investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed.

36. Grading and/or building permits require review and approval by the Grading & Storm Water Section of PRMD prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

37. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

38. The following development and redevelopment projects are required to implement post-construction treatment controls to mitigate all project-related storm water pollution:

- a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
- b. All development and redevelopment projects that include four or more houses.

- c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Storm Water Mitigation Plan, including long term maintenance of all drainage improvements, shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. Post-construction storm water features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.

39. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of PRMD for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
40. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
41. The proposed project is located on a parcel with portions of land within a Special Flood Hazard Area (SFHA) that is affected by flooding from Redwood Creek. No fill shall be placed within the SFHA. Any land subject to inundation by a SFHA shall be delineated and shown on the grading plans as "SUBJECT TO INUNDATION" in one-inch lettering. The base flood elevation (BFE) varies throughout the site but the lowest floor elevation of any habitable structure must be at least 1 foot higher than the nearest adjacent BFE. The grading plans shall show all elevations based upon the North American Vertical Datum of 1988 (NVGD 88).
42. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Appropriate Best Management Practices shall be implemented during construction activities to effectively prevent and minimize polluted storm water discharges. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
43. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
44. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.

45. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.
46. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway to the maximum extent possible. The protective construction fence shall be shown and noted on the grading/site plans.
47. Construction within a Sonoma County Water Agency (SCWA) property or easement requires a revocable license from SCWA. The applicant shall provide a letter of approval from SCWA to the Grading & Storm Water Section of PRMD prior to issuance of any permit allowing work to occur within a SCWA property or easement. The following note shall be placed prominently on the grading plans: "The contractor shall obtain a revocable license from the Sonoma County Water Agency (SCWA) prior to the start of any construction activities within a SCWA property or easement."
48. If the cumulative land disturbance of the project is equal to or greater than one acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of PRMD prior to issuance of any grading permit for the proposed project.
49. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of PRMD prior to issuance of any permit for the proposed project.

SANITATION:

50. The Applicant shall obtain a Survey for Commercial/Industrial Wastewater Discharge Requirements ("Green form") from the Sonoma County Permit and Resource Management Department (PRMD), and shall submit the completed Survey, along with two (2) copies of the project site plan, floor plan and plumbing plan to the Engineering Division of PRMD. If additional sewer pre-treatment and/or monitoring facilities (i.e. Grease trap, Sampling Manhole, etc.) are required by the Sonoma County Water Agency (SCWA) per this Survey, the Applicant shall comply with the requirements of the Survey prior to occupancy of the proposed energy generation facility.
51. The Applicant shall submit improvement plans to the Engineering Division of PRMD for review and approval of the sanitary sewer design. Improvement plans shall be blue line or black line drawings on standard bond paper, 24 inch by 36 inch in size, prepared by a licensed civil engineer registered in the State of California. Sanitary sewer facilities shall be designed and improvement plans prepared in accordance with SCWA "Design and Construction Standards for Sanitation Facilities". The Applicant shall pay Plan Checking fees to the Engineering Division of PRMD prior to the start of improvement plan review.

Please note that review of the sanitary sewer design is a separate review from that of the buildings, drainage and frontage improvements, and shall be performed by the Sanitation Section of the Permit and Resource Management Department under a separate permit.

The sewer design originals shall be signed by the SCWA Chief Engineer prior to the issuance of any permits for construction of the sanitary sewer facilities. The design engineer shall submit improvement plans to the Engineering Division of PRMD on 24 inch by 36 inch mylar or vellum originals for signature by SCWA. All sanitary sewer inspection permits shall be obtained from the Engineering Division of PRMD prior to the start of construction.

52. The Applicant shall construct a Sampling Manhole with dual waste lines for discharge of both domestic and "process" wastewater from the proposed energy generation facility. The Sampling manhole and dual waste lines serving the proposed facility shall be constructed in accordance with SCWA "Design and Construction Standards for Sanitation Facilities" and shall be constructed with a sewer permit issued by the Engineering Division of PRMD.
53. Prior to the start of construction of the sanitary sewer facilities for the proposed energy generation facility, the Applicant shall obtain a Sewer Construction Permit and a Road Encroachment Permit from the Engineering Division of PRMD. The Encroachment Permit shall be issued to allow for construction activities within the County right-of-way. The Contractor shall provide five (5) sets of signed approved improvement plans to the Engineering Division of PRMD when obtaining the Sewer Construction and Encroachment permits for this project.
54. All road and sewer construction shall be inspected and accepted by the Engineering Division of PRMD prior to the start of operations of the proposed energy generation facility. Completion Notices shall be issued by the Inspectors before occupancy or temporary occupancy is approved for this project.
55. All Sewer Fees per Airport/Larkfield/Wikiup Sanitation Zone Ordinances (latest revision) shall be paid to the Engineering Division of PRMD prior to occupancy of the energy generation facility. Sewer Use Fees for sewer service shall be calculated at the prevailing Sewer Connection and Annual Sewer Service Charge rates in effect at the time of sewer permit issuance. The sewer usage fees for 36 full time employees is estimated to be two (2) Equivalent Single-family Dwelling ("ESD") billing units.
56. The Applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to the issuance of a Completion Notice, unless otherwise specifically approved in advance by PRMD.
57. The Applicant shall have "record drawings" prepared by the project engineer, in accordance with Section 6-05, of the SCWA "Design and Construction Standards for Sanitation Facilities". The record drawings shall be submitted to the Engineering Division of PRMD for review and approval prior to acceptance of the sanitary sewer facilities.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

Biology

58. **Mitigation Measure BIO-1:** The project applicant will implement the following measures:
 - a. Prior to construction, a survey will be conducted and any salamanders returning to aquatic breeding habitat (project area wetlands) will be trapped and translocated to an appropriate breeding site by a USFWS- and CDFG-approved biological monitor. Alternatively, California tiger salamander larvae may be collected and translocated to an appropriate site. Translocation will follow the guidelines presented in the Section 4.7 of the Santa Rosa Plains Conservation Strategy and will be implemented only after obtaining approvals from the USFWS and CDFG;
 - b. Prior to construction, fencing will be installed to exclude California tiger salamanders from entering the project site. Fences with ramps may be required to allow any California tiger salamanders onsite to move into an adjacent habitat offsite. In these instances translocation may occur and would be determined on a case-by-case basis;
 - c. Prior to construction, routes and boundaries of road work will be clearly marked. Access

routes, number and size of staging areas, and work areas will be limited to the minimum footprint necessary to achieve project goals;

- d. An erosion and sediment control plan will be implemented to prevent impacts of wetland restoration and construction on habitat outside the work areas;
- e. A USFWS, and CDFG, approved biological monitor will conduct a Worker Environmental Awareness Program training for construction personnel, addressing the species' basic biology and identifying characteristics, legal status, job-specific protection measures, and penalties for non compliance;
- f. A USFWS, and CDFG, approved biological monitor will also be onsite each day during initial site grading;
- g. Initial grading and clearing activities will be conducted between April 15 and October 15 of any given year, depending on the level of rainfall and/or site conditions;
- h. Before the start of work each day, the biological monitor will check for animals under any equipment such as vehicles and stored pipes. The biological monitor will check all excavated steep-walled holes or trenches greater than one-foot deep for any California tiger salamander. If present, California tiger salamanders will be removed by the biological monitor approved by USFWS and CDFG and translocated as described in Enclosure 4 of the Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (USFWS, 2007) or as directed by USFWS and after obtaining approvals from the USFWS and CDFG;
- i. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each workday, and removed from the site every three days;
- j. No pets will be allowed on the project site;
- k. No more than a maximum speed limit of 15 mph will be permitted;
- l. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents;
- m. Hazardous fuels, oils, solvents, etc., will be stored in sealable containers in a designated location that is at least 200 feet from aquatic habitats. All fueling and maintenance of vehicles and other equipment and staging areas will occur at least 200 feet from any aquatic habitat;
- n. Project areas temporarily disturbed by construction activities will be revegetated with locally-occurring native plants; and
- o. The project applicant will mitigate for California tiger salamander habitat loss according to the provisions of the Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (USFWS, 2007), and will obtain appropriate regulatory permits from USACE, USFWS, CDFG, and RWQCB. This will include issuance of a CESA permit as appropriate.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

59. **Mitigation Measure BIO-2:** The project applicant will implement the following measures throughout the project area:
- a. Include western pond turtle in the Worker Environmental Awareness Program training.
 - b. Following installation of exclusion fencing and prior to groundbreaking activities begin, a qualified biologist with a Scientific Collecting Permit for western pond turtle will conduct a survey for western pond turtle within the construction area. Any pond turtles located within the construction area will be relocated outside of the fenced construction area to the nearest safe location, as determined by the biologist.
 - c. Construction personnel will check under construction vehicles prior to their operation, including after lunch or any other period that vehicles have remained stationary for 15 minutes or more. Construction personnel will also check around stockpiled materials or equipment prior to changing their position. If a pond turtle or other species is observed, the vehicle or materials pile will remain stationary until the biological monitor relocates the species or takes other appropriate action.
 - d. To minimize the likelihood of encountering turtles in upland areas near stream crossings, construction footprints will be restricted to the smallest area possible.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

60. **Mitigation Measure BIO-3:** The project applicant will implement the following measures for the protection of nesting birds and raptors:
- a. Project construction will avoid the nesting season, if possible;
 - b. If the nesting season cannot be avoided, a preconstruction survey will be performed to identify any birds nesting within 500 feet of the project area. This survey will be conducted within no more than 15 days of the start of construction;
 - c. If active nests are not identified during the preconstruction survey, no further action is required for breeding birds;
 - d. If active nests are identified during the preconstruction survey, the following measures will be implemented to avoid and minimize impacts:
 - e. Buffer zones around active nests will be established in coordination with CDFG. For raptors, buffer zones are typically a minimum of 500 feet, and for passerine birds are typically 250 feet. Buffer zones shall remain in effect until young have fledged.
 - f. Monitoring of the nest by a qualified biologist may be required if the project-related activity has potential to adversely impact the nest.
 - g. CDFG may, on a case-by-case basis, allow construction activities to continue even if raptors and passerine birds nest within the buffers of the work activities.
 - h. For activities conducted with CDFG approval within a raptor-nesting buffer zone, a qualified biologist shall monitor construction activities and the nest(s) to monitor reactions to activities. If activities are deemed to have a negative effect on nesting raptors, the biologist will immediately inform the construction manager that work should be halted, and CDFG will be consulted.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

61. **Mitigation Measure BIO-4:** The project applicant will implement the following measures to mitigate the impacts to listed and special-status plants. If the project is anticipated to result in a take, prior to project activities, the project applicant will obtain appropriate permits, including California Endangered Species Act (CESA) permit:
- a. Mitigate for rare plant habitat loss according to the provisions of the Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (USFWS, 2007).
 - b. Conduct plant surveys in accordance with Appendix D of the Santa Rosa Plain Conservation Strategy, Plant Survey Protocol, or as appropriate based on consultation with USFWS and CDFG.
 - c. Complete seed/soil collection and salvage at the project site prior to ground disturbance.
 - d. Prior to ground disturbance, the project applicant will complete one of the following:
 - i. Purchase appropriate plant credits at a USFWS- and CDFG-approved bank; or
 - ii. Conserve occupied and established plant habitat at a location and number of acres approved by USFWS and CDFG. The conserved land must also have a USFWS- and CDFG-approved management plan and non-wasting endowment fund. Mitigation sites proposed under this option will be evaluated on a case-by-case basis.

Mitigation Monitoring: The applicant shall submit a letter/proof to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

62. **Mitigation Measure BIO-5:** Implement the following measures to avoid, minimize and compensate for impacts to riparian habitat:
- a. Avoid impacts to riparian habitat where feasible through the use of trenchless technology to install the pipeline such that no impact to riparian areas occur. Such technology may include installation within the roadway, attachment to the bridge, or directional drill installation beneath the stream channel. Applicant shall submit CDFG 1600 LSAA notification to confirm avoidance.
 - b. Where avoidance is not possible, acquire appropriate regulatory permits from USACE, CDFG and RWQCB and offset any temporary or permanent impacts to riparian habitat through restoration or compensatory mitigation, as required

Mitigation Monitoring: The applicant shall submit a letter/proof to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

63. **Mitigation Measure BIO-6:** Implement the following measures to avoid, minimize and

compensate for impacts to jurisdictional wetlands and other waters of the U.S.:

- a. Project design will attempt to minimize or avoid direct impacts to wetlands.
- b. Where avoidance is not feasible, acquire appropriate regulatory permits from USACE, CDFG and RWQCB and offset any temporary or permanent impacts to riparian habitat through restoration or compensatory mitigation, as required. It is anticipated that the compliance with Mitigation Measure BIO-4 would also provide compliance with compensatory requirements for these agencies.

Mitigation Monitoring: The applicant shall submit a letter/proof to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

Cultural Resources

64. **Mitigation Measure CUL-1:** The project applicant will implement the following measures to avoid Site CA-SON-1324:

- a. Design the project to avoid impacts to CA-SON-1324 and known archaeological site boundaries.
- b. Conduct subsurface sampling along northern boundary of proposed project site to confirm that elements of CA-SON-1324 do not extend onto the proposed project site, and to confirm that grading activities, including utility connections, will not affect CA-SON-1324.
- c. In the event that subsurface sampling determines that project implementation, particularly utility connections, would intersect CA-SON-1324, redesign project footprint to avoid potential impacts. This may include directional drilling techniques that would install utility connections below CA-SON-1324. The known archaeological site depths are 2.6 feet or 80 centimeters (cm) below ground surface (bgs). Therefore, the pipeline will be installed at a depth of 5 feet (1.5 meters or 150 centimeters) bgs or deeper. Entrance and exit pits for the directional drilling will be (at a minimum) 33 feet (10 meters) away from the known archaeological site boundaries.
- d. A qualified archaeologist and Native American representative shall be on site during all ground disturbing activities (See Mitigation Measure CUL-4).

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

65. **Mitigation Measure CUL-2:** In the event that CA-SON-1324 cannot be avoided through the above measures, the project applicant will implement the following measures:

Formal Determination of Significance and Data Recovery Program: If the site cannot be avoided by project design, the project applicant will implement the following measures of formal significance determination and data recovery program, prior to construction at the site:

- a. Formal determination of significance for CA-SON-1324. CA-SON-1324 has not been formally determined eligible for listing on the California and National Registers by the California State Historic Preservation Officer (SHPO). Prior to the start of any ground-disturbing activity, the project applicant will request a formal determination of eligibility from the SHPO. This can be accomplished by requesting documented SHPO

concurrence on the previous investigations and the current project's potential to impact these significant resources.

- b. Archaeological Research Design and Treatment Plan. Assuming SHPO concurrence of CA-SON-1324 eligibility and prior to the start of any ground-disturbing activity, the project applicant will engage a qualified archaeologist to draft a detailed Archaeological Research Design and Treatment Plan (ARDTP). The ARDTP will be prepared by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, in consultation with an affiliated Native American representative. The ARDTP will:
1. Identify how the proposed data recovery program would preserve the significant information the archaeological resource contains if significant resources are encountered within the proposed area of disturbance.
 2. Identify the scientific/historic research questions that the site may answer, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions.
 3. Take into consideration that the area has previously been recorded as containing archaeological sites; in addition to the fact the area has been previously disturbed by excavation and other ground disturbing activities.
 4. Will provide a treatment plan for the discovery of human remains and associated artifacts. The results of the ARDTP will be presented in a report that contains methods, analysis, report production, laboratory analysis, and appropriate curation of materials.
 5. If potentially significant features or artifacts are not present, it is anticipated that no further work will be required.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

66. **Mitigation Measure CUL-3:** Prior to project construction, Applicant will prepare and submit to PRMD a cultural resources monitoring plan for review and approval.

Prepare a Cultural Resources Monitoring Plan. Monitoring shall be required for all surface alteration and subsurface excavation work including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment within all areas delineated as sensitive for cultural resources. A qualified professional archaeologist shall prepare the plan. The plan shall address (but not be limited to) the following issues:

- a. Training program for all construction and field workers involved in site disturbance;
- b. Person(s) responsible for conducting monitoring activities, including Native American monitors;
- c. How the monitoring shall be conducted and the required format and content of monitoring reports, including any necessary archaeological re-survey of the final pipeline alignment (including the need to conduct shovel-test units or auger samples to identify deposits in advance of construction), assessment, designation and mapping of the sensitive cultural resource areas on final project maps, assessment and survey of any previously unsurveyed areas;

- d. Person(s) responsible for overseeing and directing the monitors;
- e. Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- f. Procedures and construction methods to avoid sensitive cultural resource areas (i.e. boring conduit underneath recorded or discovered cultural resource site);
- g. Clear delineation and fencing of sensitive cultural resource areas requiring monitoring;
- h. Physical monitoring boundaries (e.g., 200-foot radius of a known site);
- i. Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
- j. Methods to ensure security of cultural resources sites;
- k. Protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction.

Mitigation Monitoring: The applicant shall submit the Cultural Resources Monitoring Plan to the PRMD Project Review Planner prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

67. **Mitigation Measure CUL-4:** Archaeological and Native American Monitoring. The applicant shall retain the services of a Native American monitor and a qualified archaeological consultant that has expertise in California prehistory to monitor ground-disturbing within areas designated as being sensitive for buried cultural resources. The monitors shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to PRMD. During the course of the monitoring, the archaeologist may adjust the frequency-from continuous to intermittent-of the monitoring based on the conditions and professional judgment regarding the potential to impact resources. If resources are found during monitoring, the applicant shall:

- a. Cease all soil disturbing activities in the vicinity of the deposit until the deposit is evaluated.
- b. Re-design the project to avoid any adverse effect on the significant archaeological resource; or,
- c. Implement an archaeological data recovery program (ADRP) (unless the archaeologist determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible). If the circumstances warrant an archaeological data recovery program, an ADRP shall be conducted. The project archaeologist, PRMD and the applicant shall meet and consult to determine the scope of the ADRP. The archaeologist shall prepare a draft ADRP that shall be submitted to PRMD for review and approval. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ADRP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the conditions prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

68. **Mitigation Measure CUL-5:** The project applicant will implement the following measure:

If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with SCWA and/or regulatory agencies involved.

Mitigation Monitoring: Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit. In addition, PRMD Planning staff shall not grant clearance for the projects grading permit until the following note is printed on the plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, fire pits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense."

69. **Mitigation Measure CUL-6:** The project applicant will implement the following measure:

If human remains are encountered unexpectedly during ground-disturbing activities, the project applicant will halt work in the vicinity of the find and contact the Sonoma County coroner in accordance with the State Health and Safety Code Section 7050.5. No further disturbance will occur until the Coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains. Work may resume once approved by the cultural and Native American monitors.

Mitigation Monitoring: Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit. In addition, PRMD Planning staff shall not grant clearance for the projects grading permit until the following note is printed on the plan sheets:

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Cumulative

70. **Mitigation Measure CUMU-1:** The project applicant will coordinate with or notify the local agencies (e.g., Sonoma County, Town of Windsor, City of Santa Rosa) concerning construction schedule, as required, and implement measures such as scheduling project traffic during construction to minimize any construction-related cumulative impacts.

Mitigation Monitoring: The applicant shall submit a letter to the PRMD Project Review Planner indicating compliance with the condition prior to issuance of grading permits. Complaints received by PRMD regarding non-compliance with operative provisions during construction shall be investigated by PRMD staff within one week and may result in a stop work order being issued if violations are confirmed, or the project being returned to hearing for potential modification and/or revocation of the use permit.

71. This Use Permit allows the applicant to construct and operate an alternative energy system on a 5.4 acre site, including construction of facilities to collect and process agricultural and commercial organic waste in biodigesters to produce approximately 1.26 million cubic feet per day of biomethane gas, which would be used both in fuel cells to produce electricity (powering the onsite public wastewater treatment plant and other offsite public or private facilities), and directly injected into the PG&E natural gas network, including three sixty-five foot tall biodigesters located 30 feet from the east property line. Solids remaining from the biodigestion process would be converted to a commercial grade organic fertilizer and distributed through wholesale channels.

Specifically, construction includes three biodigester tanks approximately 65 feet tall and 60 feet in diameter, an approximately 15,000 square foot feedstock receiving building (20 feet tall), a mixing tank, 900 square foot digester control building, and miscellaneous equipment, tanks, fuel cells (20 foot tall), emergency flare apparatus, and a 10,000 square foot (20 foot tall) dryer and bagging facility for the fertilizer produced. In addition, an approximately 3,500 hundred foot long 4 inch diameter private gas pipeline would be constructed. The pipeline will be installed in the road right of way running north from the project site along Skylane Boulevard, and then east along Shiloh Road to the railroad tracks (where the major PG&E gas transmission pipelines run).

The permitted hours of operation are 24 hours a day, 365 days a year. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP11-0010 as modified by these conditions.

At least eighty five percent (85%) by weight of all daily processed agricultural and commercial organic waste material used in the facility shall come from sources within Sonoma County. The transport to, or disposal of, organic waste at the site by members of the general public is prohibited.

All fertilizer produced from the facility shall be distributed from the site via wholesale channels. The direct sale to, or transport from the site of fertilizer by members of the general public is prohibited.

72. The applicant shall submit an annual report to the County PRMD and Water Agency prepared by or verified by an independent third party showing compliance with the conditions of approval of this use permit.

73. The applicant shall post a sign at least 2' by 3' in size (subject to Design Review by PRMD staff) at the entrance to the facility on Aviation Boulevard identifying the project and providing a 24 hour a day, 7 day a week telephone number for the project manager or other designated representative,

that can receive complaints about the operation of the project. All hot line calls must be responded to within 60 minutes of receipt. Any changes to the phone number must be immediately placed on the sign, and noticed to adjacent neighbors within one week.

74. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation. The applicant shall be responsible for payment of any Agency violation fees, and be responsible to complete any required remediation/correction action/mitigation.
75. The applicant shall pay all applicable development fees prior to issuance of building permits, unless otherwise specified by County ordinance. These include but are not limited to the County wide traffic impact fee, and Workforce Housing fee.
76. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal and Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.

More specifically, the applicant shall:

- a. Request and attend a Fire Services Pre-Construction meeting.
- b. Comply with the Sonoma County Fire Safety Ordinance which includes the California Fire Code with local amendments and Sonoma County Fire Safe Standards.
- c. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of the buildings and premises, the applicant shall provide, a fire and safety risk analysis prepared by a qualified engineer, specialist, or fire safety specialty organization acceptable to the fire code official which shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon.
- d. Applicable standards of the National Fire Protection Association (NFPA) shall be used in addition to the codes, regulations, ordinances or bylaws adopted by the jurisdiction to meet the intent of the codes.
- e. Except where more restrictive by the California Fire Code as adopted and amended by Sonoma County Code, this project shall be in compliance with the most current edition of applicable NFPA Standards that are referenced within the body of NFPA 853, and NFPA 853 - Standard for the Installation of Stationary Fuel Cell Power.
- f. Except where more restrictive by the California Fire Code as adopted and amended by Sonoma County Code, this project shall be in compliance with the most current edition of applicable NFPA Standards that are referenced within the body of NFPA 820, and NFPA 820 - Standard for Fire Protection in Wastewater Treatment and Collection Facilities
- g. This project shall be in full compliance with Zoning regulations, Building Code regulations, Hazardous Materials regulations, and Fire Code Regulations,
- h. Applicable Fire Code operational permits shall be obtained prior to the operation of any activity that would require such permit as required by California Fire Code as adopted and amended by Sonoma County Code.
- i. This site shall pay an annual fire safety inspection fee. The county or district which inspects the facility may charge and collect the fee for the inspection from the owner of

the facility in an amount, as determined by the county or district, sufficient to pay its costs of that inspection.

- j. Applicable Hazardous Materials Business Plan and Inventory Statement shall be provided. In addition to standard code requirements, the Hazardous Material Plan shall include:
 - 1. Emergency plans to address temporary loss of outside power to the facility, including steps to stabilize and shut down the biodigesters if necessary.
 - 2. Emergency plans to address accidental venting or breach of the biodigesters to the atmosphere.
 - 3. A protocol for notifying regional dispatch, local agencies, and instructions for appropriate response in the event of an emergency (notices to neighbors, etc.).
 - k. Applicable hazardous materials operational permits shall be obtained prior to the operation of any activity that would require such permit as required by Sonoma County Code.
 - l. Fire department access roadways shall be provided in compliance with California Fire Code.
 - m. Roadways, driveways, bridges and gates shall be in compliance with the California Fire Code and the Sonoma County Fire Safe Standards.
 - n. Addressing shall be in compliance with Sonoma County Fire Safe Standards.
 - o. Individual parcels, buildings, or groups of buildings served by a private driveway or similar roadway system, shall be provided with an address directory. The address directory shall be placed at the intersection of those roads, streets and/or private lanes. The directory shall be maintained by the property owner, Homeowner's Association, or other individual or group in charge of the property.
 - p. Emergency water supply for fire suppression shall be provided in compliance with California Fire Code as adopted and amended by Sonoma County Code.
 - q. Fire protection systems shall be installed in compliance with California Fire Code Chapter-9, as adopted and amended by Sonoma County Code, and as required by the applicable NFPA Standards.
 - r. Building setbacks and fire resistive construction shall be in compliance with California Building Code.
 - s. Defensible space shall be required and maintained throughout the life of the building(s) as required in Sonoma County Fire Safe Standards.
 - t. Prior to occupancy, written approval that the required improvements have been installed shall be provided by the applicant to both PRMD and the County Fire Marshal/Local Fire Protection District.
77. Prior to the issuance of a building permit, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
78. This "At Cost" entitlement is not vested until all permit processing costs are paid in full.

Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.

79. The applicant shall include these Conditions of Approval on a separate sheet(s) of plan sets to be submitted for building and grading permit applications.
80. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
81. The project shall include a dense evergreen vegetative screen including a double row of Redwood trees for the full length between the east side of the project and the adjacent industrial building (presently occupied by Eagle Distributing Company).
82. All new structures, lighting, signs, parking/driveway improvements, landscaping and irrigation shall require final design review (by PRMD or Design Review Committee) prior to issuance of building permits. Adequate parking shall be provided on site for all employees and potential visitors. All exterior finishes shall be of non-reflective materials and colors.
83. The applicant shall be required to maintain in good condition all landscape, irrigation, parking, road improvements, pedestrian paths, and drainage features constructed. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property.
84. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Except as otherwise required by the Federal Aviation Administration, exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
85. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
86. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
87. The applicant shall participate in the Sonoma County Office of Education's (SCOE) Regional Occupational Program, or a similar program authorized by SCOE. Participation shall include providing a minimum 2 hours per week access to the facility by SCOE students, and \$14,000 to \$17,000 annual contribution to the program, for the term of the lease.
88. Prior to building permit issuance, an engineered plan and cost estimate to properly close and clean this facility shall be submitted to PRMD and the Water Agency for review and concurrence. Said plan shall include but not be limited to cleaning all residual solid, liquid and gaseous products out of the processing equipment and accessories such as piping, sumps, trenches, floors, etc., and removing all manufactured equipment such as dryers, pumps, etc. The building structures may remain.

Prior to building permit issuance, financial assurances to properly close and clean the facility by the developer (referencing the engineered cost estimate), shall be submitted for review and approval by PRMD and the Sonoma County Water Agency. The financial assurance may be peer reviewed by private consultants selected by PRMD or the Sonoma County Water Agency at the applicants expense. Recommendations resulting from peer review and with concurrence by PRMD and the Sonoma County Water Agency shall be incorporated into the financial assurance.

The financial requirements for cleaning and closing the facility shall be incorporated into all contracts or leases for this site, and any required letters of credit, bonds, cash or certificates of deposit may be held as security by either the Sonoma County Water Agency or PRMD as a warranty of future performance by the developer.

89. Prior to building permit issuance, an engineered plan and cost estimate to properly operate and maintain this facility over the life of the lease shall be submitted to PRMD and the Water Agency for review and concurrence. Said plan shall include but not be limited all necessary maintenance and parts replacement for the facility to be operating in good condition at the end of the lease period.

Prior to building permit issuance, financial assurances to properly maintain the facility in good condition (referencing the engineered cost estimate) shall be submitted for review and approval by PRMD and the Sonoma County Water Agency. The financial assurance may be peer reviewed by private consultants selected by PRMD or the Sonoma County Water Agency at the applicants expense. The financial assurance may be peer reviewed by private consultants selected by PRMD or the Sonoma County Water Agency at the applicants expense. Recommendations resulting from peer review and with concurrence by PRMD and the Sonoma County Water Agency shall be incorporated into the financial assurance. The financial requirements to maintain the facility in good condition shall be incorporated into all contracts or leases for this site, and any required letters of credit, bonds, cash or certificates of deposit may be held as security by either the Sonoma County Water Agency or PRMD as a warranty of future performance by the developer.

90. In the event the ownership or operation of the proposed use is to change hands, it shall be the current operators responsibility to provide adequate technical information and training to the new operator/owner so that they can continue to operate the facility in compliance with all applicable County, State, and Federal statutes, ordinances, rules, regulations, and these conditions of approval.

91. In order to secure compliance with these conditions of approval and to deter future violations of these conditions and in addition to any other remedy allowed by law or this permit, in the Director of the Department of Permit and Resources Management's sole discretion, any violation of this permit may be punishable by a fine not to exceed \$2,500 per day from the date of issuance through December 31, 2014 and \$3,125 per day from January 1, 2015 through December 31, 2030. Thereafter the maximum daily penalty shall increase by 25% every fifteen years. The amount of a penalty imposed under this condition shall be proportional to the gravity of the violation and shall comport with the attached "Penalty Calculation Sheet" or other penalty calculation policies, as approved by the Sonoma County Board of Supervisors. Each day that the violation exists shall constitute a separate and distinct violation, punishable to the fullest extent allowed by law or this permit.

The Permittee may appeal any penalty imposed under this paragraph to a Sonoma County Administrative Abatement Hearing Officer and either the County or the Permittee may appeal the hearing officer's decision to a court in the time and manner required by law. In the event that the County, or its designee, successfully proves that the Permittee or its agents violated a condition of this permit to an administrative hearing officer or in a court of law, Permittee shall indemnify County for all costs and attorney fees incurred as the result of enforcing the conditions of approval of this permit.

92. Any portions of the feedstock or fertilizer/drying buildings, or any other structures on site where pre or post processed biological materials may be exposed to open air, shall be sealed and maintained under negative pressure, and the air from the structures scrubbed clean before release to the environment.
93. The applicant shall investigate moving the biodigester structures further west on the property, and present said analysis for PRMD staff and Design Review consideration. If determined feasible by PRMD staff and/or the Design Review Committee, the biodigesters shall be shifted westward as

much as possible.

94. The applicant shall submit an application (fees apply) for a condition compliance check before the County Board of Zoning Adjustments within one year of beginning full operation of the facility (as determined by PRMD).
95. Upon reasonable notice, Permittee hereby authorizes the County, or its designee, to enter and inspect the parcel for compliance with these conditions and the Sonoma County Code.
96. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

97. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

PENALTY CALCULATION SHEET

	SCORE	WEIGHT	WEIGHTED
Seriousness of Violation = 30% of Total			
a) Minor violations (1 pt)			
b) May cause human health/safety or environmental damage (5 pts)			
c) Has caused human health/safety or environmental damage (10 pts)	_____	x .30 =	_____
Length of Time Violation has Existed = 5% of Total			
a) Less than six (6) months (1 pt)			
b) Six (6) months to one (1) year (5 pts)			
c) More than one (1) year (10 pts)	_____	x .05 =	_____
Diligence/Cooperation of Violator/Owner = 15% of Total			
a) Violator/Owner quickly responded & acted w/ diligence (1 pt)			
b) Violator/Owner responded after numerous attempts (5 pts)			
c) Violator/Owner delayed response (10 pts)	_____	x .15 =	_____
Effect on Other Properties = 10% of Total			
a) Minor effect (1 pt)			
b) Some effect but not significant (5 pts)			
c) Significant effect on other properties (10 pts)	_____	x .10 =	_____
Culpability of Violator/Owner = 20% of Total			
a) Violator/Owner did not actively create violation (1 pt)			
b) Violator/Owner created or added to violation (5 pts)			
c) Violator/Owner had economic incentive/benefit, repeat Violator/Owner or flagrant violation (10 pts)	_____	x .20 =	_____
Sophistication of Violator/Owner = 20% of Total			
a) Unknowing of regulations (1 pt)			
b) Possible knowledge of regulations (5 pts)			
c) Regulations were known (10 pts)	_____	x .20 =	_____
		TOTAL =	_____

* If significant environmental damage was caused by the violation, add 5 points to the total score, but in no case shall the total score exceed 10.