

ATTACHMENT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AMENDMENT TO THE QUARRY LEASE BY AND BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND OLIVER DE SILVA, INC. FOR THE SUNOL VALLEY QUARRY ALAMEDA COUNTY SURFACE MINING PERMIT (SMP) 30 EXPANSION PROJECT

The City and County of San Francisco ("CCSF"), acting by and through the San Francisco Public Utilities Commission ("SFPUC"), as a responsible agency under the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), hereby adopts the following findings of fact and law under CEQA, the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code in conjunction with its approval of the Amendment to the Quarry Lease (hereinafter "Revised Lease") by and between the CCSF, acting through the SFPUC, and Oliver de Silva, Inc. ("ODS") for the Alameda County Surface Mining Permit Number 30 ("SMP 30") Quarry Expansion, the Project site of which is located on CCSF lands within the SFPUC Alameda Watershed:

A. The County of Alameda Planning Commission ("Alameda County Planning Commission"), acting as lead agency under CEQA, certified a Final Environmental Impact Report ("FEIR") for the SMP-30 Revised Use Permit Sunol Valley Aggregate Quarry Project (the "SMP 30 Project") on July 16, 2012 in its Resolution Number 12-14. No appeal was filed from the certification of the FEIR or the approval of the Revised SMP 30 Project; therefore, the matter was not heard by nor was any action taken by the Alameda County Board of Supervisors. The State Clearinghouse Number for the FEIR is 2011102051.

B. The SMP 30 Project consists of the expansion of ODS' mining operations to include the 58-acre adjacent Expansion Premises on CCSF lands in the Alameda Watershed, an increase in the depth of the mining, an extension of the permit term by 30 years from the Lease Amendment approval date, and the installation and operation of an asphalt plant and a ready mix plant on the site. The SMP 30 Project would result in temporary and permanent impacts for which mitigation measures were identified in the FEIR and required by the Alameda County Planning Commission in connection with approval of the SMP 30 Project.

C. The Alameda County Planning Commission determined that the SMP 30 Project described in the FEIR and as approved would result in significant environmental impacts, and that these impacts could be mitigated to a less-than-significant level with implementation of mitigation measures.

D. The FEIR identifies mitigation measures to reduce both permanent and temporary environmental impacts of the SMP 30 Project to less-than-significant levels and the Alameda County Planning Commission has approved and adopted these measures. With mitigation, no significant and unavoidable impacts would result from the SMP 30 Project.

E. In adopting Resolution Number 12-14 on July 16, 2012, the Alameda County Planning Commission approved the SMP 30 Project, adopted findings under CEQA, rejected project alternatives, and adopted a mitigation monitoring and reporting program ("MMRP"). The MMRP, which is contained in the FEIR and attached hereto as Exhibit 1, includes, among other mitigation measures, mitigation measure Haz-3c (Reclamation Requirements), which requires restoration of the mined lands upon completion of the mining operation to a usable condition that is readily adaptable for watershed management, water storage and recreational trails, consistent with

the Alameda County General Plan, the East County Area Plan, and the SFPUC Alameda Watershed Management Plan.

F. The FEIR has been made available for review by the SFPUC and the public. The SFPUC, as a responsible agency under CEQA, has reviewed and considered the FEIR for the SMP 30 Project, including the analysis of environmental effects of the SMP 30 Project set forth therein. The FEIR is available for public review at the SFPUC offices, Real Estate Services Division, 525 Golden Gate Avenue, 10th floor, which is the custodian of records for the approval of the Revised Lease. The FEIR is also available for review online at: <http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm> . The Alameda County custodian of records for the environmental review of the SMP 30 Project is Bruce Jensen, Senior Planner Alameda County, or his designee, 224 Winton Avenue, Room 111, Hayward, CA 94544.

G. The SFPUC hereby incorporates by reference as though fully set forth herein Alameda County Planning Commission Resolution Number 12-14, including the CEQA findings and MMRP. Without limitation, the SFPUC specifically adopts and incorporates by reference as though fully set forth herein all findings made pursuant to CEQA set forth in Alameda County Planning Commission Resolution Number 12-14 and its attachments, including findings under CEQA Guidelines Section 15091. Alameda County Planning Commission Resolution Number 12-14, including the CEQA findings and MMRP, is a part of the record of this approval and may be found in the SFPUC files for this matter, located at the SFPUC offices, Real Estate Services Division, 525 Golden Gate Avenue, 10th floor in San Francisco.

H. The SFPUC finds that the proposed Lease Amendment for use of CCSF lands in the Alameda Watershed by ODS is within the scope of the SMP 30 Project as evaluated in the FEIR and that the mitigation measures identified in the FEIR to be implemented and monitored through the MMRP will mitigate the significant environmental impacts to CCSF lands to a less-than-significant level, and that the FEIR therefore is adequate for SFPUC's use in approving the Lease Amendment for the SMP 30 Project site.

I. The SFPUC further finds that since the FEIR was finalized, there have been no substantial changes to the SMP 30 Project as approved in July 2012 and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR.

I. The SFPUC has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the SMP 30 Project would have on the environment.

J. The Alameda County Planning Commission has adopted the mitigation measures recommended in the FEIR, and has authority to implement the mitigation measures or to seek any required approvals for the mitigation measures. The SFPUC hereby adopts the MMRP, attached as Exhibit 1 to this Attachment A to the SFPUC Resolution, and imposes all mitigation measures within its authority as conditions of approval on the SMP 30 Project.

Exhibit E
Mitigation Monitoring and Reporting Plan (MMRP)
Revised Surface Mining Permit & Reclamation Plan for SMP-30

[Attached]

EXHIBIT “B” - REVISED SMP-30 SUNOL QUARRY PROJECT, MITIGATION MONITORING AND REPORTING PLAN (MMRP)

Mitigation Measures	Mitigation Action	Monitoring Responsibility	Timing
Aesthetics			
Impact Aesthetics-4: Light and Glare. The Project would introduce new sources of light which could substantially and adversely affect nighttime views in the area.			
<p>MM Aesthetics-4: Light and Glare, Night Lighting. The Permittee shall retain a professional lighting consultant to design a lighting plan for the site. The lighting plan shall ensure that night time lighting and security lighting is placed so that it is no higher than necessary to illuminate the area of security concern, and the lighting shall be directed toward the area. Under no circumstances shall areas beyond the Project site boundaries be directly illuminated nor shall general lighting radiate above the horizontal, but shall be shielded to illuminate only the area of concern.</p> <p>a) Any lighting placed on areas nonessential for security or active operations shall be placed on a motion detector circuit so illumination only occurs as necessary.</p> <p>b) Any lighting for operations in the quarry pit shall be placed as low into the pits as possible.</p> <p>c) Monitoring shall include occasional inspection of night time conditions by County staff to ensure that lighting is directed toward the area of concern and that areas beyond the site boundaries are not directly illuminated</p> <p>d) The Permittee shall immediately respond to complaints about excessive night lighting.</p>	<p>Permittee to prepare and submit lighting plan to County</p>	<p>Community Development Director to verify lighting plan achieves stated objectives</p>	<p>Prior to installing new lighting at the site</p>
Cumulative Impact Aesthetics-5: Implementation of the Project, combined with other past, present, existing, pending and reasonably foreseeable projects could result in significant adverse changes to scenic resources and in the scenic character of the area.			
<p>MM Aesthetics-5: Calaveras Road Landscape Plan. The Permittee and the County shall re-assess the Landscape Planting, Irrigation and Maintenance Plan required pursuant to the 1992 SMP-30 Conditions of Approval for the landscape buffers along Calaveras Road to determine what additional plantings are necessary to achieve the condition’s objectives of visually filtering and softening views of the site. The Permittee shall prepare a detailed landscape and planting plan for the Calaveras Road landscape buffers which shall include provisions for additional tree plantings consistent with the following measures:</p> <p>a) The visual screen shall be dense enough to filter views from Calaveras Road;</p> <p>b) Trees shall be planted subject to the approval of the Community Development Director;</p>	<p>Permittee to prepare and submit a detailed landscape and planting plan, and a monitoring plan with an implementation schedule</p>	<p>Community Development Director to review and approve plans</p> <p>Community Development Director to monitor successful growth and health of trees during annual reviews</p> <p>Planning Commission to monitor successful growth</p>	<p>Landscape plans to be submitted within 180 days of approval of Revised SMP-30, including SFPUC lease approvals.</p>

EXHIBIT "B" - REVISED SMP-30 SUNOL QUARRY PROJECT, MITIGATION MONITORING AND REPORTING PLAN (MMRP)

Mitigation Measures	Mitigation Action	Monitoring Responsibility	Timing
<p>c) There shall be a preference for native species. Different species or tree placement schemes may be used if approved in writing by the Community Development Director; if alternative species are selected, they shall be non-invasive.</p> <p>d) Trees shall not interfere with water or electrical transmission lines;</p> <p>e) A monitoring plan with an implementation schedule shall be prepared and submitted to the Community Development Director for approval within 180 days of approval of Revised SMP-30, including SFPUC lease approvals. The plan shall include the provision that the successful growth and health of trees shall be monitored by the Community Development Agency during their annual review and by the Planning Department during the five year review, or as needed to ensure its success as a visual filter. If proved unsuccessful, then Permittee shall replant with the same or different species as approved by the Community Development Director.</p>		and health of trees during 5-year reviews	
Air Quality			
<p>Impact AQ-4: Operational Impacts, Criteria Pollutants. Criteria air pollutant emissions generated during operation of the Project could violate an air quality standard or substantially contribute to an existing or projected air quality violation</p>			
<p>Mitigation Measure AQ-4: NOx Emissions Monitoring and Reduction Plan. Upon approval of the Project, the Permittee shall initiate implementation of a NOx Monitoring and Reduction Plan (NOx Plan).</p> <p>a) Throughout the first year of operation and then subsequently throughout each following year, the Permittee shall prepare an annual audit of the total aggregate, concrete and asphalt production from the Project. Based on that audit, the Permittee shall prepare a calculation of all Project-related NOx emissions from all Project sources including the aggregate plant, the concrete plant, the asphalt plant, on-site off road equipment and mobile sources (i.e., haul trucks). This calculation shall be used to compare the Project's actual annual NOx emissions, as a net increase over the baseline emissions established in the EIR, to the applicable significance threshold.</p> <ul style="list-style-type: none"> Beginning in the first year (through June 2013), if the total annual aggregate production rate does not exceed 1.5 million tons, the threshold for NOx emissions is not expected to be exceeded and no further emission calculations or mitigation would be required for that year. In subsequent years, new emission standards promulgated by the US EPA and California Air Resources Board are expected to result in a substantial 	Permittee to prepare and submit annual NOx Emissions Monitoring and Reduction Plan	Community Development Director to review and approve NOx Plan	NOx Plan to be submitted at each annual review, beginning at the first year

Mitigation Measures	Mitigation Action	Monitoring Responsibility	Timing
<p>reduction in NOx emissions from the on-road truck fleet. With implementation of ARB emission standards by year 2016, if the annual total annual aggregate production rate does not exceed 2.25 million tons, the threshold for NOx emissions are not expected to be exceeded and no further emission calculations or mitigation would be required for that year.</p> <ul style="list-style-type: none"> • With implementation of ARB emission standards by year 2020, the thresholds for NOx emissions is not expected to be exceeded even at 3.0 million tons of total aggregate production per year (the Project maximum), and no further emission calculations or mitigation would be required. <p>b) If the Project's NOx emissions, measured as the net increase over the EIR-established baseline, exceed the applicable threshold, the NOx Plan shall demonstrate how the Project will reduce or off-set those net emissions exceeding the threshold. Reductions may be achieved by any combination of, but not limited to the following:</p> <ul style="list-style-type: none"> • replacing or retrofitting engines for on-site rolling stock or haul trucks, • reducing overall production rates at the Project site so as to not exceed the threshold, • providing off-site compensation by reducing NOx emissions elsewhere in the air basin as a "credit" against project emissions, and/or • purchasing NOx offset credits. For example, the Permittee could off-set their emissions through the Bay Area Air Quality Management District's (Air District) Carl Moyer Memorial Air Quality Standards Attainment Program (CMP) or other Air District emission reduction incentive programs. Under this example, the Permittee would provide funding for the emission reduction projects in an amount up to the emission reduction project's cost-effectiveness limit set by the California Air Resources Board (ARB) for the CMP during the year that the emissions from material hauling are emitted, and the funding would be used to fund projects eligible for funding under the CMP guidelines or other Air District incentive programs meeting the same cost-effectiveness threshold that are real, surplus, quantifiable, and enforceable. <p>c) The NOx Plan will be submitted to the Alameda County Community Development Agency on an annual basis.</p> <p>d) Upon County approval of the NOx Plan, the Permittee shall implement specified measures as necessary.</p>			

Mitigation Measures	Mitigation Action	Monitoring Responsibility	Timing
<p>Impact AQ-5: Operational Impacts, Toxic Air Contaminants. Operation of the proposed Project would expose sensitive receptors to substantial concentrations of toxic air pollutants and fine particulate matter.</p>			
<p>MM AQ-5: TAC Emissions Monitoring and Reduction Plan. Upon initiation of Phase II of the Project's operations the Permittee shall initiate implementation of a Toxic Air Contaminant Monitoring and Reduction Plan (TAC Plan).</p> <p>a) Throughout the first year of Phase II operations and then subsequently throughout each following year, the Permittee shall prepare an annual audit of the total aggregate, concrete and asphalt production from the Project. Based on that audit, the Permittee shall prepare a risk assessment for lifetime cancer risk for a lifetime resident from all Project sources including the aggregate harvesting operations, aggregate plant, the concrete plant, the asphalt plant, on-site off road equipment and mobile sources. This risk assessment calculation shall be used to compare the Project's actual incremental lifetime cancer risk, as a net increase over the baseline risk established in the EIR, to the applicable significance threshold.</p> <p>b) If risk assessment indicates that the Project's net increase in incremental health risk exceeds the applicable threshold, the TAC Plan shall demonstrate how the Project will reduce emissions to below the threshold level. Reductions may be achieved by any combination of, but not limited to the following:</p> <ul style="list-style-type: none"> • replacement or retrofit of engines used in one of the two scrapers, such that they meet a minimum of US EPA Tier 4 interim emissions standard, or • replacement or retrofit of engines used on other on-site rolling stock, such that they meet a minimum of US EPA Tier 4 interim emissions standard and result in maintaining risk levels below the applicable standards, or • reducing overall production rates at the Project site so as to not exceed the threshold. <p>c) The TAC Plan shall be submitted to the Alameda County Community Development Agency on an annual basis.</p> <p>d) Upon approval, the Permittee shall implement specified measures as necessary.</p>	<p>Permittee to prepare and submit annual TAC Emissions Monitoring and Reduction Plan</p>	<p>Community Development Director to review and approve TAC Plan</p>	<p>TAC Plan to be submitted at each annual review, beginning upon initiation of Phase II operations</p>

Climate Change

Impact CC-1: Stationary Source Emissions. The proposed Project would generate greenhouse gas emissions from stationary source equipment at levels in excess of the BAAQMD-established significance thresholds for greenhouse gas emissions.

MM CC-1: Stationary Source GHG Monitoring and Reduction Plan. Upon approval of the Project, the Permittee shall initiate implementation of a Stationary Source GHG Monitoring and Reduction Plan (SS GHG Plan).

Permittee to prepare and submit annual Stationary Source GHG Emissions Monitoring and Reduction Plan

Community Development Director to review and approve Stationary Source GHG Plan

Stationary Source GHG Plan to be submitted at each annual review, beginning at the first year

- a) Throughout the first year of operation and then subsequently throughout each following year, the Permittee shall prepare an annual audit of the total throughput of asphalt through the plant. Based on that audit, the Permittee shall prepare a calculation of all stationary source emissions of GHGs from the drum mixer and the hot asphalt oil heater. This calculation shall be used to compare the Project's actual annual stationary source GHG emissions to the applicable significance threshold.
 - If the total annual throughput of asphalt does not exceed 750,000 tons per year, the threshold for stationary source GHG emissions is not expected to be exceeded and no further emission calculations or mitigation would be required for that year.
- b) If the Project's stationary source GHG emissions, measured as the net increase over the EIR-established baseline, exceed the applicable threshold, then the SS GHG Plan must demonstrate how the facility will reduce or offset those net emissions exceeding the threshold. Reductions may be achieved by any combination of, but not limited to the following:
 - limiting total asphalt production at the plant to levels that would not result in exceeding the threshold,
 - achieving on-site reductions in emissions through such means as more energy-efficient equipment, production of on-site sustainable energy or use of cleaner burning (i.e., bio-diesel) fuels.
 - providing off-site compensation by reducing GHG emissions elsewhere as a "credit" against project stationary source emissions, and/or
 - purchasing offsetting "carbon credits" as an off-site compensation. For example, the Permittee may be able to off-set their emissions through a Bay Area Air Quality Management District (Air District) grant program whereby the funding would be used to fund projects eligible for funding under the program's guidelines meeting the same cost-effectiveness threshold that are real, surplus, quantifiable, and enforceable.
- c) The SS GHG Plan will be submitted to the Alameda County Community

Development Agency on an annual basis.

- d) Upon County approval of the SS GHG Plan, the Permittee shall implement specified measures as necessary.

Impact CC-2: Non-Stationary Source Emissions. The proposed Project would generate greenhouse gas emissions from non-stationary sources at levels in excess of the BAAQMD-established significance thresholds for greenhouse gas emissions.

MM CC-2: Mobile Source GHG Monitoring and Reduction Plan. Upon approval of the Project, the Permittee shall initiate implementation of a Mobile Source GHG Monitoring and Reduction Plan.

Permittee to prepare and submit annual Mobile Source GHG Emissions Monitoring and Reduction Plan

Community Development Director to review and approve Mobile Source GHG Plan

Mobile Source GHG Plan to be submitted at each annual review, beginning at the first year

- a) Throughout the first year of operation and then subsequently throughout each following year, the Permittee shall prepare an annual audit of the total aggregate, concrete and asphalt production from the Project. Based on that audit, the Permittee shall prepare a calculation of all Project-related mobile source GHG emissions from all Project sources including the aggregate plant, the concrete plant, the asphalt plant, on-site off road equipment and mobile sources (i.e., haul trucks). This calculation shall be used to compare the Project's actual annual mobile source GHG emissions, as a net increase over the baseline emissions established in the EIR, to the applicable significance threshold.
- b) If the Project's mobile source GHG emissions, measured as the net increase over the EIR-established baseline, exceed the applicable threshold, the Mobile Source GHG Plan shall demonstrate how the Project will reduce or offset those net GHG emissions exceeding the threshold. Reductions may be achieved by any combination of, but not limited to the following:
- achieving on-site reductions in emissions through such means as more energy-efficient equipment, production of on-site sustainable energy or use of cleaner burning (i.e., bio-diesel) fuels,
 - providing off-site compensation by reducing GHG emissions elsewhere as a "credit" against project mobile source GHG emissions, and/or
 - purchasing off-setting "carbon credits" as an off-site compensation. For example, the Permittee may be able to off-set their emissions through a Bay Area Air Quality Management District (Air District) grant program whereby the funding would be used to fund projects eligible for funding under the program's guidelines meeting the same cost-effectiveness threshold that are real, surplus, quantifiable, and enforceable.
- c) The Mobile Source GHG Plan shall be submitted to the Alameda County Community Development Agency on an annual basis.
- d) Upon County approval of the Mobile Source GHG Plan, the Permittee shall

implement specified measures as necessary.

Biology

Impact Bio-1: Special-Status Species. The proposed Project could have a substantial adverse effect on special-status species.

MM-Bio-1a: Special-Status Species, General Measures.

- a) The Permittee shall ensure that the following general measures are implemented as part of any new construction to minimize or avoid impacts on biological resources:
 - Minimize the extent of the construction disturbance as much as feasible.
 - Prior to the start of construction, the Permittee in coordination with a qualified biologist, shall install 4-foot tall fencing at the limits of construction and outside the driplines of all trees to be retained that are located within 50 feet of any grading, road improvements, underground utilities, or other construction activity. A qualified biologist and Permittee must approve any encroachment into these fenced areas. The Permittee shall maintain the temporary fencing until all construction activities are complete. No construction activities, parking, or staging shall occur within the fenced areas.
 - At individual construction sites (not the quarry pit) where excavations require dewatering, the intakes shall be screened with a maximum mesh size of 5 millimeters.
- b) The Permittee shall ensure that the following general measures are implemented as part of quarry operations to minimize or avoid impacts on biological resources:
 - Project-related vehicles shall observe a 15-mile-per-hour speed limit on unpaved roads in the work area, or as otherwise negotiated with the applicable regulatory agencies.
 - The Permittee shall provide closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps). All garbage shall be collected daily from the Project site and placed in a closed container, from which garbage shall be removed weekly.
 - Construction personnel shall not feed or otherwise attract fish or wildlife in the Project area.
 - No pets or firearms shall be allowed in the Project area.
 - Staging areas shall be located at least 50 feet from aquatic areas.
 - If vehicle or equipment fueling or maintenance is necessary, it shall be

Permittee shall submit fencing plan showing the limits of construction, and submit the plan prior to initiating construction

Permittee and/or operator shall post notice of all general operations measures at a visible location at the site

Community Development Director to review and approve construction fence plan

Fencing plan to be submitted prior to new construction, as specifically defined in the Conditions of Approval

performed in designated staging areas.

MM-Bio-1b: Special-Status Species, Construction Monitoring and Protocols. At the beginning of each workday that includes initial site preparation and/or construction activity as defined above, a USFWS- and CDFG-approved biologist shall conduct on-site monitoring for the presence of California tiger salamander and California red-legged frog in the area where ground disturbance shall occur, as follows:

- a) Exclusion fencing shall be inspected to ensure it does not have any tears or holes, that the bottoms of the fences are still buried, and that no individuals have been trapped in the fences.
- b) Any California tiger salamander and California red-legged frog along and outside the fence shall be closely monitored until they move away from the construction area.
- c) All open trenches or holes and areas under parked vehicles shall be checked for the presence of California tiger salamander and California red-legged frog.
- d) All excavated or deep-walled holes or trenches greater than 2 feet in depth shall be covered at the end of each workday using plywood or similar materials, or escape ramps shall be constructed of earth fill or wooden planks. Before such holes are filled, they shall be thoroughly inspected for trapped animals.
- e) Project personnel shall be required to immediately report any harm, injury, or mortality of a special-status species during construction (including entrapment) to the construction foreman or biological monitor, and the construction foreman or biological monitor shall immediately notify the Permittee. The Permittee shall provide verbal notification to the USFWS Endangered Species Office in Sacramento, California and/or to the local CDFG warden or biologist (as applicable) within one working day of the incident. The Permittee shall follow up with written notification to the USFWS and/or CDFG (as applicable) within five working days of the incident. All observations of federally and state-listed species shall be recorded on CNDDDB field sheets and sent to the CDFG by the Permittee or representative biological monitor.
- f) While it is not necessary that the biological monitor stay on-site for the entire day, the monitor shall remain on-call in case any of these animals are discovered and it is necessary to move them. The Permittee shall designate a representative as the point of contact in the event that a California tiger salamander or and California red-legged frog is discovered on-site when the biological monitor is not present.
- g) If the biological monitor or construction personnel find any of these species within the work area, construction activities shall cease in the immediate vicinity of the individual until: (1) the USFWS and/or CDFG are contacted and/or the animal has been removed from the construction area, in accordance with permits, by a

Permittee to retain a biological monitor

Community Development Director approve biological monitor credentials

Biological monitor to be on site at the beginning of each work day that includes initial site preparation and/or construction activity

Once all initial ground-disturbing activities are completed, the biological monitor shall perform spot checks of the Project area at least once a week for the duration of construction

USFWS- and CDFG-approved biologist and released near a suitable burrow or other suitable habitat within 0.25 mile of the construction area, or (2) the animal moves away from the construction area on its own.

Once all initial ground-disturbing activities are completed, the biological monitor shall perform spot checks of the Project area at least once a week for the duration of construction (as defined above) to ensure that any exclusion fencing is in good order, trenches are being covered if left open overnight (or escape ramps provided), Project personnel are conducting checks beneath parked vehicles prior to their movement, and all other required biological protection measures are being followed.

MM Bio-1c: Special-Status Species, Conduct Preconstruction Surveys for Special Status Bats and Implement Avoidance and Minimization Measures. Not more than one week prior to tree removal or removal of any abandoned structure, a County-approved qualified biologist (i.e., one familiar with the identification of bats and signs of bats) shall survey the tree or structure to be removed in the Project area for the presence of roosting bats. Bats may be present any time of the year. The biologist shall thoroughly search trees or structures that provide appropriate habitat (trees with foliage or cavities or that are hollow) for the presence of roosting bats or evidence of bats.

- a) If no roosting bats or evidence of bats are found, the removal of trees or structures may proceed.
- b) If bats are found or evidence of use by bats is present, the biologist shall map and mark the tree or structure with flagging. The Permittee shall ensure that the trees or structures are not removed until the CDFG has been consulted for guidance on measures to avoid and minimize disturbance of the special-status bats. Measures may include monitoring trees or structures and excluding bats from a tree or structure until it is removed and/or timing tree or structure removal and use of a construction buffer to avoid disturbance of young before they are able to fly.

Permittee shall retain biologist to conduct survey.

Biologist to conduct survey and submit results to County

Community Development Director to verify completion of survey

Biologist to conduct survey not more than one week prior to tree removal or removal of any abandoned structure

Permittee to submit results of survey prior to tree removal or removal of any abandoned structure

Geology

Impact Geo-1: Geologic Risk of Fault Rupture. The Project could potentially expose people or structures to substantial risk of loss, injury, or death involving rupture of the Calaveras Fault.

MM Geo-1: Structure-Specific Geologic Investigation. Prior to construction of any structures intended for human occupancy (i.e., expected to be occupied for more than 2,000 person-hours per year) within the Alquist-Priolo zone, a detailed geologic investigation of the structure location shall be prepared by a geologist registered in the State of California. This report shall address the potential for surface fault

Permittee shall retain geologist to prepare geologic investigation (if structure proposed

Community Development Director to verify completion of investigation and ensure all recommendations of the

Prior to construction of any structures intended for human occupancy

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<p>displacement at the structure site, based on a geologic investigation designed to identify the location, recent activity and nature of faulting that may have affected the structure site in the past and may affect the structure site in the future. If, based upon the findings of the geologic investigation, the site of the proposed structure is underlain by an active fault trace, the structure shall be located at least 50-feet away from such an active fault trace.</p>	<p>in Alquist Priolo Zone) Geologist to conduct investigation and submit results to County</p>	<p>geologist are adhered to</p>	<p>within the Alquist-Priolo zone</p>
<p>Impact Geo-3: Slope Instability. Slope failure could affect cut slopes created by quarry excavations and could affect fill slopes constructed for roads, levees, the backfilled bench at the long-term processing facility, and stockpiles. Slope failure could damage internal and external roads, buried utilities and pipelines, transmission tower foundations or on-site structures.</p>			
<p>MM Geo-3a: Engineering Analysis. Recommendations contained in the Berlogar Stevens Associates' Geotechnical Investigation, Amended Reclamation Plan for the Sunol Quarry (SMP-30), Calaveras Road, Sunol, California for Oliver De Silva, Inc., dated May 25, 2012 (Berlogar, 2012) shall be incorporated into the Project.</p>	<p>Permittee to prepare and submit annual compliance report</p>	<p>Community Development Director to review and approve annual compliance report</p>	<p>Compliance report to be submitted at each annual review, beginning at the first year</p>
<p>MM Geo-3b: Annual Review. Based on the recommendations of the Project geologists, an annual review of the stability of cut slopes is recommended to determine if exposed conditions indicate that the proposed quarry slopes should be modified.</p>	<p>Permittee to prepare and submit annual slope stability review</p>	<p>Community Development Director to review and approve annual slope stability report</p>	<p>Slope stability report to be submitted at each annual review, beginning at the first year</p>
<p>MM Geo-3c: Managing Stockpile Height. Stockpiles shall be managed such that they do not become over-steepened or undercut, and the faces of stockpiles shall be maintained to prevent steep, high faces from forming. Where front-end loaders have to carry out undercutting in front of high faces, a cab should be fitted to enclose an operator overhead and on at least three sides.</p>			
<p>Impact Geo-4: Soil Erosion. Soil erosion could occur at the Project site if proper drainage and erosion control measures are not provided. Excessive soil erosion could create gullies, undercut slopes and cause slope failure. Soil erosion can also affect surface water quality (see Hydrology and Water Quality chapter).</p>			
<p>MM Geo-4a: NPDES Stormwater Permits. The Permittee (Project operator) shall be responsible for obtaining any necessary amendments and/or updates to the currently applicable NPDES permit for water management within the Project.</p>	<p>Permittee to obtain amended/updated NPDES permit(s)</p>	<p>Community Development Director to verify NPDES permit(s) have been obtained</p>	<p>Updated/amended NPDES permit to be obtained prior to conducting any work or</p>

<p>MM Geo-4b: The removal of vegetation and overburden from the 58-acre expansion site shall occur no more than one month prior to commencement of excavation and raw aggregate harvesting activities from the expansion of the quarry pit into this area. Alternatively, if vegetation and overburden removal is to occur more than one month prior to excavation, the Permittee shall take measures such as watering the soil or applying soil binders or chemical stabilizers approved by the Community Development Director, to control dust during the stripping and subsequent transporting of the overburden and topsoil</p>	<p>Permittee to prepare letter report describing dust control measures to be implemented</p>	<p>Community Development Director to accept and approve report (as may be needed) and verify that dust control measures are to be implemented</p>	<p>operations not provided for under the 1992 SMP-30 permit Dust control letter report to be submitted at least 2 weeks prior to removal of vegetation and overburden from the 58-acre expansion site</p>
<p>Hazardous Materials</p>			
<p>Impact Haz-2: Accidental Release of Hazardous Materials. The Project could create a significant hazard to the public or environment through upset or accident conditions releasing hazardous materials used in the mining and plant operations.</p>			
<p>MM Haz-2a: Above Ground Storage Tanks. The Project shall not include any underground storage tanks, and only above-ground storage tanks that have been approved by the U.S. EPA shall be used for storing petroleum products and other regulated substances. Any new above-ground tanks shall be double walled and meet all ballistic and flame impingement requirements in CFC Article 79. The containment structures shall not be equipped with any valves or drains.</p>	<p>Permittee to provide written confirmation of compliance with storage tank requirements as part of each annual review report</p>	<p>Community Development Director to verify written confirmation</p>	<p>Written confirmation to be submitted at each annual review, beginning at the first year</p>
<p>MM Haz-2b: Fuel Delivery Requirements. All delivery, maintenance, and repair trucks containing petroleum products will be required to comply with the California Department of Transportation's regulations for transport of hazardous materials. All trucks carrying petroleum products shall be equipped with quick-connect couplings and automatic shut-off valves to prevent spills, and shall carry appropriate absorbent materials to contain and recover spillage.</p>	<p>Permittee to provide written confirmation of compliance with all fuel delivery requirements as part of each annual review report</p>	<p>Community Development Director to verify written confirmation</p>	<p>Written confirmation to be submitted at each annual review, beginning at the first year</p>
<p>MM Haz-2c: Comprehensive Fire Protection Plan. The Permittee shall engage a Fire Protection Engineer to perform a Code analysis and submit a Comprehensive Fire Protection Plan for the proposed Project for review by the County Fire Marshall. The</p>	<p>Permittee to retain Fire Protection</p>	<p>County Fire Marshall to review and approve Fire Protection Plan and verify</p>	<p>Fire Marshall approval of Fire Protection Plan</p>

submittal shall include an evaluation of the Project's compliance with the Uniform Fire Code requirements relating to storage of hazardous materials (including aboveground tanks), the need for fire suppression system, alarm systems, storage of flammable or combustible materials, containment basins around hazardous materials, and compliance with hazardous materials regulations. Hazardous materials at the proposed asphalt plant shall be specifically considered in the review.

Engineer Protection Engineer to perform Code analysis and submit a Comprehensive Fire Protection Plan

compliance with the Uniform Fire Code

required prior to conducting any work or operation not provided for under the 1992 SMP-30 permit

MM Hydro-1: Chemical Release Prevention. To prevent the inundation of the processing area and the potential release of hazardous materials to water in the basin (once the processing area is relocated to the south end of the mining basin at an elevation of 220 ft. msl) due to a 100-yr storm event, one or more of the following measures shall be taken:

- a) Bulk storage for Portland cement, asphalt oil, fuels, and other chemicals shall be maintained outside of the basin perimeter. Only those materials needed for daily operations shall be stored and maintained in the processing area once it is relocated to the south end of the basin. If reliable weather predictions call for the potential for a 100-year storm event, or a series of events that could potentially yield equivalent flood flows, then all hazardous materials shall be removed from the processing area; or
- b) The processing area should not be relocated to the south end of the basin until sufficient excavation has been completed such that the basin volume below the elevation of the processing area (approximately 220 ft. msl) is greater than at least 6,000 acre-feet. At a volume of 6,000 acre-feet, the basin would be capable of holding the total volume of water that could potentially enter the basin due to a breach during a 100-year storm, without overtopping into the processing area.

Permittee to submit evidence to verify that the Main Basin volume below the elevation of the processing area is greater than at least 6,000 acre-feet, or Permittee to provide plans showing bulk storage outside of basin perimeter

Community Development Director to verify Main Basin volume evidence, or Review and approve out-of-basin bulk storage plan

Evidence of Main Basin volume or out-of-basin storage plan to be submitted prior to relocation of processing plant (Phase II) operations

Impact Haz-3: Asphalt Plant Operations. The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, particularly as pertaining to the asphalt plant operations.

MM Haz-3a: Prohibited Truck Spraying. The Permittee shall not allow trucks to be sprayed with diesel fuel or any other petroleum hydrocarbon-containing liquid as a means to prevent asphalt from sticking to the beds of the truck beds. Suitable bio-degradable surfactants may be utilized by the truck operators, if desired. The County's annual inspections and review shall ensure that soil contamination has not occurred at the site due to spraying of truck beds with diesel fuel or other petroleum hydrocarbon-containing liquids.

Permittee to provide written confirmation of compliance with requirements as part of each annual review report

Community Development Director to verify written confirmation via field inspections

Written confirmation to be submitted at each annual review, beginning at the first year

MM Haz-3b: Best Management Site Practices. The Project site equipment and servicing materials shall be maintained in a neat and orderly manner to aid in accounting for and detecting potential sources of contamination;

- a) Non-functional equipment, scrap metal, construction debris, used batteries and tires, and similar objects shall be removed from the site on a regular basis and disposed of at appropriately licensed facilities;
- b) Best Management Practices specific to the storage of spare equipment such as heavy equipment parts, conveyor belts, tires and other replacement or extra equipment pieces, shall be established pursuant to the Project's NPDES General Mining Permit to ensure that runoff from storage areas does not result in surface water contamination. Spare parts containing petroleum products (i.e., lubricants, hydraulic oil, etc.) shall be stored using Best Management Practices (BMPs) to prevent contamination of soil or storm water runoff; and
- c) Storage areas shall be inspected by the Permittee monthly. Any petroleum leaks shall be documented and cleaned up. Leaking equipment shall be repaired. Inspection and monitoring documentation shall be retained for a minimum of five years and be available to County staff during site inspections.

Permittee to provide written confirmation of compliance with requirements as part of each annual review report

Permittee to obtain amended/updated NPDES permit(s) to include BMPs for equipment storage

Permittee to inspect storage areas monthly

Community Development Director to verify written confirmation of compliance

Community Development Director to verify NPDES permit(s) have been obtained

Written confirmation to be submitted at each annual review, beginning at the first year

Updated/amended NPDES permit to be obtained prior to conducting any work or operations not provided for under the 1992 SMP-30 permit

MM Haz-3c: Reclamation Requirements. Upon completion of mining and processing operations at the Project site and pursuant to implementation of the Reclamation Plan, all hazardous materials and above ground storage tanks shall be removed and the site shall be cleaned of hazardous material.

- a) Prior to closure of any above ground storage tank used to hold hazardous material, the Permittee shall obtain a tank closure permit from the County DEH and shall comply with all applicable tank closure guidelines.
- b) The Permittee shall obtain a closure permit for all above ground hazardous materials storage facilities.
- c) Fuel tanks and other hazardous materials containers shall be transported by licensed haulers to an approved disposal or recycling facility in accordance with all applicable laws and regulations.
- d) Any reported releases of hazardous substances which may have occurred during Project operations shall be fully remediated according to the corrective actions proscribed by the identified lead agency, and a case closure letter from the lead agency obtained.

Permittee to obtain and provide written confirmation of all tank closure permits

Permittee to provide copies of any case closure letters

Community Development Director to verify written confirmation of compliance

County DEH to review and approve tank closure permits

Upon completion of mining and processing operations at the Project site and pursuant to implementation of the Reclamation Plan

Impact Haz-7: Wildland Fires. The proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wild lands are adjacent to urban areas or where residences are intermixed with wild lands.

<p>MM Haz-7: Comprehensive Fire Protection Plan. (See Mitigation Measure Haz-2c above)</p>	<p>See Mitigation Measure Haz-2c above</p>	<p>See Mitigation Measure Haz-2c above</p>	<p>See Mitigation Measure Haz-2c above</p>
<p>Hydrology and Water Quality</p>			
<p>Impact Hydro-2: Use of Fuels and Other Chemicals. Potential Release of Fuels and Other Chemicals. If flooding occurs on Alameda Creek such that floodwaters enter the basin, the concrete and asphalt batch plants could become inundated and hazardous materials such as Portland cement and asphalt oil could be released to water in the basin. This is a potentially significant impact only after the time the processing area is relocated to the south end of the mining basin at an elevation of 220 ft. msl.</p>			
<p>MM Hydro-1 Use of Fuels and Other Chemicals): Chemical Release Prevention. (See Mitigation Measure Hydro-1 above)</p>	<p>See Mitigation Measure Hydro-1 above</p>	<p>See Mitigation Measure Hydro-1 above</p>	<p>See Mitigation Measure Hydro-1 above</p>
<p>Noise</p>			
<p>Impact Noise-1: Noise in Excess of Standards. Project operations are calculated to generate noise levels at the nearest sensitive noise receptor that would exceed 50 dBA during the daytime and would exceed 45 dBA at night time, thereby exceeding the applicable noise standards of the County Municipal Code.</p>			
<p>MM Noise-1a: Noise in Excess of Standards, Noise Survey. A noise survey shall be conducted within 30 days after the plant site and its processing facilities have been moved to the south. At that time, with the final plant layout in place, a determination shall be made as to whether or not additional noise barriers or other noise control measures for the equipment are required to reduce noise levels at affected sensitive receptors to acceptable levels (i.e., to 50 dBA in the daytime and 45 dBA at nighttime), and the exact locations and types of noise control measures, as may be needed, shall be determined.</p>	<p>Permittee to retain acoustical consultant to perform noise survey and provide written results to County</p>	<p>Community Development Director to verify written noise study results, and determine need to additional noise control measures</p>	<p>Noise survey to be conducted within 30 days after the plant site and its processing facilities have been moved to the south</p>
<p>MM Noise-1b: Noise in Excess of Standards, Noise Barrier. The method to be used to mitigate Phase II noise impacts shall be noise barriers. Normally, noise barriers are located close to, or on the equipment itself. Typically, the barriers are wood, metal, or quilted noise control blankets. Sometimes, material stockpiles can also be used as a noise barrier.</p>	<p>If required pursuant to noise survey, Permittee to implement appropriate noise control measures as recommended in acoustic report</p>	<p>Community Development Director to verify implementation of recommended noise control measures.</p>	<p>Within 1 month of noise survey results (if required)</p>

Traffic

Impact Transp-4: Site Access and Circulation. The proposed Project could substantially increase traffic hazards due to a design feature; existing conditions at the Project site's current driveway create the potential for near-misses and collisions (especially given the mix of heavy trucks, passenger vehicles and recreational cyclists), and the increase in vehicles relying on this driveway under the Project would potentially exacerbate this current condition. Sight distances all along Calaveras Road, including at the proposed new south access drive, are limited by differing grade conditions and vegetation. Additionally, with only one driveway access to the site, if that driveway was blocked or obstructed, an emergency vehicle may not be able to easily access the site in case of emergency.

MM Transp-4a: Site Access and Circulation, Intersection Sight Distance. The area around the new southern driveway intersection shall be kept free of visual obstructions such as tall landscaping and signage, which would obstruct line of sight for drivers exiting the site.

- a) Vegetation fronting the site along Calaveras Road shall be trimmed as necessary to allow at least 550 feet of sight distance, which is the minimum corner sight distance required per the California Highway Design Manual.
- b) The location of the southern driveway may shift north or south along Calaveras Road to best accommodate the required sight distance.
- c) If necessary to improve sight lines at the intersection, the elevation of the southern driveway approach to Calaveras Road shall be raised to reduce the grade difference.

Permittee to provide sight distance measurements for new southern driveway

Permittee to provide written confirmation that the area around the new southern driveway intersection is kept free of visual obstructions

Community Development Director to review and approve new southern driveway location based on acceptable sight distance measurements

Community Development Director to verify removal of visual obstructions

Sight distance measurements approved prior to constructing new southern driveway

Written confirmation to be submitted at each annual review, beginning at the first year

MM Transp-4b: Site Access and Circulation, Two Points of Access, Phase II. During Phase II, which assumes only one access point to/from the site, consider keeping the existing driveway as a secondary access for emergency vehicles only.

Permittee to provide written documentation of driveway access, including explanation of preference regarding retention of secondary emergency access

Community Development Director to approve driveway access plans

Driveway and emergency access plans to be submitted at least 30 days in advance of construction of new southern driveway