



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Chris Bazar  
Agency Director

Albert Lopez  
Planning Director

224  
West Winton Ave.  
Room 111

Hayward  
California  
94544

phone  
510.670.5400  
fax  
510.785.8793

[www.acgov.org/cda](http://www.acgov.org/cda)

June 28, 2010

Mr. R. Stephen Grace,  
Business Development and Land Resources Manager  
Vulcan Materials Company, Northern/Central California  
201 John Street, Suite I-2  
Salinas, CA 93901

Subject: 2010 Planning Commission Resolution and Amended Conditions of Approval, Periodic Review for Alameda County Surface Mining Permit SMP-16, Vulcan Materials Company

Dear Mr. Grace:

Enclosed with this letter, please find a copy of Resolution No. 10-08 of the Alameda County Planning Commission, from its meeting of June 7, 2010, accepting and approving the 2010 Periodic Review for Surface Mining Permit SMP-16 and approving amendments to the conditions of approval for said Surface Mining Permit. No appeals from this decision by the Planning Commission were received by Alameda County during the appeal period; therefore, this decision is final.

On this, or on any quarry-related matter, please do not hesitate to contact me at (510) 670-6527, or at [bruce.jensen@acgov.org](mailto:bruce.jensen@acgov.org), and I will be happy to assist.

Thank you,

Bruce Jensen  
Senior Planner  
Alameda County Community Development Agency

/enclosures

Cc: Mr. Jim Gilford, Alameda County NPS  
Mr. David Preiss, Holland & Knight

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

**RESOLUTION NO. 10-08 - AT MEETING HELD JUNE 7, 2010**

**SURFACE MINING PERMIT AND RECLAMATION PLAN**

**CASE NO. SMP-16**

**Introduced by Commissioner Imhof  
Seconded by Commissioner Loisel**

**WHEREAS** Surface Mining Permit and Reclamation Plan SMP-16 was approved by the Planning Commission on October 11, 1983 by Resolution 83-57, and that same permit was subsequently amended by the Planning Commission on many occasions; and

**WHEREAS** Vulcan Materials Company ("Permittee") has filed with the Alameda County Planning Department for a Five Year Review of previously permitted aggregate extraction and reclamation activities on an approximate 1,059-acres located south of Interstate 580, east of State Route 84/Isabel Avenue, both north and south of Stanley Boulevard, in unincorporated Alameda County between the Cities of Pleasanton and Livermore, Assessor's Parcel Numbers 96-1-11-7, 96-1-11-8, 96-1-10-4, 96-80-1-3 (portion), 96-80-1-5, 96-80-1-7, 96-80-1-12, 96-375-11-5, and 96-375-11-15.

**WHEREAS** Section 6.80.190 of the Alameda County Surface Mining Ordinance requires 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. 18 of Surface Mining Permit and Reclamation Plan Case No. SMP-16 requires the Planning Commission to review compliance with conditions of the Surface Mining Permit and Reclamation Plan, considering any new or changed circumstances within the general area of mining operations that should be accommodated by the plan; and

**WHEREAS** under the Alameda County Surface Mining Ordinance, the Planning Commission is designated as the decision-making body for Surface Mining Permits and Reclamation Plans, including the periodic review requirements of Section 6.80.190, subject to appeal to the Board of Supervisors; and

**WHEREAS** this Planning Commission accepted and reviewed the SMP-16 Periodic Review of Mining and Reclamation Report by Permittee, dated July 31, 2008, the 2009 SMARA Inspection Report by County staff, dated December 16, 2009, and the Planning Commission staff report dated June 7, 2010, such documents collectively referred to herein as the "Review Documents;" and

**WHEREAS** this Planning Commission held a duly noticed public hearing to conduct a Five Year Review of Surface Mining Permit and Reclamation Plan SMP-16 at the hour of 4:00 p.m. on Monday, the 7th day of June, 2010, 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-16 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 entirely to the inspection of the subject mining operation; and

**WHEREAS** the Review Documents, testimony submitted in writing and at the public hearing and other 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 in Exhibit A below, the Surface Mining Permit and Reclamation Plan SMP-16, as modified below, conforms to requirements of:

- (a) the Alameda County Surface Mining Ordinance;
- (b) the Livermore-Amador Valley Quarry Area Reclamation Specific Plan;
- (b) the Alameda County General Plan;
- (c) the public health, safety, and welfare; and

**WHEREAS** it is the finding of this Commission, based upon said review, that Permittee is in compliance with Surface Mining Permit SMP-16 and all conditions thereof; and

**WHEREAS** there are a number of conditions of approval that require revision, primarily due to conditions previously fulfilled by the Permittee for single-event actions and which require no further oversight by the County since such prior conditions have been satisfied; and

**WHEREAS** is is the finding of this Commission that the continuation of Surface Mining Permit SMP-16, with amended conditions, is in the public interest for the reason that it is consistent with County plans, policies and ordinances for surface mines in Alameda County; and

**WHEREAS** this Planning Commission finds that prior conditions for the provision of landscaping along Stanley Boulevard and State Route 84/Isabel Avenue are unworkable and not yielding results; and

**WHEREAS** this Planning Commission finds it appropriate and necessary to modify several Surface Mining Permit and Reclamation Plan conditions of approval, in light of the above, including modification to Condition Nos. 21 through 24, 26, 40, through 47, 56 and 64; and addition of two (2) new conditions, Conditions 65 and 66; and

**WHEREAS** this Planning Commission finds that permit condition changes are identified as follows below: ~~struck 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 does hereby recognize as adequate and complete the required Five Year Review of Surface Mining Permit and Reclamation Plan SMP-16, does hereby adopt the Review Documents as findings in support of this Resolution and incorporate said Review Documents herein by this reference, and does hereby modify the conditions of approval for Surface Mining Permit SMP-16, as set forth in Exhibit A to this Resolution, showing added language underlined and deleted language ~~struck-out~~.



**EXHIBIT A**

**ALAMEDA COUNTY PLANNING COMMISSION RESOLUTION NO. 10-08**

**COMPLETE CONDITIONS OF APPROVAL**

**SURFACE MINING RECLAMATION PLAN SMP-16**

**VULCAN MATERIALS COMPANY**

Added language is shown as underlined; deleted language is shown as ~~struck-out~~.

1. Surface mining operations, reclamation and grades shall be in substantial conformance with the various maps, information and recommendations labeled:
  - (a) "Exhibit B, SMP-16," being the application for approval of Surface Mining Permit and Reclamation Plan, as amended; and
  - (b) "Exhibit C, SMP-16", being the booklet entitled "Slope Stability Studies, Kaiser Sand & Gravel/Rhodes-Jamieson Plants, Pleasanton, California", by Shannon & Wilson, Inc., dated June, 1978; and
  - (c) "Exhibit B, Q-76," dated March 26, 1969; except that excavation shall not exceed the depth of the upper aquifer as defined in Bulletin 118-2 entitled "Livermore and Sunol Valleys, Evaluation of Ground Water Resources" (State Department of Water Resources, August, 1966 as updated in 1974); and
  - (d) "Exhibit A, Modification to SMP-16," being the letter from Donald G. Kahler, Pleasanton Gravel Company, to Alameda County Planning Department dated December 16, 1987; and
  - (e) "Exhibit B, Modification to SMP-16," being the annotated reclamation plan (pages 1 and 2) and calculations of overburden needed to accomplish reclamation by section (pages 3 through 5); and
  - (f) "Exhibit A, Pleasanton Plant Surface Mining Permit Amendment Application," being the binder and all contents thereof dated June 13, 2000 and submitted to the Planning Commission on that date; and
  - (g) "Exhibit B, Pleasanton Plant Modernization Plot Plan," being the site plan submitted for the plant modernization, dated February 2000 and submitted in June 2000; and
  - ~~(h) "Exhibit F, Pleasanton Reclamation Plan," being the site plan submitted for the reclamation after mining, dated May 2003 and submitted in June 2003; and~~
  - (h) (+)"Application for Amendment to SMP-16 Reclamation Plan (Vested Quarry Permits Q-4 and Q-40)," dated August 10, 2004, comprised of Binder 1 and Binder 2, and including Exhibit F "Amendment to SMP-16 Reclamation Plan-"; and
  - (i) "Exhibit F, Pleasanton Reclamation Plan," being the site plan submitted as part of the 2008 periodic review for the reclamation after mining, dated July 11, 2008 and submitted

on or about August 12, 2008.

2. Mining and reclamation shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.
3. The reclamation plan shall conform to the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation, as adopted by the County of Alameda, November 5, 1981, and as may be amended.
4. Upon the termination of SMP-16, the Permittee shall guarantee timely performance of reclamation requirements of the ACSMO and these conditions by continuing the escrow account established under SMP-2 and continued under SMP-16 in a manner acceptable to the County of Alameda and depositing in said account by November 1 of each year an amount totaling \$1.50 per 100 tons excavated during the period starting from the date their permit is approved. The Permittee shall make deposits annually to the escrow account in accordance with the tonnage fee described above until such time as the total amount deposited to the escrow account equals the estimated cost of the reclamation components remaining to be constructed by the applicant. The funds on deposit in the escrow account may be invested in a manner approved by Alameda County. All interest and other earnings of the escrow account shall accrue to the account to offset the increase in the cost of constructing the specific components of reclamation. The escrow account can be used to finance reclamation improvements during the life of the permit. Upon revocation or expiration of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to Alameda County upon the satisfactory determination by the Director of Public Works that the conditions of the permit have been met and that the site has been reclaimed in accordance with the approved reclamation plan, or said guarantee shall be used by the County to bring the quarry into conformance and to reclaim the site. The Permittee may substitute for all or part of the escrow account other financial assurance mechanisms, as described in SMARA, including but not limited to surety bonds and irrevocable letters of credit.
5. The Permittee shall furnish the Planning Director with a report describing compliance with these conditions by July 1 of each year, beginning July 1, 2004. With each report, the Permittee shall provide a map at the same scale as the approved mining and reclamation 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 removed from the site during the 12 month reporting period shall be included in the report.

The Planning Director shall review the report and inspect the mining operations to determine and assure continuing compliance with the regulations of the ACSMO and policies of the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation. Costs are now covered by annual administration fees. The Permittee shall make available to the Planning Director such information as necessary for determination of compliance. The Planning Director 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 the Permittee within 45 days after the inspection. Copies shall be furnished to the Planning Commission for review.

6. Where this has not already been provided, the Permittee and all lessees shall provide a written statement that they accept responsibility for reclaiming the entire disturbed site as indicated on the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation and this mining and reclamation plan, 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.

7. Conceptual plans for all physical reclamation facilities such as spillways and water conduits have been submitted by the Permittee and are on file at the County. Timing and level of detail for future submittals shall be specified by the Planning Director as needed based on actual mining plan/reclamation scheduling as determined pursuant to Condition #5. No later than eight months prior to scheduled start of construction of a physical facility, detailed engineering construction plans shall be submitted to the Planning Director for approval, based on consultation with Zone 7 and the Director of Public Works. Approved plans shall be incorporated by reference into and become a part of "Exhibit B, SMP-16."
8. If problems develop regarding mining or reclamation as may be determined by the Planning Director, Permittee shall take corrective action with all due haste, in good faith. Permittee shall implement solutions as approved by the Planning Director.
9. The end use of the site upon complete reclamation is assumed to be for water management (areas dedicated to Zone 7) and for agriculture (areas not dedicated to Zone 7). Any other use must be approved by the County of Alameda. Uses permitted shall not conflict with the goals of Zone 7 in water management and water quality.
10. The Permittee shall endeavor to schedule his operations to optimize the salvage and reuse of top soil in capping areas to be revegetated. 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 Natural Resource Conservation Service.
11. No explosives shall be used.
12. Engines on dirt moving equipment used for surface mining operations shall be equipped with mufflers, and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device intended to thwart quieting.
13. 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 Alameda County Health Care Services Agency and the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air. All equipment shall have current permits issued by the BAAQMD as legal and appropriate.
14. 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. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. The 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.

15. Operations shall cease in the vicinity of any suspected archaeological or paleontological resource until an archaeologist is consulted and his or her recommendations followed, subject to approval by the Planning Director.
16. Areas of active mining, materials processing and in-use mining haul roads shall be watered as necessary on a regular basis during all periods of operation by at least one water truck to minimize dust. During the dry season, this shall be at least once daily prior to major operations and as required to eliminate visible dust emissions.
17. All processing plant operations shall be restricted to Perimeter's present plant approved under Q-2, and/or for the new plant approved under SMP-16 on November 5, 2001 by the Planning Commission, except for scalping and silt-washing equipment at the excavation site; all aggregate resource excavated south of Stanley Boulevard to be processed at the existing plant north of Stanley Boulevard shall be transported to the existing plant only using conveyors installed under Stanley Boulevard.
18. During or before the summer of ~~2008~~ 2015, and at five year intervals thereafter, the Planning Commission shall review compliance with the permit and reclamation plan, and consider any new or changed circumstances which should be accommodated by the plans. 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 or guarantees thereof to conform with the ACSMO and Specific Plan for Livermore-Amador Valley Quarry Area Reclamation.
19. This mining permit and reclamation plan shall expire December 31, 2030, or on such earlier date as may be mutually agreed to by the Permittee and the County of Alameda.
20. No overburden shall be exported from the project site unless Permittee can demonstrate to the Planning Director that adequate quantities of overburden and topsoil, of sufficient quality for final reclamation, are to be retained onsite.
21. Former Condition 21 was superseded by the 1994 amendment to the SMP-16 Reclamation Plan to include the area governed by Quarry Permit Q-76, and by the 2005 amendment to the SMP-16 Reclamation Plan to include the areas governed by Quarry Permits Q-4 and Q-40, and is no longer applicable. Prior to continued mining in the areas governed by existing or prior Quarry Permits Q 4, Q 40 and Q 76, the applicant shall amend the reclamation plan to include specific measures for slopes, slope stability and revegetation on lakeshore and lakeside areas, for the specified permit areas in accordance with the Alameda County Surface Mining Ordinance, the Specific Plan for Livermore Amador Valley Quarry Area Reclamation, and the requirements of California Surface Mining and Reclamation Act, for incorporation into Surface Mining Permit SMP-16. Prior to mining in these areas, the Permittee shall retain a geotechnical engineer or engineering geologist to review the status of the cut slopes within the areas governed by Quarry Permits Q 4 and Q-40, with respect to Q 4 Conditions Nos. 11 and 12 and Q 40 Conditions Nos. 10 and 11. The engineer shall recommend specific measures to facilitate compliance with those conditions on both temporary and permanent bases and to ensure the safety and stability of the top of the cut out to 80 feet from the edge of the Stanley Boulevard right-of-way as of the date of approval of Quarry Permit Q 40. The report shall be submitted to the Planning Director for review and approval prior to approval of the new reclamation plan for these areas. Measures for permanent stabilization of the slopes shall be incorporated into the reclamation plan under SMP-16 after review by the State Division of Mines and Geology.



22. As expressly set forth in Section 8 of that certain Pre-Development and Cooperation Agreement by and among the City of Livermore, the County of Alameda, the Surplus Property Authority of the County of Alameda, the City of Pleasanton, and the Permittee, dated September 18, 2007, ("Cooperation Agreement"), all of the Permittee's obligations under former Conditions 22-24 have been deemed satisfied by the Cooperation Agreement, and therefore these Conditions are no longer applicable. Future mining operations and reclamation shall not be conducted in such a manner as to preclude using the existing Vulcan haul route as the alignment for El Charro Road, so that El Charro Road can be extended as a four lane roadway south along the Hanson haul road alignment.
23. Former Conditions 22-24 are no longer applicable, as described under Condition 22 above. Mining and hauling operations shall not impose maintenance burdens on county roads. If roadway maintenance improvements are required on Stanley Boulevard or El Charro Road, the Permittee shall contribute to the cost of improvements based on the Permittee's proportionate share of use. The method of calculating proportionate share shall take into account the level of use (vehicle miles) and the length of time the Permittee will continue operating the quarry.
24. Former Conditions 22-24 are no longer applicable, as described under Condition 22 above. In conjunction with other quarry operators and landowners who will benefit from interchange and intersection improvements on El Charro Road, the Permittee shall contribute to the cost of improvements based on the operation's proportionate share of use. The method of calculating proportionate share should take into account the Permittee's level of use of the El Charro Road corridor (vehicle miles), the length of time the Permittee will continue operating as a quarry and future uses of reclaimed lands.
25. 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 Livermore-Amador Valley Quarry Area Reclamation Plan.
26. The Permittee shall coordinate with County Community Development Agency and Public Works Agency staff to develop and execute a mutually acceptable Agreement with the County, to be approved by the Board of Supervisors, to provide and maintain County-approved visual attenuation landscaping along Stanley Boulevard.

(A) This condition has been superseded by amended Condition 26. The Permittee shall submit to the Planning Director, for his approval, a landscape improvement plan for the purpose of onsite visual screening of processing equipment and stockpiles as seen from Stanley Boulevard. Prior to the Planning Director's approval of the plan, the Planning Director shall present the plan to the Planning Commission for its review and comment. The plan shall concentrate on the strip of land that lies along the southern boundary of the property owned by Vulcan, immediately north of the boundary with the right of way owned by Union Pacific Railroad, although the plan should not discard other opportunities for landscape screening if appropriate locations lie elsewhere on the Vulcan owned property. The plan should include a report with a description of the feasibility of establishing screening landscape at appropriate locations, based on water requirements and availability, available space, relationship with the railroad use, hardness of plant materials and ability to withstand nearby heavy equipment traffic, and the presence of other physical improvements such as structures and equipment and other physical improvements such as roadways, drainage ditches, pipes, and utility lines and conduits.



The plan and accompanying report shall be submitted no later than April 4, 2004 (180 days after approval of this condition):

(B) This condition has been superseded by amended Condition 26. As an alternative to the plan and report described in 26(A), the Permittee shall participate in, in consultation and cooperation with Alameda County, the East Bay Regional Park District, other agencies and other quarry Permittees using or adjacent to the Stanley Boulevard Corridor, complete landscaping and visual attenuation treatment of industrial or artificial views along Stanley Boulevard and Isabel Avenue. To this end, the Permittee has submitted to the Planning Director a report, prepared by a licensed landscape architect, discussing opportunities and constraints for visual improvements along the Stanley Boulevard and Isabel Avenue corridors, the goal of which is to make the visual corridor along the specified roadways more attractive and to attenuate views of the lands disturbed by quarry operations and processing. Planning Staff shall report to the Planning Commission on these opportunities as soon thereafter as is practical. After submittal of this report and direction from the Planning Commission, the Permittee shall submit for approval a draft Precise Landscaping and Visual Treatment Plan (PLVTP). The PLVTP shall include, but shall not be limited to, details of possible landscaping of the Stanley Boulevard and Isabel Avenue corridors, including areas of various view degradation, the degree to which landscaping and visual treatment would be necessary for restoration or attenuation of undesirable views, appropriate vegetation/tree types, locations of plantings and other installed visual features, integration of installed features with the existing bicycle path and viewshed of the roadways, accommodation of right of way for potential roadway and intersection improvements on Isabel Avenue, and fencing. Trees to be specified by the PLVTP shall be of sufficient size to give the impression of a mature stand able to provide significant screening upon planting. This may include a mixture of large specimen trees down to nursery stock. All trees specified should be chosen for rapid growth, suitability and hardiness. The proposals shall be developed in coordination with Zone 7, the East Bay Regional Park District, and the cities of Livermore and Pleasanton. The Planning Director shall refer the draft PLVTP to the aforementioned agencies for their review and comments, after which the Permittee shall coordinate efforts with Planning Staff to incorporate the agency comments into the PLVTP and resubmit the PLVTP and final proposals to the Planning Commission for final approval. The PLVTP shall be consistent with requirements of the Specific Plan for the Livermore Amador Valley Quarry Area Reclamation, and with requirements of Zone 7 and the Cities of Pleasanton and Livermore.

(C) At the mutual agreement of the Planning Commission and the Permittee, a hybrid plan that combines the better elements of the two approaches described above for greatest effect may be considered and adopted by the Planning Commission.

27. This condition has been superseded by amended Condition 26. The Permittee shall begin to install landscape and view attenuation features within 120 days of approval of the plan specified under Condition 26. Substantial components of this activity, including grading, trail alignment (if necessary), fencing and revegetation, including specifically planting of trees and other significant vegetation, shall be completed by the Permittee within two years of PLVTP approval. The two year period shall not include extended periods of severe weather or constraining environmental incidents beyond the control of the Permittee. The period may be extended at the discretion of the Planning Director during the second year of the two year period at the request of the Permittee for adequate cause.
28. This condition has been superseded by amended Condition 26. The Permittee shall share the cost of development of the landscape and visual improvement plan required by Condition No. 26, and the costs of installation of the landscape features themselves as required by Condition No. 27;



~~proportionally with the Permittee for Surface Mining Permit SMP-23 and Quarry Permit Q-1. The costs shall be apportioned among the Permittees in proportion to the lineal distance that each Permittee's operation or property occupies along the frontages nearest Stanley Boulevard and/or Isabel Avenue. Frontage along the Arroyo Mocho, railroad rights of way, or lands owned by the State or municipalities for expansion of Isabel Avenue, as well as the Stanley Boulevard median strip, qualifies as frontage for the purposes of this condition.~~

29. 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 five years, 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 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 major water conveyance structures incident to the chain-of-lakes concept, as set forth in the Livermore-Amador Valley Quarry Area Reclamation Specific Plan, during the following five years of operation for the Permittee's portion of the Plan. 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.
30. The Permittee shall pay an administrative fee as required by Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance Code. ~~Former Condition 30 has been superseded by Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance and is no longer acceptable.~~
31. ~~Former Condition 31 has been superseded by Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance and is no longer applicable.~~
32. The 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.
33. ~~Former Condition 33 has been superseded by Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance and is no longer applicable.~~
34. Within two years after expiration of SMP-16, all stockpiles and equipment shall have been removed and the site shall have been brought into conformance with the reclamation plan.
35. No stockpiling of overburden or aggregate material on or from the Nienburg Parcel shall occur within 80' of Stanley Boulevard.
36. The Permittee shall conduct quarrying operations in a manner that shall not cause or result in pollution of the ground water basin. The 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.



37. All abandoned wells and test holes which penetrate through the clay between the upper and lower aquifer in all areas shall be properly sealed by the Permittee in accordance with the procedures set forth in Bulletin No. 74-2 of the State Department of Water Resources, or as required by the Alameda County Flood Control and Water Conservation District, Zone 7.
38. The Permittee shall maintain standard quarry permit fencing along all boundaries of the area covered by SMP-16 with adjacent lands not owned by the Permittee.
39. Subject to the provisions of Condition 53, all haul trucks exiting the plant permitted under SMP-16 shall proceed north along El Charro Road. Permittee shall install and maintain a conspicuous sign near all exits from the plant that states (in both English and Spanish) the following: "TRUCKS SHALL NOT USE STANLEY BOULEVARD OR HIGHWAY 84 EXCEPT FOR DELIVERIES WITHIN TWO MILES OF THIS EXIT."
40. Former Conditions 40-45 are no longer applicable, since they related only to the construction of the Permittee's modernized processing plant, which was completed and fully on-line by December 2004. The project applicant shall reduce the severity of new plant construction period dust impacts by complying with the following measures:
- ~~(a) — Water all active construction areas at least twice daily.~~
  - ~~(b) — Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.~~
  - ~~(c) — Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site.~~
  - ~~(d) — Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site.~~
  - ~~(e) — Sweep adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.~~
  - ~~(f) — Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).~~
  - ~~(g) — Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).~~
  - ~~(h) — Limit traffic speeds on unpaved roads to 15 mph.~~
  - ~~(i) — Install sandbags or other erosion control measures to prevent silt runoff to public roadways.~~
  - ~~(j) — Replant vegetation in disturbed areas as quickly as possible.~~
41. Former Conditions 40-45 are no longer applicable, as described under Condition 40 above. If any cultural artifacts are encountered during site grading and excavation activities for the new plant, all work shall be halted until the find can be evaluated by a qualified archaeologist, who will evaluate the significance of the resources and, if warranted, identify appropriate subsequent measures to further investigate and/or protect the resources. If human remains are among any artifacts uncovered during site disturbance or excavation, all ground-disturbing work shall cease and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The qualified archaeologist, in consultation with the Native American Heritage

Commission, will recommend subsequent measures for disposition of the remains:

42. Former Conditions 40-45 are no longer applicable, as described under Condition 40 above. The new plant shall be designed and constructed in accordance with the detailed recommendations presented in the geotechnical study prepared for the project and with all applicable provisions of the latest version of the Uniform Building Code.
43. Former Conditions 40-45 are no longer applicable, as described under Condition 40 above. Soil excavated from the foundation areas of the rewash and loadout facilities shall be stockpiled and samples from the stockpiles should be analyzed by a State-certified laboratory to determine the presence of elevated levels of petroleum hydrocarbons. If the soils are determined to be contaminated above acceptable limits, they should be disposed of through processing in the asphalt hot plant.
44. Former Conditions 40-45 are no longer applicable, as described under Condition 40 above. The applicant shall comply with any requirements identified by the FAA, including those pertaining to the marking and lighting of aggregate plant towers.
45. Former Conditions 40-45 are no longer applicable, as described under Condition 40 above. Permittee shall not operate both plants simultaneously for processing of commercially available aggregate product, except as required for temporary testing of the new plant to ensure proper operation. The period during which the old plant may be operated while the new plant is operated for testing and optimal conditioning shall not exceed thirty days, except that the Planning Director may, at his discretion and for proper cause, extend this period by up to an additional four (4) days. Upon determining that the new plant is performing satisfactorily, Permittee shall notify the Planning Director by written letter, and shall immediately discontinue use of the existing plant and dismantle it. The visible portions of the existing plant, and all accessories and appliances described as being slated for removal in the application submittal that may be removed without interference to continued processing activity and truck circulation, shall be removed from the site within 180 days of date on which the new plant is deemed substantially functional; other remaining underground conduits, wiring, pipes, foundations and other parts of the physical plant that cannot be removed at that time shall be inventoried and recorded, the inventory submitted to the Planning Director for placement in the record file, and then may be removed at the time of final plant removal and reclamation. Financial assurance guarantees shall be maintained as required to ensure the removal of all physical plant equipment (including both the existing and new complete plants) until the actions as required above have been completed to the satisfaction of the Planning Director, after which the financial assurance may be reduced accordingly to guarantee removal of the remaining equipment.
46. Former Condition 46 has been superseded by the Cooperation Agreement, which includes the required design for El Charro Road, and is no longer applicable. Permittee shall participate with Alameda County and other public jurisdictions in a traffic engineering study to finalize a design for El Charro Road that extends along and will permit access to and the development of the Staples Ranch Property in Pleasanton, the Himsel property in Livermore, and other properties that access El Charro Road from Friesman Road. The final design will safely accommodate both automobiles and quarry related truck traffic, and will also be of sufficient capacity to provide adequate future roadway access to the existing/former Kaiser/Hanson property(ies) to the south and a logical connection between Stoneridge Drive in Pleasanton and Jack London Boulevard in Livermore. As a starting point, the traffic engineering study will use all of the information previously developed for the proposed Stoneridge Drive Specific Plan Amendment (1996-1998).



47. Former Condition 47 has been superseded by the completion of the Arroyo Realignment Project in 2004, and is no longer applicable. Permittee shall support the efforts of Alameda County to relocate, at the County's cost, the confluence of the Arroyo Las Positas and Arroyo Moecho, as prescribed in the Alameda County Zone 7 Flood Control Master Plan, and to replace the private bridge to serve the quarry operations conducted under SMP-16 and the present or future operations of Pleasanton Gravel and/or Rhodes Jamieson and associated ancillary operations. Permittee shall cooperate with the County to design an appropriate, safe, economical bridge structure to accommodate quarry trucks and related heavy vehicles. Permittee also agrees to dedicate, at no cost, any right of way necessary for the construction of the drainage improvements. Permittee's support will also include allowing the temporary passage of truck traffic as required to permit construction of the new Arroyo Las Positas channel and bridge. Channel improvements must be completed to Zone 7 standards prior to ACFC & WCD acceptance of any channel right of way.
48. At the time of issuance of building permits for the new plant, Permittee shall ~~The Permittee has fully satisfied its obligations under former Condition 48 and, except for the final provision of Condition 48, this Condition is no longer applicable. Condition 48 previously obligated the Permittee to make an irrevocable offer of dedication to the County or the City of Pleasanton, whichever has had jurisdiction at the time, of the private El Charro Road right-of-way, that being the parcel of land as shown on the Alameda County Assessors Parcel Map then bearing Assessor's Parcel Number (APN) 904-001-006, from the northern terminus at Friesman Road to a point south of the proposed realignment of the Arroyo Las Positas and consisting of 2.47 acres, as a portion of its fair share cost of El Charro Road improvements as specified in Condition No. 24 above for which the applicant shall remain responsible. The offer of a Condition 48 further required that the offer of dedication shall be made so that the right-of-way may be accepted in phases (i.e., the northerly portion and the new creek right-of-way may be accepted first, with the middle portion accepted only when El Charro Road/Hanson haul road becomes a public roadway): as described therein, and provided that:~~

Upon making the offer of dedication, Permittee shall receive a credit, in the amount of \$600,210 (arrived at by multiplying 2.47 acres by the agreed upon value of \$243,000 per acre), to be applied against any contribution of costs that may be required of Permittee at any time pursuant to Condition Nos. 23 or 24 above. The credit shall be adjusted to reflect the increase, if any, in the CPI (All Urban Consumers, San Francisco-Oakland-San Jose CA; 1982-84=100) as published most immediately preceding the date of the offer of dedication and the CPI as published most immediately preceding the date upon which Vulcan is required to make the contribution of costs.

The Permittee fully satisfied its obligation under Condition 48, and became fully vested with the above-described credit, by virtue of that certain Irrevocable Offer of Dedication made to the County by the Permittee, dated March 27, 2002 (the "Vulcan Offer of Dedication"), which satisfaction and vesting was further acknowledged in that certain Arroyo Realignment and Quarry Access Agreement between the Permittee, Alameda County, and the Surplus Property Authority of Alameda County dated April 15, 2003. A portion of the offered property was accepted by the County by means of a grant deed from the Permittee to the County dated May 7, 2003. Subject to compliance with the Cooperation Agreement by other parties to the Cooperation Agreement, the Permittee has been deemed to have relinquished the credit pursuant to Section 8 of the Cooperation Agreement. As acknowledged in the Vulcan Offer of Dedication and the

Cooperation Agreement, and also subject to applicable provisions of the Cooperation Agreement, the following final provision of Condition 48 continues in full force and effect:

The County or City shall take appropriate action to ensure that, if accepted into the public right-of-way, El Charro Road shall remain open to all quarry truck traffic and traffic of other users dependent upon the roadway for access, and Permittee shall not be required to make the dedication under this Condition unless it has received such assurance.

49. ~~49.~~ Subject to the provisions of the last sentence of Condition No. 48 above, and further subject to the Cooperation Agreement, Permittee shall agree to the annexation of APN 904-001-006 to accommodate the planned extension of El Charro Road in the City of Pleasanton.
50. The capacity of Permittee's plant permitted under this SMP-16 shall be limited to 1,825 tons per hour of net clay and water. In addition, annual production at the plant shall be limited to: ~~8,000,000 ton per year net of clay and water until December 31, 2003; and to 9,100,000 tons per year net of clay and water after December 31, 2003.~~ No equipment changes or other modifications to the plant, including but not limited to Tower No. 1, Tower No. 2, and all crushers and screens, shall be effected so as to increase plant capacity above the limits set forth in this Condition without Permittee applying for and obtaining County approval for an amendment to this SMP-16 for such increase.
51. Permittee shall make available reports in the form of daily logs or other appropriate form to Planning Staff upon request to substantiate that the plant capacity required by Condition 50 has at no time been exceeded.
52. Permittee shall not terminate the license of RMC Pacific Materials to use that portion of El Charro Road owned by Permittee, located between the Hanson/El Charro haul road and I-580, for so long as Permittee owns such portion of El Charro Road.
53. Permittee shall maintain a locked gate or gates or other reasonable access control device(s), such as a remote-controlled gate arm or full time traffic control flagman, on the southern portion of the privately owned El Charro Road adjacent to Permittee's plant permitted under this SMP-16 in order to prohibit haul truck access to and from the plant via Stanley Boulevard. Such prohibition shall not apply in the event of any of the following: (i) any temporary or permanent closure or blockage of El Charro Road or the El Charro Road / I-580 interchange which prevents use of the El Charro Road access route to the plant, (ii) any local delivery within a two-mile radius of the southern portion of the plant, or (iii) any emergency that requires the closure of El Charro Road and/or the El Charro Road/I-580 interchange, or requires the use of Stanley Boulevard due to public safety issues. In the event of such an emergency, Permittee shall immediately notify the Alameda County Sheriff's Department. In the event that one of the three preconditions set forth in this Condition is satisfied, Permittee shall implement reasonable traffic controls over access to and from the plant via Stanley Boulevard.
54. (a) Permittee shall install only full cutoff-shielded lights for general illumination of plant site areas, and shall simultaneously replace all existing non-shielded lighting with full-cutoff fixtures. The lowest wattage lamps reasonable for illumination of the area of concern shall be used.  
  
(b) Night time-operations and security lighting shall be installed no higher than necessary to illuminate the area of concern for security, safety or visual comfort, and lighting shall be directed



toward the area of concern, and always below the horizontal angle of light.

(c) Permittee shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the Permittee position general lighting to radiate above the horizontal angle of light, but shall place lights or install shielded lights to illuminate only the area of concern.

(d) For any lighting on areas nonessential for safety, security or active operations, Permittee shall place new lights on a motion detector circuit so illumination only occurs when required for occasional visibility.

(e) Permittee shall utilize sodium vapor lamps whenever possible, unless it can be demonstrated that other kinds of lights are required for specific purposes of color rendition, visual comfort or security.

55. Permittee shall implement all feasible dust control measures that are identified in the South Coast Air Quality Management District Rule 403 Implementation Handbook.
56. Former Condition 56 is no longer applicable, since Vulcan has installed the required enclosure. Permittee shall install a truck load-out enclosure on the new (relocated) asphalt plant.
57. To assure slope safety and stability, final reclaimed slopes shall not exceed 2:1 (horizontal: vertical) as set forth in Permittee's Application for Amendment to SMP-16 Reclamation Plan dated August 10, 2004. As recommended by *Slope Stability Evaluation, CalMat Co. dba Vulcan Materials Company, Western Division, Quarries Q-4 and Q-40*, Geomatrix Consultants, Inc., August 2004, cut slopes shall be periodically field evaluated by a geotechnical engineer and/or engineering geologist during reclamation of the site. Permittee shall provide prior notice of such field evaluations to the Planning Director and to the Zone 7 General Manager. The Planning Director or the Zone 7 General Manager may request that such evaluations take place at any time during reclamation if any concerns arise regarding slope issues. Permittee shall file copies of any reports resulting from such field evaluations with the Planning Director and the Zone 7 General Manager. If such evaluations indicate that properties of the upper alluvium in a particular area are dissimilar to those encountered in existing borings or assumed in the analyses described in the August 2004 Geomatrix Report, additional borings shall be performed to evaluate any appropriate change in the inclination for the upper alluvial soils in that particular area. Recommendations resulting from the evaluation and approved by the Planning Director and the Zone 7 General Manager shall be implemented thereafter.
58. Consistent with the Specific Plan, reclamation activities shall not impair the integrity of the aquitard. As recommended by the *Final Report Pleasanton Quarry Hydrological Data Evaluation for CalMat Co. dba Vulcan Materials Company* (Brown and Caldwell) August 2004, Permittee shall have periodic field evaluations made by a hydrogeologist or groundwater hydrologist to observe exposed clay layers and compare such field evaluations to the conclusions of the August 2004 Brown and Caldwell report. Permittee shall provide prior notice of such field evaluations to the Planning Director and to the Zone 7 General Manager. The Planning Director or the Zone 7 General Manager may request that such evaluations take place at any time during reclamation if any concerns arise regarding hydrology issues. Permittee shall file copies of any reports resulting from such field evaluations with the Planning Director and the Zone 7 General Manager. Recommendations resulting from the evaluation and approved by the Planning Director and the Zone 7 General Manager shall be implemented thereafter.
59. During reclamation of the site, the Permittee shall do the following:

- (a) All equipment, fixed or mobile, is to be properly operating and maintained.
- (b) Locate equipment staging in areas that will create the greatest distance between noise sources and noise-sensitive receptors to the east of the site during all Project reclamation.
- (c) Limit any site reclamation activities within 200 feet of the residents to the east to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday. No such site reclamation shall be allowed on Sundays and public holidays.
60. Not less than once every five years during mining of the areas covered by Quarry Permits Q-4 and Q-40, and at such other times as may be requested by the Planning Director or the Zone 7 General Manager, Permittee shall have field evaluations made of cut slopes and exposed clay layers in the same manner, and subject to the same provisions, as set forth in conditions 5758 and 5859.
61. Upon the completion of mining south of Stanley Boulevard, the perimeter boundaries of the basins of Lakes C and D within SMP-16 shall be fenced by Permittee with Zone 7 standard 6-foot high, chain link fencing.
62. At the initiation of reclamation, and thereafter during reclamation, Permittee will make such repairs and/or replacements to landscaping along the Stanley Boulevard and Isabel Avenue frontages as may be necessary. Permittee shall not install new landscaping on the Isabel Avenue frontage until such time as final plans and right-of-way are established for the Isabel Avenue/Route 84 widening project and the Stanley Boulevard/Isabel Avenue interchange.
63. Permittee shall post a sign on the access gate from Isabel Avenue to the area permitted by quarry permits Q-4 and Q-40 with a telephone contact number so residents directly across Isabel Avenue from the project site can contact Permittee regarding mining and reclamation of the project site.
64. Former Condition 64 is no longer applicable, since it applied only until July 1, 2007. Prior to July 1, 2007, Permittee shall not resume mining within those portions of the areas governed by Quarry Permits Q-4 and Q-40 that lie within fifty feet of the "Ultimate R/W" or "Proposed R/W" on those certain plans for the Route 84 Corridor PSR, Alternative 2B, prepared by Mark Thomas & Company, Inc., for Job No. 41-50013, dated 3/24/05, and within one hundred feet of the proposed Lake A to C Diversion on the Lone Star Industries, Inc. Water Conveyance Improvement Plans, prepared by Bissell & Karn, Inc., for Job No. 861085.20, dated December 1987 (copies of which plans are on file with the Planning Department). Permittee may resume such mining at an earlier date upon the mutual written consent of Permittee, the County, Zone 7, ACTIA, and the City of Livermore. This condition does not constitute nor require any offer of dedication or dedication with respect to any property or interest therein.
65. From and following the time that Permittee commences any mining within 200 linear feet of the existing right-of-way of Stanley Boulevard or Isabel Avenue/SR 84 in the areas covered by Quarry Permits Q-4 and Q-40, Permittee shall, not less than once every six months, have field evaluations made of cut slopes in the same manner, and subject to the same provisions, as set forth in SMP-16 Condition 57. Permittee shall provide courtesy copies of any reports resulting from such field evaluations to the Livermore City Engineer.
66. Prior to any mining deeper than elevation 300 feet above mean sea level (MSL) within 200 linear feet of the existing right-of-way of Stanley Boulevard or Isabel Avenue/SR 84 in the areas



covered by Quarry Permits Q-4 and Q-40, Permittee shall have additional borings performed to a depth of 100 feet MSL or deeper in the area to be mined. The results of such borings shall be evaluated by Permittee's geotechnical engineer and/or engineering geologist in the same manner, and subject to the same provisions, as set forth in SMP-16 Condition 57. Permittee shall provide courtesy copies of any boring logs and geotechnical evaluations from such borings to the Livermore City Engineer.

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:** Chair Jacob, Commissioners Carbone, Imhof, Kirby, Loisel, Ready, Rhodes

**NOE:** None

**EXCUSED:** None

**ABSENT:** None

**ABSTAINED:** None

**ALBERT LOPEZ - PLANNING DIRECTOR & SECRETARY  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**

