

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

RESOLUTION NO. 00-05 - AT MEETING HELD APRIL 3, 2000

Introduced by Commissioner Hamlin
Seconded by Commissioner Edwards

WHEREAS the Alameda Planning Commission did receive the application of Hanson Aggregates Company for approval of an amendment to Surface Mining Permit SMP-31 and SMP-36 to allow out-of-county import of raw aggregate by truck, and mixing of same with native aggregate excavated from its 757-acre site located in the Livermore-Amador Valley Quarry Area in unincorporated Alameda County between the City of Pleasanton and the City of Livermore, south of Interstate 580, north of Stanley Boulevard, bounded by Martin Avenue on the west, Busch Road and Mohr Avenue on the south, El Charro Road, Kaiser Road and Arroyo Mocho on the east, and the Arroyo Mocho on the north, bearing County Assessor designations: 946-1350-various, 946-1151-various, 946-1250-various and 99B-3901-4,-5, and -6; 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; and

WHEREAS this Commission did consider said project at a meeting on April 3, 2000; and

WHEREAS notice of public hearing was given as required by law; and

WHEREAS this application has been reviewed in accordance with provisions of the California Environmental Quality Act (CEQA) and an Initial Study and Negative Declaration has been prepared that indicates that no significant environmental impacts would result from the project; and

WHEREAS this Initial Study and Negative Declaration has been reviewed and considered by the Alameda County Planning Commission prior to approval of this application; and

WHEREAS it is the finding of this Commission that there are clearly demonstrated, compelling social, economic, and environmental objectives which the project meets which would justify allowing the import and aggregate mixing activity as indicated in the application and that it would be in the public interest for the reasons that:

1. The project will allow Hanson Aggregates to continue to provide high-quality aggregate for an additional six (6) months beyond the anticipated time of resource depletion at the Radum Quarry, which would contribute to needs of the state and regional construction markets for a longer period of time than otherwise possible;
2. The project will give Hanson Aggregates the necessary internal planning lead-time to develop strategies to remain competitive in the East Bay Area aggregate market, also contributing to the long-term needs of state and regional construction markets through the early 21st century; and
3. The project is consistent with the County's land use goals for the site as described in the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation;

and

WHEREAS, under the following conditions, the application conforms to the requirements of:

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

NOW THEREFORE BE IT RESOLVED that this Commission hereby:

- 1. Adopts the Initial Study and Negative Declaration and certifies that it is complete and complies with the requirements of CEQA and all applicable State and County guidelines;
- 2. approves amendments to Surface Mining Permit and Reclamation Plan, SMP-31, subject to the following amended conditions of approval:

CONDITIONS OF APPROVAL
SURFACE MINING AND RECLAMATION PLAN SMP-31
(Amendments are *italicized*)

General

- 1. Surface mining operations, reclamation, and grades shall be in substantial conformance with the various maps, information, and recommendations labeled:
 - (a) "Exhibit B, SMP-31", being the application for approval of a Surface Mining Permit and Reclamation Plan, including staging plans for the years 1990, 1995, 2000, and 2005 and final land form map, dated March 14, 1990; (b) "Exhibit C, SMP-31", being the booklet entitled "Stability Analysis, Reclamation Lakes, Kaiser Sand & Gravel Company" by Shannon & Wilson, Inc., dated 1983; all exhibits dated March 14, 1990, except as hereinafter modified or otherwise modified under the procedures of Conditions 5 and 13.
- 2. Surface mining operations and the reclamation plan shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 3

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. The operator shall guarantee timely performance of reclamation requirements of the ACSMO, these conditions, and the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation. Operator shall furnish a performance bond to guarantee this operation in a manner acceptable to the County of Alameda, or as an alternative, modify as necessary the bond furnished for Surface Mining Permit and Reclamation Plan SMP-14 to comply with this provision. Said bond shall be for an amount which is twice the estimated cost of all reclamation components yet to be accomplished. Said bond shall extend until all reclamation has been accomplished in accordance with this plan. At the time of periodic review of this plan pursuant to Condition No. 13, the Planning Commission shall consider the amount of the bond, the amount and adequacy of reclamation work yet to be performed, and the past and anticipated degree of inflation, and shall adjust the amount of the bond accordingly or impose alternate guarantees of performance. Operator shall submit a schedule for approval by the Planning Director and incorporation into the reclamation plan within three months from the date of approval of this permit which ties timing of completion of reclamation components to specific stages in the mining plan. Said schedule shall form the basis for determination by the County of Alameda whether particular reclamation work is on schedule and determination whether utilizing the bond or portion thereof is needed to perform said work. Upon revocation or expiration of the SMP-31 permit and completion of the reclamation plan, the bond shall be released to the operator upon the satisfactory determination by the Director of Public Works that the conditions of the plan have been met and that the site has been reclaimed in accordance with the approved reclamation plan and Specific Plan for Livermore-Amador Valley Quarry Area Reclamation. If reclamation has not been completed, and the Director of Public Works determines that conditions of the reclamation plan have not been met, then said bond shall be used by the County of Alameda to bring the quarry into conformance and reclaim the site. The Planning Commission may require some other form of security, if determined necessary, based on permit review. Adjustments to the bond amount may be approved by the Planning Commission at any time during the permit term to reflect completion of reclamation components identified in the approved reclamation plan, if actual costs are substantiated by the permittee.
5. The operator shall furnish the Director of Public Works with a report describing compliance with these conditions by March 1 of each year, beginning March 1, 1993, or annually on the date to coincide with reporting requirements of the State Division of Mines and Geology, at the discretion of the Director of Public Works. With each report, the permittee shall provide a map at the same scale as the

approved reclamation plan, showing current progress of mining and reclamation, drainage, erosion and sedimentation control facilities to be provided and those in place.

The 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 policies of the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation. The permittee shall pay to the County the actual cost of conducting the periodic inspection of operations and shall make available to the Director of Public Works such information as necessary for determination of compliance. The 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 the permittee within 45 days after the inspection. A copy shall be furnished to the Planning Commission.

6. Operator and all lessees shall provide a written statement that they accept responsibility for reclaiming the site as indicated on the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation as approved November 5, 1981, and this 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. In the event that the property is conveyed to another owner, the operator shall fully disclose to the new owner and/or lessees any outstanding charges owed to the County of Alameda to cover inspections, periodic review, or other County time or expenses related to this permit.
7. Operator shall confirm to the satisfaction of the Planning Director that conceptual plans for all physical reclamation facilities have been submitted to Zone 7 as required under earlier permits. It is expressly understood that conceptual plans may change with the mutual consent of permittee, the County, and Zone 7. Timing and level of detail for future submittals shall be specified by the Planning Director as needed based on the mining plan/reclamation schedule submitted pursuant to Condition No. 4. 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-31".
8. Approved reclamation plans shall indicate dedication to Zone 7 for water management purposes only, at no cost to the Zone, all lands identified in the agreement between Kaiser Sand and Gravel Company and Zone 7, dated January 21, 1987.

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 5

9. If problems develop regarding reclamation as may be determined by the Planning Director, operator shall take corrective action with all due haste, in good faith. Operator shall implement solutions as approved by the Planning Director.
10. The end use of the site upon complete reclamation is hereby assumed to be for water management (pit, a portion of the Cope parcel, and surrounding support areas to be dedicated to Zone 7) and agricultural (land areas not to be dedicated to Zone 7). Any other reuse of the site would be subject to environmental review, including a review of consistency between proposed uses and SMARA, requirements, water management objectives, and existing and planned land uses in the area. must be approved by the County of Alameda. Uses permitted shall be compatible with water management and quality.
11. Permittee is allowed to export the remaining quantity of overburden allowed to be exported under Condition No. 12 of SMP-14, Resolution 87-58 (i.e., 500,000 cubic yards minus the quantity exported up to the date of this permit approval), provided that adequate quantities of the material are available to achieve original elevations, as shown on the reclamation plan. Record keeping for quantifying and monitoring overburden shall continue in the format used under SMP-14 or as otherwise approved by the Director of Public Works.
12. Future mining operations and reclamation shall not be conducted in such a manner as to preclude using the existing Kaiser haul route (Kaiser Road) as the alignment for El Charro Road, so that El Charro Road can be extended as a four-lane roadway south to Stanley Boulevard.
13. Within five years from the date of approval of this surface mining permit, the Planning Commission shall review compliance with the reclamation plan, and consider any new or changed circumstances within the general area of the mining operations that should be accommodated by the plan. The review shall include a public hearing. Operator 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.
14. Permittee shall pay a 1¢ per ton surcharge 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 to the Planning Department at the time that an annual report is filed in accordance with Condition No. 5, and the tonnage on which the surcharge is based shall be the same as that documented in the annual report. The amount of the surcharge shall be reconsidered at each Five Year Review, and adjusted by the Planning Commission to reflect inflation.

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 6

15. Permittee shall also be subject to pay any and all rates, fees and surcharges as established from time to time by ordinance, and as specified therein as to schedule and method of calculation.

Slope Stability

16. Temporary cut slopes excavated at gradients steeper than 2:1 and all temporary fill slopes shall be constructed and maintained in accordance with the geotechnical report's recommendations for slope design (Shannon and Wilson, 1983, "Exhibit C").
17. All levees in the dewatering areas shall be inspected periodically by a qualified professional provided by the permittee, a consultant, or the County to identify indication of stability problems, including excessive erosion or seepage or slope failures. Stability under expected seismic shaking and hydrostatic pressures shall be ensured through proper maintenance of the levees; if monitoring reveals potential instability under these conditions, prompt remediation should occur. The water level of water impounded behind the levees shall be managed at levels to prevent overtopping of the levees or rapid drawdown.
18. The backfilling of Areas A and B shall be performed in accordance with the recommendations of a qualified professional.
19. The specific design of all finished cut and fill slopes shall be presented for approval to the Director of Public Works prior to completion of construction of the finished slopes. The design of fill slopes shall be similar to the "broken" (benched) slope design alternatives presented in the Shannon and Wilson (1983) report on slope stability ("Exhibit C").
20. The construction of all finished slopes shall be monitored by a qualified professional to ensure that design criteria are met and adverse conditions are identified. The construction of the cut slope along the western portion of Lake I shall be designed to maximize groundwater infiltration and shall be appropriately graded, drained, and revegetated to minimize erosion pursuant to standards contained in Condition No. 24 20. Periodic inspection of the slopes shall be performed by a qualified professional after construction to identify slope stability or erosion problems. Identified problems shall be repaired or remediated by the permittee.

Hydrology

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 7

21. The permittee shall hydroseed all graded slopes with native grasses, or an appropriate mix of grasses (as determined by the Planning Director), until well-established. Stockpiles shall be protected from wind and rain erosion. Grading and erosion control shall conform to design standards (Sections 7-115.0 through 7.115.19) and geotechnical requirements (Sections 7-114.2 through 7.114.10) of Alameda County Grading Ordinance No. 82-17. Changes in drainage and/or sedimentation control facilities shall be submitted in advance to the Director of Public Works for approval.
22. Permittee shall reserve the existing setback of 215 feet along the northern boundary of Area A so that Zone 7 can accommodate planned channel improvements. The precise amount of land needed for channel improvements on Area A shall be determined by Zone 7, the permittee, and the Planning Director when the alignment of the channel between the future relocated upstream confluence of Arroyo las Positas and Arroyo Mocho and existing downstream improvements has been designed.

Biological Resources

23. The eucalyptus and cottonwood trees along the eastern boundary of the site shall not be disturbed and any future improvements in the vicinity of the trees shall occur outside the dripline of individual trees.
24. If the 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. If on-site wetlands are outside Corps jurisdiction, the permittee shall consult with Zone 7 to see if sufficient water levels could be maintained to support wetland vegetation. Feasibility of long-term wetlands shall be based on a comparison of competing benefits to be derived from limited water and land resources. Considerations in the evaluation of feasibility would include: competing water users, the objectives of Zone 7 in flood control management and groundwater recharge, and compatibility issues arising from potential urban development on adjacent reclaimed lands. If the preservation and maintenance of artificially created wetlands is deemed appropriate by Zone 7 and the County, then a wetland management plan shall be developed under the joint auspices of the permittee, Zone 7, and Alameda County and in consultation with the Alameda County Mosquito Abatement District. Features of the plan could be: (a) a schematic of proposed modifications to the open water on the Cope parcel, indicating the ultimate extent of marshlands, open water, and reclaimed upland habitat that may be developed in the future; (b) creation of shallow water shoreline and permanent marshlands through incremental filling; (c) creation of islands; and, (d) revegetation using native species. If a wetland management plan proves feasible, it shall

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 8

incorporate features of the comprehensive recreation plan for the Chain-of-Lakes pursuant to Condition No. 30.

Traffic

25. Mining and hauling operations shall not impose maintenance burdens on county roads. If roadway maintenance improvements are required, 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 length of time the permittee will continue operating as a quarry.
26. Permittee shall participate in a comprehensive program for improvements to the El Charro Road/I-580 interchange and the Stoneridge Drive/El Charro Road intersection. In conjunction with other quarry operators and landowners who will benefit from interchange and intersection improvements, 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 length of time the permittee will continue operating as a quarry and future uses of reclaimed lands.

Air Quality

27. Measures shall be taken to reduce dust emissions to the maximum extent possible. In addition to using water as a dust suppressant, other measures should be used if practicable such as commercially available dust suppressants, scheduling overburden stripping activities during the winter months, and temporarily halting stripping activities during high wind periods that create a visible dust plume. 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. New cut slopes shall be watered as they are created to the extent necessary to minimize dust. All haulage roads and loading areas within the site shall be paved and/or watered to maintain a dust-free condition. Permittee shall describe measures undertaken in each annual report furnished to the Director of Public Works pursuant to Condition No. 5 of this permit.
28. To reduce exhaust emissions from heavy equipment and haul trucks, quarry-operated equipment shall be maintained in accordance with manufacturers' recommendations.

Noise Control

29. All on-site heavy equipment and quarry-operated haul trucks shall be equipped with effective mufflers and maintained according to manufacturers' recommendations. No muffler or exhaust system shall be equipped with a cutout, bypass, or similar device intended to thwart quieting.

Visual

30. If development of adjoining properties occurs prior to excavation of Area A, the permittee shall initiate development of a landscape plan jointly with the City of Pleasanton, future developers, and Zone 7 (if appropriate). The landscape plan shall be for established setbacks along common property boundaries to provide trees to screen views of active mining from proposed residential uses in the Stoneridge Drive development area and shall include the setback between Area A and the Arroyo Mocho where riparian vegetation could be incorporated with future flood control improvements.
31. Zone 7, the Livermore Area Recreation and Park District, and the East Bay Regional Park District should develop a comprehensive recreation plan to guide reclamation of the Chain-of-Lakes (including the Cope parcel) so that recreational and aesthetic opportunities will not be precluded as reclamation proceeds. In the event that such a plan is initiated by these agencies, the permittee shall participate with Zone 7, the other quarry operators, and the two Park Districts in the development of the plan; recommendations of the plan should guide future mining and reclamation of this and other quarries in the Livermore-Amador Valley Quarry Area Reclamation Specific Plan area and should not require operators to modify areas already mined and reclaimed at the time of adoption of the plan. The plan should not conflict with biological considerations; if a wetland management plan is prepared pursuant to Condition No. 24, the two plans should be compatible.

Archaeological Resources

32. The permittee shall cease all operations in the vicinity of any suspected archaeological resource until an archaeologist is consulted and the suspected find evaluated. Procedures described in CEQA Guidelines (Appendix K) for evaluating and managing historic and prehistoric archaeological resources shall be followed.

Hanson Aggregates

Amendment to Surface Mining Permit and Reclamation Plan SMP-31

Out-of-County Aggregate Import and Mixing

April 3, 2000

Page 10

Energy Conservation

33. The permittee shall place overburden and waste material in areas designated for their final use and minimize the hauling distance from the stockpiles of overburden (fill) to the reclamation site to be backfilled.

Final Reclamation and Closure

34. Upon approval of this permit, SMP-31 supersedes prior permits for this property (Q-53 and SMP-14). SMP-31 shall terminate and end as of December 31, 2010.
35. Final reclamation shall occur no later than one year after completion of surface mining. The reclaimed quarry areas not intended for water management purposes shall consist of firmly compacted soil with a thin topsoil layer to allow revegetation. All stockpiles and equipment shall be removed from the site upon completion of reclamation, unless plans for their continued use by another operator are approved by the Planning Director. An "as built" plan of the final reclamation shall be prepared. Prior to development, permittee shall provide a geotechnical report describing (a) the stability of reclaimed slopes and the implementation of recommendations in prior geotechnical reports, and (b) suitability of backfilled areas. The Alameda County Director of Public Works shall require a geotechnical investigation, including subsurface sampling, to determine the suitability of the fill to support foundations prior to the construction of buildings for human habitation in the filled areas. Written evaluation of the results of such testing and recommendations for foundation design, submitted for approval to the Director of Public Works, specifically addressing the heterogeneity of the backfill material, by a qualified professional shall be required.
36. Prior to release of funds, all conditions shall be accomplished and accepted by the Director of Public Works and the Planning Director.

Hanson Aggregates
Amendment to Surface Mining Permit and Reclamation Plan SMP-31
Out-of-County Aggregate Import and Mixing
April 3, 2000
Page 11

Aggregate Import and Mixing

37. *Permittee shall be permitted to import clean raw aggregate from quarry pits in the Tracy area of San Joaquin County for a period not to exceed 24 months from the date of approval of this condition, or until April 30, 2002, whichever occurs later. The import activity shall be limited to no more than 6,500 tons per day of imported aggregate, and truck trips generated shall not exceed 260 round trips, 520 trips ends, per day, and/or 20 round trips, 40 trip ends, during any peak traffic hour. Trips shall be permitted during any hour of the day according to the operating schedule. Any variation on these maximum limits shall require additional review by the Planning Commission.*
38. The Permittee shall import raw clean aggregate from outside Alameda County only for the purpose of mixing the imported aggregate with native materials so as to extend the useful life of the native resource by up to six months beyond the date when the native resource would normally be exhausted. Any proposed variation on this activity permission shall require additional review by the Planning Commission.
39. Permittee shall pay a Tri-Valley Transportation Development (TVTD) Fee according to the schedule set forth in the TVTD Ordinance (ordained by the County Board of Supervisors June 9, 1998), and the fee shall be paid based, in part, on the average number of truck trip ends expected to be generated during the maximum a.m. or p.m. peak traffic hours.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioners Edwards, Hamlin, Kirby, Lepell, Smith, and Ysit

NOES: None

ABSENT: None

EXCUSED: Commissioner Gault

ABSTAINED: None

JAMES SORENSEN - SECRETARY AND PLANNING DIRECTOR
ALAMEDA COUNTY PLANNING COMMISSION

