

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

RESOLUTION NO. 15-13 - AT MEETING HELD JULY 20, 2015

SURFACE MINING PERMIT AND RECLAMATION PLAN

CASE NO. SMP-33

**Introduced by Commissioner Jacob
Seconded by Commissioner Loisel**

WHEREAS Surface Mining Permit and Reclamation Plan, SMP-33 was approved by the Board of Supervisors on November 16, 1995, under Resolution No. 95-29; and

WHEREAS Hanson Aggregates has replaced Mission Valley Rock Company as the "Permittee" while the "land owner" remains as both Hanson Aggregates the City of San Francisco.

WHEREAS Hanson Aggregates ("Permittee") has filed with the Alameda County Planning Department for a Periodic Review of previously permitted gravel extraction and reclamation activities, reclamation, soil stabilization, and gunite operations on a 43-acre parcel of land currently permitted for the same activities under Surface Mining Permit SMP-33 until December 31, 2045, the site being located approximately two (2) miles southeast of the town of Sunol and 2,000 feet west of Calaveras Road, in the Sunol area, unincorporated Alameda County, Assessor's Parcel Number 096-0080-002; and

WHEREAS Alameda County Surface Mining Ordinance ("ACSMO") §6.80.190 requires the Periodic Review of Surface Mining Permits and Reclamation Plans to consider new or changed circumstances within the general area of mining operations; and

WHEREAS Condition No. 7 of Surface Mining Permit and Reclamation Plan SMP-33, adopted in conformance with ACSMO §6.80.190, sets forth a five (5) year timeframe for the Planning Commission to complete the Periodic Review for the surface mine located at the aforementioned parcels; and

WHEREAS under the ACSMO, the Planning Commission is designated as the decision-making body for Surface Mining Permits and Reclamation Plans, including the performance of duties relating to the Periodic Review required by ACSMO §6.80.190, subject to appeal to the Board of Supervisors; and

WHEREAS the prior Periodic Review of SMP-33 was completed by the Planning Commission, as required by ACSMO §6.80.190 and Condition No. 7, on April 20, 2009;

WHEREAS the current Periodic Review of SMP-33 is timely and in compliance with the timeframe required by ACSMO §6.80.190 and Condition No. 7;

WHEREAS the current Periodic Review application for Surface Mining Permit SMP-33 was reviewed by the Sunol Citizens' Advisory Committee on June 17, 2015 and recommended by those assembled for approval; and

WHEREAS this Planning Commission held a duly noticed public hearing to conduct a Periodic Review of Surface Mining Permit and Reclamation Plan Case No. SMP-33 at the hour of 4:00 p.m. on Monday, the 20th day of July, 2015, in the Auditorium of the Alameda County Building, 224 Winton

Avenue, Hayward, California; and

WHEREAS the application for Periodic Review of Surface Mining Permit SMP-33 has been reviewed in accordance with the provisions of the California Environmental Quality Act, and found to be Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15309 (Inspections) since it consists of an activity limited solely to the inspection of the subject mining operation and reclamation plan. No component of this action nor any of the changes to the conditions of approval, included at Exhibit A to this resolution, would result in direct or indirect physical changes to the environment; and

WHEREAS the Review Documents prepared to facilitate the Periodic Review of SMP-33 include: (a) April 8, 2014 and July 14, 2014 submittals by Lehigh Hanson; and (b) the staff report dated July 20, 2015; and

WHEREAS the Review Documents, the recommendations of the Sunol Citizens' Advisory Committee, the testimony submitted in writing and verbally at the public hearing, and items in the public record, have been considered by the Planning Commission prior to this action; and

WHEREAS this Planning Commission does find that under Conditions of approval listed below, the Surface Mining Permit and Reclamation Plan SMP-33, as modified below, conforms to requirements of:

- (a) the Alameda County Surface Mining Ordinance;
- (b) the Alameda County General Plan;
- (c) the public health, safety, and welfare; and

WHEREAS there are a number of conditions of approval that require revision for reasons including, but not limited to, ACSMO revisions since last amendment to this permit and the fulfillment of previously imposed conditions of approval since last amendment to this permit; and

WHEREAS this Planning Commission finds that changed circumstances and identified environmental effects warrant revising this Surface Mining Permit and Reclamation Plan to modify several conditions of approval, including modification of Condition Nos. 4, 18, 24, 38 and 51; and addition of one (1) new condition, Condition Nos. 52; and the removal of previous Condition No. 5, 14, 26 and 34 (as shown below).

WHEREAS this Planning Commission finds that permit condition changes are identified as follows below: ~~strike through~~ text denotes deletions, underline text denotes additions.

NOW, THEREFORE,

BE IT RESOLVED that this Planning Commission accepts and approves the Section 15309 Categorical Exemption as the valid environmental review documentation for the Five Year Review; and

BE IT FURTHER RESOLVED that this Planning Commission approves the Five Year Review of Surface Mining Permit and Reclamation Plan SMP-33, subject to the following fifty-four (54) amended conditions:

EXHIBIT A

ALAMEDA COUNTY PLANNING COMMISSION RESOLUTION NO. 15-13

CONDITIONS OF APPROVAL

SURFACE MINING PERMIT AND RECLAMATION PLAN

CASE NO. SMP-33

ADMINISTRATIVE

1. Surface mining operations, reclamation and grades shall be in substantial conformance with the various maps, information and recommendations labeled "Exhibit B, SMP-33", being the application for approval of Surface Mining Permit and Reclamation Plan, as amended, including plans for mining, reclamation and landscaping, dated July 23, 2001.
2. Mining and reclamation shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.
3. The Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions of approval by providing a mechanism for financial assurance of reclamation as described in, and in accordance with, Surface Mining and Reclamation Act (SMARA) and the Alameda County Surface Mining Ordinance. The mechanism shall be of sufficient value to cover the full costs of reclamation in any specific year for which it is calculated, and may take any form acceptable within the requirements of SMARA, including but not limited to escrow accounts, trust accounts, performance / surety bonds and/or Irrevocable Letters of Credit.
4. Permittee shall furnish the ~~Planning Community Development Agency Director of Public Works~~ with a report describing compliance with these conditions by ~~July 1~~ October 1 of each year, beginning July 1, 2002. With each report, Permittee shall provide a map at the same scale as the approved mining, reclamation and landscape plans, showing current progress of mining and reclamation, drainage, erosion and sedimentation control facilities to be provided and those in place, and as built landscaping including status of all prior landscaping. A monthly breakdown of tonnage sold from the site during the 12 month reporting period shall be included in the report.

The ~~Planning Community Development Agency Director of Public Works~~ shall review the report and inspect the mining operations to determine and assure continuing compliance with the regulations of the ACSMO and mining and reclamation plans. Permittee shall pay the County the actual cost of conducting the periodic inspection of operations and Permittee shall make available to the ~~Community Development Agency Director of Public Works~~ such information as necessary for determination of compliance. The ~~Planning Community Development Agency Director of Public Works~~ shall state the findings of the inspection in a final report which shall be made available to the public. One copy of said report shall be sent to Permittee within 45 days after the inspection. Two copies shall be furnished to the Planning Commission for review

- ~~5. Permittee and all lessees shall provide a new maintain a written statement by January 31, 2002, on file at the Community Development Agency that it accepts responsibility for reclaiming the site as indicated on the mining, reclamation and landscape plans, and shall guarantee all reclamation in accordance with said plans. Said responsibility shall run with the land under~~

~~permit as a covenant thereupon until release of the covenant is recorded by Alameda County.~~

6. If problems develop regarding mining or reclamation as may be determined by the Planning Community Development Agency Director, Permittee shall take corrective action with all due haste, in good faith. Permittee shall implement solutions as approved by the Planning Community Development Agency Director.
7. ~~Within five years from the date of approval of this surface mining permit, and at five year intervals thereafter, In accordance with ACSMO Section 6.80.190, the Planning Commission shall review compliance with the permit and reclamation plan no less than every five years. , and consider any new~~ New or changed circumstances within the general area of the mining operations which should be accommodated by the permit or plans will be considered. The review shall include a public hearing. Permittee shall pay actual cost of reviews. As a result of this process, the Planning Commission may modify the reclamation plan, landscaping plan or guarantees thereof to conform with the ACSMO and State of California requirements.
8. This mining permit and reclamation plan shall expire December 31, 2045, or on such earlier date as may be mutually agreed to by Permittee and the County of Alameda. Permittee shall notify the Planning Director and Director of Public Works upon completion of mining and again upon completion of reclamation. Within one year of the declaration by Permittee that reclamation has been completed, the site shall have been brought into conformance with the reclamation plan as to grading, safety, stability, and vegetation. Monitoring for full reclamation shall continue after this date for a minimum period of one year.
9. The end use of the site upon complete reclamation is assumed to be for agriculture, such as livestock grazing or pasture crops, Any other use shall: (a) be considered through and application to amend the approved reclamation plan; (b) may be subject to additional environmental review, as required by the California Environmental Quality Act; and (c) include a review of consistency between proposed uses and requirements of the East County Area Plan, Alameda County Zoning Ordinance, Alameda County Surface Mining Ordinance, California Surface Mining and Reclamation act, San Francisco Public Utility Commission management objectives, and existing and planned uses in the area. other than that permitted under the A Agricultural District of the County Zoning Ordinance must be approved by the County of Alameda. Uses permitted shall not conflict with the goals of the San Francisco Water Department Public Utility Commission's watershed management plan for the site and vicinity, the Alameda County Water District, or the Regional Water Quality Control Board in water management and water quality.
10. ~~Permittee shall pay a surcharge of \$0.02 per ton of aggregate sold to the Planning Department to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Planning Department account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP 33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~
11. ~~Permittee shall pay a surcharge of \$0.01 per ton of aggregate sold to the Public Works Agency to help cover the Agency's costs in administering Alameda County's surface mining and reclamation~~

~~program. This surcharge shall be paid into a Public Works Agency account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP 33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~

10. The Permittee shall pay an administrative fee, as required by and for the purposes described in Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance Code.
11. Permittee shall defend, indemnify and hold harmless Alameda County or its agents, officers or employees from any claim, action or proceeding against Alameda County, or its agents, officers or employees to attach, set aside, void, or annul this Surface Mining Permit, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Surface Mining Ordinance, the California Surface Mining and Reclamation Act, other County ordinance requirements and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. If Permittee shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and Permittee shall be responsible for the County's reasonable attorneys' fees.
- ~~12. Permittee shall pay to the County of Alameda reasonable and actual costs incurred by the County for review, approval, administration and monitoring of all programs, including inspections required pursuant to these Conditions. This may require the hiring of additional personnel on either a part time or full time basis. The Planning Director and/or Director of Public Works are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make necessary approval determinations. Permittee shall be notified prior to any unusual or extraordinary expenditure of funds.~~
12. Within five years from the date of approval of this permit, and at approximately five year intervals thereafter, the Planning Commission shall review compliance with the Surface Mining Permit and Reclamation Plan and with the Alameda County Surface Mining Ordinance and consider new or changed circumstances within the general area of the mining operations which shall be accommodated by the permit or plans. The review shall include a public hearing. The Permittee shall pay the actual cost of reviews unless otherwise approved for extraordinary circumstances by the Planning Director. As a result of this process, the Planning Commission may modify the mining or reclamation plan or guarantees thereof to conform with the Alameda County Surface Mining Ordinance or changed circumstances, and such modified permit or plan shall be binding upon the operation.

GRADING AND EROSION CONTROL

13. Grading and erosion control shall conform to design standards (Sections 7-115.0 through 7-115.190) and geotechnical requirements (Sections 7-114.2 through 7-114.10) of Alameda County Grading Ordinance No. 82-17. A complete erosion and sedimentation control plan is on file at the County Community Development ~~Public Works~~ Agency offices, and shall be subject to annual

inspection and review by the Planning Director of Public Works. Any changes to the plan shall be submitted for review and approval by the Planning Director of Public Works. Permittee shall submit details and calculations for all new erosion and sedimentation control facilities sufficient to demonstrate their adequacy. Included shall be surface area, storage for runoff and capacity of the pond that will serve as retention basin for glass plant runoff, and details of network to carry water to nearby sedimentation ponds.

14. ~~Permittee shall endeavor to schedule his operations to optimize the salvage and reuse of top soil in capping areas to be revegetated. Permittee shall indicate where the topsoil and overburden stockpiles are to be located, and shall provide for protection of the stockpiles from wind and rain erosion through the use of interim vegetation, to be established on all undisturbed slopes prior to October 15 of the year in which they are created. If topsoil is not available, selected overburden material can be substituted for topsoil provided that it be tested for adequate plant nutrients, texture and water holding capacity, or enhanced as required, as may be determined satisfactory to the USDA Soil Conservation Service.~~
15. No stockpiling of overburden or aggregate material on or from the SMP-33 quarry site shall occur within the drainage of Alameda Creek, but shall be located only in areas with drainage to silt ponds of SMP-24.
16. When reclamation is nearly completed (filling of pit, capping and satisfactory revegetation), Permittee shall remove any on-site berms remaining substantially unvegetated and shall regrade the site and revegetate the berm locations to allow natural sheet flows to proceed across the site easterly to flow into the creek. This may be accomplished by grading the entire site uniformly from the west to the top of the revegetated berm on the easterly boundary. The margin along which the reclaimed pit meets the berm shall be constructed so as to not sag or retain water adjacent to the west side of the berm, but rather to pass water over the crest of the former berm. Monitoring shall include review of the amended reclamation plan by the Planning Director to reflect the changes prior to commencement of new mining; County staff shall inspect and certify that the required berm removal, grading and revegetation have been accomplished satisfactorily prior to release of reclamation financial assurances at the conclusion of reclamation.
17. Should any problems develop regarding slope stability, erosion control, groundwater, or related matters, Permittee shall immediately have an investigation prepared by an qualified professional detailing the problem and possible solutions to be approved by the Planning Director of Public Works.

DRAINAGE AND WATER QUALITY

18. ~~Permittee shall submit details and calculations for all drainage facilities sufficient to demonstrate their adequacy. An up-to-date hydrology map must be submitted showing all new on-site drainage and all intercepted areas.~~ Drainage on the site shall not enter Alameda Creek prior to full reclamation of the site, but may only enter the creek off-site and via previously approved discharge locations on the area permitted under permits SMP-8 and SMP-24.
19. During reclamation, Permittee shall construct the gunite/soil stabilization runoff pond during the dry season to contain, at minimum, the incident rain and facility runoff that would occur during the 100-year statistical annual rainfall. Permittee shall prepare an analysis of this annual rainfall condition and the size of pond necessary for containment. The analysis shall be completed prior to final capping of the silt pond, and the pond shall be constructed according to the recommendations in the analysis as part of final reclamation. Permittee shall construct the pond in

the year following the last rainy season during which the previously existing silt pond can still accommodate gunite/soil stabilization runoff. Permittee shall maintain the reclamation plan to reflect this requirement, and should note that the pond may or may not be permanent, depending on the use of the property after discontinuation of gunite/soil stabilization activity. Monitoring shall include review and approval by the Planning Director, after review and comment by the Director of Public Works, of the 100-year annual rainfall analysis at the time of final reclamation; and certification by County staff that the pond has been constructed properly, at the proper time following closure of, and during capping of, the silt pond.

20. Work within or adjacent to any natural watercourse is subject to the conditions of Alameda County Ordinance No. 82-18 and shall require a permit from the Alameda County Flood Control and Water Conservation District, and a Streambed Alteration Agreement from the California Department of Fish and Game. Permittee and lessees shall not mine within 100 feet of the top of bank of Alameda Creek.
21. Permittee shall conduct quarrying operations in a manner that shall not cause or result in pollution of the ground water basin. Permittee shall conform to all requirements of the San Francisco Bay Regional Water Quality Control Board with respect to discharge of silt-laden water and waste materials.
22. If the Army Corps of Engineers identifies jurisdictional wetlands at the project site, regulatory requirements for wetland mitigation shall be incorporated into the proposed quarry and reclamation activities. Feasibility of long-term wetlands shall be based on a comparison of competing benefits to be derived from limited water and land resources. Any wetland management plan proposed and adopted shall incorporate or otherwise complement features of the San Francisco Water Department Watershed Management Plan.

GENERAL

23. Permittee has submitted a landscape plan (on file) that indicates a variety of fast-growing, native species suitable for the site, to be planted in an approximately random manner and with uneven spacing. The landscape plan shall include a list of grass / forb species for use on berms and undisturbed areas, along with a suitable bush/tree palette. Permittee shall ensure that changes to the selected tree/bush palette would be suitable for the climate and soil conditions, and that once planted, would achieve a survival rate of at least 75 percent. Upon implementation of the landscaping plan, if the success/survival rate after five years is less than 75 percent for any segment of the plant population, Permittee shall do one of the following:
 - a. Restore the population back to 100 percent and take steps to ensure survival of the plant type; or
 - b. Replace the lost population with an alternative species more likely to succeed and that is acceptable to the Planning Director.

The landscaping shall be maintained in satisfactory condition through the close of reclamation. Monitoring shall include certification by County Staff that the required landscaping has been installed; and annual monitoring of success rates and maintenance for the landscaping by County staff.

24. Permittee shall ensure that the visual vegetative barrier is maintained, and shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the

work area, and that the lighting is directed toward the area being worked; under no circumstances shall areas beyond the site boundaries be directly illuminated, nor shall general lighting radiate above the horizontal. ~~Lighting for operations in the pits shall be placed as low into the pits as possible. Permittee or his lessees of the Butler building shall minimize lighting on the Butler building. Exterior lights that are visible from any location south and east of the Butler building shall be extinguished when no workers are present; however, these lights may be placed on motion sensitive detector circuits so as to automatically light when humans are present on the site. This condition shall be implemented by March 1, 2002. Monitoring shall include certification by County Staff of required landscaping installation prior to commencement of operations; occasional inspection of night time operations by County Staff to ensure that lighting is directed toward the work area and that areas beyond the site boundaries are not directly illuminated; and immediate response to complaints about excessive night lighting.~~

25. The Permittee shall plant new sycamore trees in the areas adjacent to the project site, preferably on San Francisco Water Department lands immediately adjacent to the site, but if necessary on other nearby lands owned by the Permittee. Ten (10) sycamore trees shall be planted for each mature tree lost. Trees shall be planted approximately 50 feet apart to approximate the expected spacing in a natural stand of sycamore trees in this type of habitat. Each tree shall initially have a minimum size of 15 gallons. Within 30 days of approval of this condition, the biologist or an arborist shall recommend a planting, irrigation and success ratio program to be followed that shall include planting guidelines, irrigation guidelines, and a monitoring program for a period of time suitable to ensure that the trees have successfully taken root.
- ~~26. The Permittee shall perform a survey for ground squirrels and burrowing owls prior to commencement of grading activity on the site to ensure that neither type of animal has colonized any part of the specific project area footprint. The survey for squirrels shall be performed every two months until grading begins. If squirrels are found to have colonized the site, and if work is expected to commence during the period from March 1 to August 31, they should be eradicated by a pest control specialist and their burrows collapsed only after monitoring for the presence of burrowing owls. The burrowing owl survey shall be performed by a qualified professional within 21 days of the beginning of grading; if any owls are found to have colonized the site, grading and other earthwork shall be delayed until the end of the breeding/nesting season, about August 31, and the burrows shall be carefully monitored to ensure that all owls have left the burrows before earthwork can commence.~~
27. On the expansion site, prior to removal of any vegetation and within 21 days of the beginning of earthwork, Permittee shall retain a qualified professional to conduct a nesting survey for loggerhead shrike nests on the expansion area footprint. If active nests are found within the 6-acre expansion footprint, vegetation removal shall be delayed until the end of the breeding/nesting season as determined by the professional biologist. The qualified expert shall preserve a copy of documentation of all recovered data and materials found onsite; the materials may, at the discretion of the expert, be carried to an institute approved by the Planning Director where they may be preserved and or studied.
28. Permittee shall do the following if archaeological or paleontological resources are found during any quarry operations:
 - a. Immediately halt or relocate excavations and contact a qualified archaeologist or paleontologist to inspect the site, along with the County Coroner. If the scientist determines that potentially significant materials or human remains are encountered, the scientist shall record, recover, retrieve, and/or remove them;

- b. If human remains are found onsite, the applicant shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on the site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
- c. Provide a copy of documentation of all recovered data and materials found onsite to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
- d. If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.

Monitoring shall include constant observation by Permittee for any materials or remains that might fit the description of archaeological or paleontological remains; and submittal of a summary of findings on an annual basis (at the time of the annual report) during activities to the Planning Director for review and completion of records.

- 29. If suspected paleontological remains are discovered during excavation, Permittee shall immediately halt or relocate excavations and contact a qualified expert to inspect the site. If the expert determines that potentially significant paleontological materials have been encountered, the expert shall record, recover, and/or remove them, and the Permittee shall relinquish any claim to them. The Planning Director shall be notified of any significant finds within five (5) working days. The qualified expert shall preserve a copy of documentation of all recovered data and materials found onsite; the materials may, at the discretion of the expert, be carried to an institute approved by the Planning Director where they may be preserved and or studied.
- 30. Permittee shall maintain standard quarry permit fencing along all boundaries of the area covered by SMP-33 with adjacent lands not owned by Permittee, unless another standard is approved by the Planning Director.
- 31. Permittee shall operate trucks to and from the quarry operation only along truck haulage routes directly accessible by Athenour Way and approved under Surface Mining Permit SMP-24 and which are already in use for Permittee's operations in the area.
- 32. Permittee shall use no explosives.
- 33. Permittee shall equip engines on dirt moving equipment used for surface mining operations with mufflers, and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device intended to thwart quieting.
- ~~34. Mining shall be conducted so that the active mining face will provide sound attenuation to the south and east of the active mining area. Monitoring shall include inspections by County staff to certify that mining is being followed as directed.~~
- 35. All surface mining and processing operations emitting smoke, vapors, dust and other airborne contaminants shall be provided with all necessary control measures and devices as required by the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air. Cut slopes, haul roads and other disturbed areas shall be watered as required

to minimize dust generation. Haul routes may be paved, watered, oiled, or treated with a dust palliative as appropriate to minimize dust.

36. The driver of a weighed vehicle, loaded beyond current State of California maximum legal weights, shall be notified and requested to reduce the load to the legal limit. If loaded materials are subject to dust generation, drivers shall be requested to moisten loads at facilities to be conveniently located and maintained on site; otherwise, loads shall be watered or covered in accordance with applicable sections of the California Vehicle and Highway Codes. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. Permittee shall request all vehicle operators to have noise attenuating mufflers as required by the State of California Vehicle Code. Signs notifying drivers of these requirements shall be posted at the scale location. Provisions contained in this condition shall be mandatory for vehicles owned by, or under the control of Permittee. Drivers not cooperating with this provision shall be discouraged from hauling materials from the site. Haulage roads and loading areas shall be paved, oiled or watered to maintain a dust-free condition.
37. Permittee shall restrict processing operations to the present plant approved under SMP-24, except for possible scalping and silt-washing equipment at the excavation site.
38. Permittee shall prepare and file a fire plan annually ~~with the State Department of Forestry to mitigate fire hazards~~ Alameda County Fire Department; this may be combined with the fire plan for SMP-24 and SMP-32, as appropriate.
39. Permittee shall make sure all litter, debris, tires, and other large unused items are cleaned up promptly and disposed of properly. Large items that are not in use or waiting to be recycled, shall be stored indoors while waiting to be picked up by a recycler. Trucks and large equipment shall not be staged or stored on the southern side of the Butler Building except when necessary for repairs, and shall be moved to another location promptly afterward.

GRIFFIN SOILS INC, AND PRESTIGE GUNITE

40. Permittee or lessees may operate a soil stabilization facility and a gunite facility on the quarry site, for the purposes of supplying gunite, and soil stabilization materials to the quarry operator for use in crushing asphalt, asphaltic concrete, or other batch and resale products, and to provide gunite and soil stabilization materials to other surface mining sites, and other related users. The soil stabilization and gunite facility shall operate in compliance with all other requirements of this permit and in compliance with the permit issued by the Bay Area Air Quality Management District for this gunite facility. Operation shall be permitted until expiration of this permit, but shall be reviewed at five year intervals along with the surface mining permit.
41. Permittee or lessees shall maintain the soil stabilization and gunite facility in compliance with all applicable County, regional, and state codes and ordinances, including those relating to air quality, water quality, and noise.
42. Permittee may use gunite and soil stabilization materials in the production of asphalt, asphaltic concrete and other batch or resale products, or other applicable onsite operations.
43. Records of total monthly and annual tonnage of gunite or soil stabilization material produced on site shall be maintained on file by the recycling facility operator for inspection by County staff, and shall be submitted annually by May 1 of each year to the Planning Director. Records of tonnage of materials used, or contributed to by Hanson Aggregates ~~Mission Valley Rock~~,

monthly and annually for/by production of quarry products, shall be maintained on file by the quarry operator for inspection by County staff, and shall be submitted annually to the Planning Director.

44. The hours of operation of the soil stabilization facility shall be limited to 6:00 AM to 5:00 PM, Monday thru Friday. The hours of operation of the gunite facility shall be limited to 5:00 AM to 5:00 PM, Monday thru Friday, with occasional Saturday operations. Truck deliveries either from or onto the site shall be restricted to the hours of 7:00 AM to 5:00 PM for both facilities. Maintenance on equipment at the site may be conducted outside of these hours, provided that it is conducted completely within the Butler Building, and that all doors on the south side of the Butler Building are kept closed to minimize escape of noise and interior light to the adjacent properties.
45. Gunite and soil stabilization truck traffic shall not use Calaveras Road for access to the site, or as a haul route.
46. The soil stabilization and gunite facility operators shall implement the current and proposed practices provided in the Storm Water Pollution Prevention Plan, including regular testing and inspection of equipment for leaks, conducting maintenance indoors, individual load checking for undesirable materials, dry cleanup of leaks and spills, pavement sweeping, vegetated swales and buffers and covered bunker berms. Monitoring shall include certification by the County inspector at each visit that the practices are being carried out adequately. The Planning Director shall have authority to order improved quantity or quality of measures cited in the Program if compliance with all applicable requirements is not achieved.
47. All processing of soil stabilization material shall be located inside of the processing building.
48. Any additional construction, placement of equipment outside the existing approved plant building, or changes in operation or plant layout shall be subject to additional review by the Planning Commission.
49. The operator shall maintain a chain link fence and keep the site free of trash and debris. The operator shall inspect the site weekly and remove accumulated trash and debris. Tires, steel and batteries shall be recycled frequently.
50. The operators shall maintain a deposit of \$1,000 with the Planning Director to hold in trust for Zoning Enforcement activities which may result due to the operation of the gunite and soil stabilization facilities. When the balance of the trust account reaches \$200, the trust shall be replenished to the original \$1,000.
51. County staff shall inspect the operation at different times of day on at least an annual quarterly basis for compliance with these conditions. Some inspections shall be unannounced. The operator shall cooperate with the inspector in making these inspections.
52. Any application for changes in ancillary uses on the site shall be submitted to the Planning Director or the Planning Commission for approval, per Section 6.80.120 of the Alameda County Surface Mining Ordinance.

RECLAMATION

53. An estimate report of the cost of reclamation for closure during each current year, and of all

reclamation components yet to be accomplished in the next year (or if within five years of final reclamation, within the next five years), including any involving the Butler building and equipment or features therein, shall be prepared annually by a registered engineer and submitted for approval by the Planning Director before July 1 of each year. The report shall estimate (i) the costs of final reclamation required either at the time of the report or upon closure to leave the disturbed area in a safe, stable, and revegetated condition, whichever is greater, plus (ii) the estimated cost of constructing or maintaining berms and other features to eliminate runoff toward, and preserve water quality within, the Alameda Creek during the following five years of operation; and (iii) the cost to restore the site to the final use, when determined to be appropriate by the Planning Director. This report, when approved, shall be used to calculate necessary modifications to the value of the combined amount of financial assurances for the following year. No fees beyond those collected under Section 6.80.242 of the Alameda County General Ordinance Code shall be required to compensate the County for costs incurred through conducting the annual inspection.

54. Prior to the initiation of non-mining uses or uses accessory to mining operations, the Permittee shall receive prior approval demonstrating conformance with ACSMO §6.80.060. The Community Development Agency Director shall act upon and retain a record of all non-mining uses authorized in accordance with ACSMO §6.80.060(A). The Planning Commission shall review and act upon all accessory uses proposed in accordance with ACSMO §6.80.060 (C) and (D).

ADOPTED BY THE FOLLOWING VOTE:

AYES: Gin, Imhof, Jacob, Loisel, Ratto

NOE: none

EXCUSED: Moore, Rhodes

ABSENT:

ABSTAINED: