



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO:	PLANNING COMMISSION
HEARING DATE:	April 20, 2009

GENERAL INFORMATION

PLANNING FILE #s	SMP-24, SMP-32 and SMP-33
OWNER & APPLICANT	City of San Francisco (Owner) - Portions of SMP-24, SMP-32; Hanson Aggregates (Owner) - SMP-33, Portions of SMP-24; Hanson Aggregates (Applicant)
PROPOSAL	FIVE YEAR REVIEW OF THREE SURFACE MINING AND RECLAMATION PERMITS - This report addresses the required Five Year Review for three aggregate quarries regulated under Alameda County Surface Mining Permit and Reclamation Plan Permit Nos. SMP-24, SMP-32 and SMP-33. Though subject to three separate permit numbers, each is collectively operated and maintained as a single quarry by Hanson Aggregates.
LOCATION & SIZE OF PARCEL	Assessor's Parcel Numbers 96-1-10-4, 11-7 and 11-8; 96-80-1-3 (portion), 1-5, 1-7, 2 and 12; 96-375-11-5, 11-15, and 12-2. See also Site & Context Description Below.
ZONING DISTRICT	Agricultural (A)
GENERAL PLAN DESIGNATION	Water Management (East County Area Plan)
ENVIRONMENTAL REVIEW	Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15309 (Inspections) since this report pertains to an activity limited entirely to the inspection of the subject mining operation.

STAFF RECOMMENDATION

That the Planning Commission review this staff report and, after receiving public comment, adopt the attached resolutions (Attachment A) approving the Five Year Review of Surface Mining Permit and Reclamation Plan Permit Nos. SMP-24, SMP-32 and SMP-33.

PARCEL ZONING HISTORY

SMP-24 This permit was approved by the Board of Supervisors on January 23, 1986 under Resolution No. 86-62, subject to a Negative Declaration. Activities covered under SMP-24 include those associated with the extraction process, the reclamation process, gravel haul truck traffic and processing plant. Prior Five Year Reviews occurred on March 18, 1991 (Resolution No. 91-15) and August 19, 2002 (Resolution No. 02-19).

SMP-32 This permit was approved by the Board of Supervisors on December 8, 1994 under Resolution No. R-94-461, subject to Environmental Impact Report (EIR) certification. Activities covered under SMP-32 include those associated with the extraction process, the reclamation process, and gravel haul truck traffic.

SMP-33 This permit was approved by the Board of Supervisors on November 16, 1995, under Resolution No. 95-29, subject to a Negative Declaration. Also, this action was as a successor permit to SMP-8 which was set to expire on December 31, 1995. Mining activities began at the site (under SMP-8) in the year 1980. A Five Year Review last occurred on May 20, 2002 under Resolution No. 02-13 which also authorized an increase in the mining footprint and quarry limits.

All three of the permits listed above are valid until January 1, 2045. For permits SMP-24 and SMP-32, Hanson Aggregates has land leases with the San Francisco Public Utilities Commission (i.e., San Francisco Water Department).

REFERRAL RESPONSES

Staff solicited comments from a number of agencies/organizations both internal and external to County administration. Verbal comments received are summarized below. No written comments were received at the time of completing this staff report.

Sunol Citizen Advisory Committee (Sunol CAC). On March 18, 2009, the subject application was presented for comment. The Sunol CAC offered many compliments of the positive working relationship between Hanson Aggregates the community. The Sunol CAC questioned whether a mitigation measure requiring the on-site replanting of fifteen vineyard acres could, instead, be replaced with Hanson Aggregate's payment of comparable funds for community enhancement project(s) (e.g., landscape plantings downtown).

California Department of Conservation, Office of Mine Reclamation. On April 2, 2009, Beth Hendrickson of the Office of Mine Reclamation phoned the Consultant Planner to indicate the agency had no comment.

Comments were solicited from but not received from the following agencies/groups: San Francisco Public Utilities Commission, Regional Water Quality Control Board (San Francisco Bay Region), Bay Area Air Quality Management District, Zone 7 Water Agency, Save Our Sunol, and the Alameda Creek Alliance.

STAFF ANALYSIS

SITE AND CONTEXT DESCRIPTION

All three permit sites are situated along I-680, generally to the south of the Town of Sunol and west of Calaveras Avenue (See Attachment B). The Sunol Valley Golf Course is situated to the northwest. Alameda Creek runs between the collective mining operations; San Antonio Creek also abuts the southern boundary of SMP-24. In the greater vicinity, land uses include grazing lands to the west and southwest, additional quarry operations to the east across Alameda Creek, and nurseries to the east and southeast.

Each permit and its respective location, size and current mining/reclamation condition is described in writing below. Each description is best read in conjunction with Attachment C (Mining Status Diagram), Attachment D (Current Landscaping), and Attachment E (Reclamation Diagram).

SMP-24 *Site.* This 202-acre site is located on Athenour Way, near Andrade Road and I-680. The site extends from the southeast side of I-680 on both sides of Alameda Creek for a distance of approximately 1.5 miles to the boundary with lands of Surface Mining Permit SMP-33.

Mining. Much of the site is now devoted to water management/silt storage and mineral processing. A portion of the site abutting Andrade Road continues to be leased for agricultural nursery. Mining excavation was suspended in Pit No. 1, located east of Alameda Creek, in August 2006. Active mining will resume in the future in remaining permitted areas within SMP-24.

As a result of aggregate production at Plant No. 1, which is located near the entrance off of Athenour Way, silt is produced and is directed to a Sand Recovery System next to Pond No.1. The silt overflow goes to Silt Pond No. 1 and from there is pumped to a dewatering plant consisting of a clarifier and belt press system situated between SMP-33 and Pond No. 3, described in the SMP-33 section below.

The capped silt pond between Plant No. 2 and Pond No. 2 is presently used to stockpile recycled concrete and asphalt. When adequate raw concrete and asphalt are gathered, a portable recycling plant is brought in to process it. Pond No. 2 is currently inactive and in a drying phase, and may be used for additional silt storage after the drying phase. Pond No. 3 is full of silt, but actively used in the dewatering system.

In compliance with Condition No. 20, dikes, levees, and other barriers are maintained to prevent silting of creeks and drainage channels by any surface mining operation. Their locations are depicted in Attachment C (Sheet 2 for Pond No. 1 and Sheet 3 for Pond No. 3). The dikes and levees have been maintained in their original approved and constructed locations.

Reclamation. The approved reclaimed condition of SMP-24 is a combination of water storage and grazing land (See Attachment E). Some reclamation has occurred on portions of SMP-24 (i.e., as noted for the capped silt pond south of Plant No. 2). Future reclamation activities include the capping of Pond No. 2 and Pond No. 3 where an interim use of concrete/asphalt recycling and processing now occurs. Additional future reclamation activity in the areas east of Alameda Creek (Pit No. 1, East and West Nursery Pits) is on hold, pending discussions with the land owner, San Francisco Water Department, and resolution of their long term water management plans.

Landscaping. To screen both east and westbound views of SMP-24 from I-680, in compliance with permit conditions, the applicant planted rows of Poplar and Oak trees, and/or shrubs along Athenour Way, the entrance road, the stockpile area, along Alameda Creek, east of Alameda Creek along the freeway and along the northwest corner of Pit No. 1 (See Attachment D – Current Landscaping).

SMP-32

Site. This 241-acre site (of which 139 acres are permitted to be mined) is located southwest of the intersection of Paloma Way, northwest of SMP-24, bordered by Interstate 680 to the south, Paloma Road to the north, Alameda Creek to the east and the San Francisco Water Department Maintenance yard to the west.

Mining. This newer portion of the overall mining operation is currently undergoing active sand and gravel extraction within its approximately northwestern half. The remaining portions are either inactive or used for agriculture including a small vineyard abutting I-680.

Aggregate mining began at this location in July 2006 after completing numerous preparations including screen planting, slurry wall construction, waterline relocation, grading and landscaping. Between the mining start date and September 2007, 1,739,743 tons of sand and gravel were sold from this site. Materials extracted from this site are moved via a conveyor line for processing at the existing plant site at SMP-24 to the southeast.

Excavators or loaders place material into a hopper where it is transported via a conveyor under the I-680 freeway bridge, along the east side of Alameda Creek, over the conveyor bridge that crosses Alameda Creek, and to the existing Plant No. 1 located at SMP-24. There are no structures or processing equipment at SMP-32 besides the conveyor itself. At this time approximately half of the overburden has been stripped from the site.

Reclamation. The approved reclaimed condition of SMP-32 is a combination of water storage and grazing land (See Attachment E). Reclamation activities already completed include perimeter grading and landscaping. Finish slopes in the pit will be cut to final grade as mining continues.

Landscaping. To screen views of SMP-32 from I-680, a four phase landscape program was implemented. Two phases are now complete, including a screen of

evergreen trees and shrubs along the freeway, infill tree planting along Paloma Way, an allee of flowering trees and walnuts along the road into the San Francisco Water Department maintenance facility and Water Temple, and a native palette of Oaks and shrubs on the manufactured perimeter slopes. The remaining future phases include the relocation of the 15-acre vineyard and plantings on the future backfill area in the northwest corner of the pit closest to the Water Temple.

The operator contracts with ValleyCrest Landscape Maintenance to provide weekly maintenance of plantings. The plantings and irrigation system are inspected regularly, and any damaged plant material is replaced on a yearly basis. There has been damage from wildlife in the past so protection measures such as deer cages and additional fencing have been utilized to minimize future damage.

SMP-33

Site. This 37-acre site is located south of SMP-24 and north of Calaveras Road. Nearly the entire site is disturbed by prior mining activities.

Mining. Mining excavation stopped in July 2006. All present operations serve a support role for SMP-24 and SMP-32. A dewatering facility was constructed (at SMP-24), just north of SMP-33, consisting of a clarifier and belt presses. Silt from Plant No. 1 is pumped to the clarifier. The “press cake” (i.e., dewatered silt) is then conveyed to SMP-33 for fill. Excess water flows to the Ready Mix Pond. Authorized ancillary uses include Griffin Soils Inc. and Prestige Gunitite, which also occur at the SMP-33 site near Calaveras Road.

Prestige Gunitite provides gunitite to various job sites in the region. Gunitite is a building material consisting of a mixture of cement, sand, and water that is sprayed onto a mold. Prestige Gunitite operates from 5 a.m. to 5 p.m. Monday thru Friday with occasional Saturday operations. They employ twenty people in the winter and forty people in the summer. The truck traffic generated at the site varies from none during the wet weather, and twelve to fifteen trucks per day during the peak of the construction season. Hanson Aggregates supplies aggregate to Prestige Gunitite.

Griffin Soils Inc. provides soil stabilization and recycled aggregate services to the region. Griffin has a portable crushing plant that is available for special projects such as recycling asphalt concrete and Portland Cement Concrete. The crushing plant is not operated on site. Griffin does not have any processing operations on site and does not produce any soil stabilization materials on site. The soil stabilization materials are delivered to each job site by Griffin’s supplier, where Griffin then places the material. Griffin Soils Inc. operates from 6 a.m. to 5 p.m. Monday thru Friday, and employs approximately twelve people. Griffin generates an average of one truck per day. The heavy equipment that is used for soil stabilization is transported from job to job, and does not return to the site each day, and only occasionally at the completion of a job.

Reclamation. The approved reclaimed condition of SMP-33 is grazing land and retention of two barn-like structures for land management activities (See

Attachment E). The excavated pit is being filled with dewatered silt. Final reclamation will begin once the pit is filled and capped.

An access road extends from the end of Athenour Way through SMP-24 to the SMP-33 site to the south. It is used by all haul vehicles to gain access to I-680.

PERIODIC REVIEW PARAMETERS

This required Five Year Review is for three quarries authorized under Alameda County Surface Mining Permit and Reclamation Plan Nos. SMP-24, SMP-32 and SMP-33. Though subject to three separate permit numbers, each is collectively operated and maintained as a single quarry by Hanson Aggregates. Mission Valley Rock is no longer affiliated with either permit.

County Code Section 6.80.190 requires the Planning Commission to periodically review mining permits and approved reclamation plans. The timeframe for review is set by permit condition(s) with five years being the increment consistent with SMP-24, SMP-32 and SMP-33. Given the common ownership of each permit and relative consistency of their past/future period reviews, staff elected to combine them for a single Five Year Review to, amongst other reasons, ease the administrative burden of individual review.

County Code Section 6.80.181 requires the Permittee to submit an annual report to the Planning Director and State Department of Conservation. Since the prior Five Year Review of SMP-24 and SMP-33, the applicant has timely submitted all required reports. Since the original approval of SMP-32 on December 8, 1994, the permittee has also timely submitted all required annual reports. Collectively, these reports are utilized by County staff to track mining/reclamation activities and facilitate their Five Year Review.

PERMIT COMPLIANCE

Since the last Five Year Review of SMP-24 and SMP-33, staff has neither received any complaint nor observed any violation of the County's permit conditions. Similarly, since the commencement of operations under SMP-32, staff has observed no violation of the permit conditions. The Permittee has submitted yearly progress reports including detailed actions under each permit condition over time. The Permittee appears to be in full compliance with the terms and conditions of each respective permit.

CHANGED CIRCUMSTANCES

Since the prior Five Year Review (and original approval of SMP-32), there have been not substantive land use changes in the vicinity of either permit area. Likewise, the applicant has accomplished mining in a manner and with methods in keeping with each respective permit. Therefore, staff has not identified the need to modify any of the permits in response to changed circumstances.

PERMIT MODIFICATIONS

In conjunction with this Five Year Review, the applicant is currently requesting changes to

selected conditions of each permit (see Attachment F). None of the requested changes would result in a substantive change to approved mining operations. Each requested change is summarized as follows:

- Clarify that the Planning Director (not the Director of Public Works) is charged with administrative oversight of each permit.
- Modify administrative fee payment requirements to align with May 2003 Surface Mining Ordinance changes.
- Eliminate a redundant condition for SMP-32 requiring issuance of an encroachment permit for work within State right-of-way.
- Clarify, in compliance with Surface Mining Ordinance Section 6.80.241, that a surety bond is sufficient financial assurance to cover reclamation activities.
- Amend condition language regarding the reclamation phasing requirements for SMP-32 consistent with the phasing plan approved by staff on October 11, 2001.

Staff supports each requested permit condition modification since they bring each permit into compliance with current local regulations, clarify administrative oversight assignment, remove duplicative text and make clear the approved reclamation phasing for SMP-32. However, concerning the requested administrative fee changes, staff supports the requested condition language change only as it relates to annual inspection requirements of the County's Surface Mining Ordinance. Consistent with the Surface Mining Ordinance and past County practice, the attached resolutions would provide for the continued, separate applicant funding for Five Year Reviews.

SURETY BONDS

Hanson Aggregates provides annual financial assurance cost estimates to Alameda County and the State Department of Conservation. The purpose of these estimates is to track mining progress through site changes, inflation and reclamation of lands. The estimates also ensure placement of adequate surety bonds for required reclamation. All bonds, required by local ordinance and State law, are current and in place.

CONFORMANCE WITH GENERAL PLAN

Passed by the voters of the County in November 2000, Measure D places strict limits on where new mine excavations may be conducted. The text of Measure D, Policy 144, so far as it applies to quarries, reads as follows, "Except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters of Alameda County. Excavation not adjacent to an existing quarry site and on the same or an adjoining parcel shall be regarded as a new quarry." This Five Year Review request is mandated by the County Code and the State Surface Mining and Reclamation Act. No new or expanded mining operations are proposed. Therefore, Measure D neither prohibits, nor requires voter approval for this review.

ENVIRONMENTAL CONSIDERATION

This Five Year Review is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15039 which states that, "activities limited entirely to inspections to check for performance of an operation, or quality check or safety of a project," do not have a significant effect on the environment and are, therefore, exempt from the provisions of CEQA.

CONCLUSION

Sand and gravel extraction is expected to continue, as authorized and according to market demand, until the respective permit expiration dates. During and after the mining period, reclamation activity will occur. At conclusion of this Five Year Review, the applicant will continue to provide annual progress reports and updated financial assurances for reclamation activities.

ATTACHMENTS

- A. Draft Resolutions
- B. Mining Location
- C. Mining Diagram
- D. Current Landscaping
- E. Reclamation Diagram
- F. Requested Condition Changes

PREPARED BY: Kevin Colin, Associate Planner	CONSULTANT, Lamphier-Gregory
REVIEWED BY: Bruce Jensen, Senior Planner	SENIOR PLANNER

Attachment A
Draft Resolutions

This Page Intentionally Left Blank

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

DRAFT RESOLUTION NO. 09-__ - AT MEETING HELD APRIL 20, 2009

SURFACE MINING PERMIT AND RECLAMATION PLAN

CASE NO. SMP-24

**Introduced by Commissioner ____
Seconded by Commissioner ____**

WHEREAS Surface Mining Permit and Reclamation Plan SMP-24 was approved by the Board of Supervisors on January 23, 1986 by Resolution 86-62 following denial of an appeal, and that same permit was subsequently reviewed and approved by the Planning Commission with amendments on March 18, 1991; and

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

WHEREAS Hanson Aggregates ("Permittee") has filed with the Alameda County Planning Department for a Five Year Review of previously permitted gravel extraction and reclamation activities on a 202-acre parcel of land located on Athenour Way, near Andrade Road and I-680, southeast of the Town of Sunol, unincorporated Alameda County, 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. 44 of Surface Mining Permit and Reclamation Plan Case No. SMP-24 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 the application for Surface Mining Permit SMP-24 was reviewed by the Sunol Citizens' Advisory Committee on March 18, 2008 and recommended by those assembled for approval; 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-24 at the hour of 4:00 p.m. on Monday, the 20th day of April, 2009, in the Auditorium of the Alameda County Building, 224 Winton Avenue, Hayward, California; and

WHEREAS the application for Period Review of Surface Mining Permit SMP-24 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 testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS this Planning Commission does find that under Conditions of approval listed below, the Surface Mining Permit and Reclamation Plan SMP-24, as modified below, conforms to requirements of:

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

WHEREAS there are a number of conditions of approval that require revision, primarily due to approval of Municipal Code revisions since last amendment to this permit; and

WHEREAS this Planning Commission finds that changed circumstances and identified environmental effects warrant revising this Surface Mining Permit and Reclamation Plan to modify several conditions of approval, including modification to Condition Nos. 2, 3, 4, 6, 7, 21, 33, 36, 40, 44, and 47; and addition of two (2) new conditions, Conditions 39 and 50; and the removal of previous Condition Nos. 39, 45, 50 and 51 (as shown below).

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

NOW, THEREFORE,

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

BE IT FURTHER RESOLVED that this Planning Commission approves the Five Year Review of Surface Mining Permit and Reclamation Plan SMP-24, subject to the following fifty-one (51) amended conditions:

CONDITIONS OF APPROVAL

SURFACE MINING RECLAMATION PLAN SMP-24

HANSON AGGREGATES

1. Surface mining operations, reclamation, and grades shall be in substantial conformance with the various maps, information, and recommendations labeled: "Exhibit B," being the maps labeled "Plot Plan & Cross Section and Reclamation Plan for Surface Mining Permit, Mission Valley Rock Company, as approved by the Planning Commission on December 16, 1985"; "Exhibit C," being the Application dated October 23, 1985; A Exhibit D, being the maps labeled, A Mining Plan for Surface Mining Permit 24, Sheets 1 and 2, dated August 2001; and Exhibit E, being the figure entitled A Recommended Slopes SMP-24, by Treadwell & Rollo Geotechnical Engineers, dated 11/14/01.

2. Mining and reclamation shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.

The operator shall furnish the Planning Director of Public Works with a report describing compliance with these conditions by October 1 of each year, beginning October 1, 2002. 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 condition of all prior landscaping.

3. The Planning 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. The Permittee shall pay the County the actual cost of conducting the periodic inspection of operations and shall make available to the Planning Director of Public Works such information as necessary for determination of compliance. The Planning 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. Two copies shall be furnished to the Planning Commission. No fees beyond those collected under Section 6.80.242 of the Alameda County General Ordinance Code shall be required to compensate the County for costs incurred through conducting the annual inspection.
4. 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. An annual erosion and sedimentation control plan shall be submitted to the Planning Director of Public Works prior to September 1 of each year.
5. Work within or adjacent to a watercourse is subject to the conditions of Alameda County Ordinance No. 82-18 and shall require a permit from Alameda County Flood Control and Water Conservation District.
6. Changes in drainage and/or sedimentation control facilities shall be submitted in advance to the Planning Director of Public Works for approval.
7. Runoff from the intercepted drainage area east of Calaveras Road shall be picked up and transported around the site or otherwise controlled to the satisfaction of the Planning Director of Public Works.
8. Mining shall not occur within 100 feet of the banks of Alameda Creek.
9. Any new structure within the Federal Insurance Administration's A-2 flood zone will be subject to special building requirements.
10. Project site is within Alameda County Zone 7 Special Drainage Area 7-1 and is subject to conditions imposed at the time of issuance of building permits, and is subject to specific fees for drainage and mitigation of flow augmentation impacts if they are found to occur.
11. Any work within creek areas will require a Streambed Alteration Agreement with the California Department of Fish and Game.
12. Prior to removal of the sensitive 225-foot long band of willow and cottonwood trees in the large pit on the northeast side of Alameda Creek, Permittee shall notify the Planning Director of intent

to remove this band of vegetation and shall develop and submit to the Planning Director for review a mitigation plan. The plan shall include a description of the vegetation to be removed at that time, the number, spacing, and location of the trees to be planted, maintenance requirements, monitoring protocols, and performance standards. If the replanting is to be accomplished on lands not owned by the Permittee, Permittee shall submit proof that the receiving landowner has agreed to this planting and that it will be made permanent through either an easement or contract. Monitoring shall include:

- a. Review of the mitigation plan by the Planning Director to ascertain that it has been written and would properly mitigate the effects by substantial planting according to the recommendations of a qualified specialist; and
 - b. Regular semi-monthly inspection by County staff and certification that the required tree planting and revegetation have been accomplished satisfactorily, and that the planted trees are being properly maintained.
13. Permittee has submitted details and calculations for all drainage facilities sufficient to demonstrate their adequacy. Prior to commencement of mining of areas presently within levee areas, previously reclaimed areas or other locations proposed for new excavation as of August 2002, An up-to-date hydrology map shall be submitted to the Planning Director for approval and for review by the Grading Inspector showing all on-site drainage and all intercepted areas.
 14. In conjunction with the maps provided under Condition No. 12, Permittee shall submit details and calculations for all erosion and sediment control facilities sufficient to demonstrate their adequacy. Included shall be surface area, storage for runoff, and capacity of ponds that will serve as sediment basins, detention ponds, or water storage. All ponds shall meet District criteria.
 15. No surface runoff may flow over the existing bank. An on-site drainage system shall be necessary to discharge runoff to the creek with an approved energy dissipater.
 16. All on-site runoff from disturbed areas must pass through a sediment basin prior to discharge to a creek or swale. Plans shall indicate that all disturbed areas on this site shall be graded to drain to the sediment basins at all times, at each stage of excavation.
 17. Permittee has demonstrated that Sheridan Creek can pass the 100 year storm event with typical cross-sections and calculations showing normal depth; no further submittals are necessary for this requirement.
 18. A cross-section of Alameda Creek, showing where it is crossed by a conveyor belt, has been submitted. The conveyor system is shown to be well above the 100 year storm event for Alameda Creek. No further submittal is necessary for this requirement.
 19. Free movement of groundwater through the site in present quantities, as detectable in filter galleries of San Francisco Water Department, shall not be impeded by mining or reclamation activities.
 20. No discharge of wash water or pollutants shall be permitted offsite from the active quarry area. Dikes, levees, or other barriers shall be maintained to prevent silting of creeks and drainage channels by any surface mining operation. Permittee shall abide by all standards and monitoring requirements of its State of California Regional Water Quality Control Board discharge permit, including weekly monitoring by a State of California certified sampling laboratory of all specified

constituents and subsequent correction of any problems indicated by sampling results in excess of specified water quality standards; or any subsequent requirements of the Regional Water Quality Control Board that may be implemented to augment or supersede these requirements.

21. Should any problems develop regarding slope stability, erosion control, groundwater or related matters, Permittee shall immediately have an investigation prepared by an engineering geologist detailing the problem and possible solutions to be approved by the Planning Director of Public Works.
22. Original cut or fill slopes shall conform with the recommendations in "Geotechnical Studies for the Mission Valley Rock Quarry" by Geomatrix Consultants, September 17, 1985. Those recommendations are incorporated in the plans and cross sections by Bissell & Karn, Inc. dated September 16, 1985. For new cut slopes developed subsequent to new approval for pit deepening and excavation dated August 19, 2002, the Permittee shall not excavate new permanent slopes exceeding the elevation-dependent values presented in Exhibit E entitled A Recommended Slopes SMP-24, by Treadwell & Rollo Geotechnical Engineers, dated 11/14/01. If no bench is proposed or constructed at the 100-foot depth as shown in this diagram, then no new or existing slope indicated as less than 1.5:1 on Exhibit E shall be cut at slopes steeper than 1.5:1. Monitoring of this requirement shall consist of verification of compliance through annual inspections as presently conducted by the Grading Inspector; in the event of noncompliance, Permittee shall within 15 days submit a plan for correction to the Grading Inspector for review and approval, and upon approval shall immediately commence corrective action as directed by the Grading Inspector.
23. No explosives shall be used.
24. Prior to issuance of Building Permits, Planning Director shall approve the precise location, access, design and traffic generation of on-site improvements including, but not limited to: construction of concrete batch plant, additions/alterations to the asphalt recycling plant (new conveyor, crusher, or other equipment), and expansion of the truck and equipment storage yard.
25. Adequate toilet facilities shall be provided for employees according to requirements of the Alameda County Health Care Services Agency.
26. A potable water supply shall be provided for employees according to requirements of the Alameda County Health Care Services Agency.
27. An annual fire plan shall be prepared and filed with the State Department of Forestry to mitigate fire hazards.
28. The perimeter of the mining expansion area shall remain fenced in accordance with the Alameda County Surface Mining Permit. New and existing fences shall be repaired as necessary and maintained in good condition.
29. 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 Department and the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air.
30. To reduce possible effects of night lightning, Permittee shall take the following actions:

- a. Install only full cutoff-shielded lights for general illumination of plant site areas, and shall replace all existing non-shielded lighting, when necessary, 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.
- 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, 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.

Planning staff shall monitor the progress of this lighting program on an ongoing basis to ensure that new lights are properly installed and that existing lights, when replaced, conform to the condition presented.

31. If potential archaeological resources are discovered during the course of operations:
- a. Immediately halt or relocate excavations and contact a qualified archaeologist or paleontologist to inspect the site. If the scientist determines that potentially significant materials or human remains are encountered, the scientist shall record, recover, retrieve, and/or remove them;
 - b. If human remains are found onsite, the applicant shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on the site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
 - c. Provide a copy of documentation of all recovered data and materials found onsite to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
 - d. If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.

Monitoring for these measures is performed by the applicant on a continual basis during construction, and include submittal of a summary of findings on an annual basis (at the time of the annual report) during activities to the Planning Director for review and completion of records.

32. If potential paleontological resources are discovered during the course of operations:
- a. Immediately halt or relocate excavations and contact a qualified expert to inspect the site. If the expert determines that potentially significant paleontological materials have been encountered, the expert should record, recover, retrieve, and/or remove them, and the Permittee should relinquish any claim to them;
 - b. The qualified expert should preserve a copy of documentation of all recovered data and materials found onsite; the materials may, at the discretion of the expert, be carried to an institute approved by the Planning Director where they may be preserved and or studied.

This condition is deemed to be self-monitoring.

33. Mining and hauling operations shall not limit roadway capacity or impose maintenance burdens on county roads. The pavement condition of Athenour Way will be reviewed annually by the Planning Director of Public Works to determine if roadway strengthening is warranted.

To guarantee future roadway maintenance, a Time Certificate of Deposit in the amount of \$3,000 and cash in the amount of \$2,000 has been deposited into the Surveyor's Trust Fund to be used for cleanup and repair. Once the balance in the Trust Fund has decreased to \$500, Permittee shall deposit additional funds to bring the account to \$2,000. Should Permittee fail to do this in a timely manner following notification, the Planning Director of Public Works will cash the Certificate of Deposit with no regard for premature withdrawal penalty, and may order cessation of all work until compliance is achieved.

34. 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.
35. 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. Drivers not cooperating with this provision shall be prohibited from hauling materials from the site.
36. New cut slopes shall be watered as they are created to the extent necessary to minimize dust. Main access roads shall be paved with asphalt for a minimum width of 24' from County roads to within 100' of the loading point within the sand and gravel pit. All other haulage roads and loading areas within the site shall be paved, oiled, or watered to maintain a dust-free condition. The remainder of the operation shall be maintained in a dust-free condition, as may be determined by the Planning Director of Public Works.
37. Permittee shall install and/or maintain stop signs at all exits to County roads.
38. An encroachment permit from the County will be required for all work within the road right of way. Improvement plans shall conform to the County's standards with regard to tie-ins, angle of approach, steepness, and sight distance for any driveway connection to a road.

~~39. The Permittee shall guarantee timely performance of reclamation requirements of the ACSMO and these conditions by creating an escrow account acceptable to the County of Alameda and depositing in said account by October 1 of each year an amount totaling \$4.91 per 100 tons excavated during the period, starting from the date the permit is approved, of which \$2.00 shall be retained in an interest bearing account until final reclamation is achieved in accordance with the reclamation plan. The amount shall be in accordance with the Construction Cost Index for San Francisco of Engineering News Record to account for inflation at the time of the deposit. The Permittee shall receive credit for final reclamation completed as determined by the Director of Public Works. Said credit shall be deducted from the required deposit and/or refunded from the escrow account on an annual basis. After August 19, 2002, any additional financial assurance for guarantee of reclamation may take the form of a reclamation bond written in a manner approved by the State of California and made payable only to Alameda County and State of California Department of Conservation as prescribed by the California Surface Mining and Reclamation Act of 1975.~~

~~Upon expiration or revocation of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to the Permittee 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.~~

39. The Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions of approval by providing a mechanism for financial assurance of reclamation as described in, and in accordance with, Surface Mining and Reclamation Act (SMARA) and the Alameda County Surface Mining Ordinance. The mechanism shall be of sufficient value to cover the full costs of reclamation in any specific year for which it is calculated, and may take any form acceptable within the requirements of SMARA, including but not limited to escrow accounts, trust accounts, performance / surety bonds and/or Irrevocable Letters of Credit.

40. Detailed methods and specifications of revegetation and restoration of the site, prepared by a professional agronomist, have been submitted to the Planning ~~Director of Public Works~~ within six months of date of original approval of this permit.

41. Within 30 days of approval of pit deepening (August 19, 2002), the Permittee and all lessors shall provide a new written statement that they accept responsibility for reclaiming the site as indicated on the mining and reclamation plan, and shall guarantee all reclamation in accordance with said plan. Said responsibility shall run with the land under permit as a covenant thereupon until release of the covenant is recorded by Alameda County.

42. Upon complete reclamation, end uses are assumed to be agriculture and water storage as shown on Exhibit B and Exhibit D. Any other use must be approved by the County of Alameda.

43. 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.

44. Prior to March 15, 2007 and at approximately 5 year intervals thereafter, the Planning Commission shall review compliance with the Surface Mining Permit and Reclamation Plan. New or changed circumstances within the general area of the mining operations which should be accommodated by the permit or plans will be considered. The review shall include a public

hearing. The permittee shall pay the actual cost of reviews unless otherwise approved for extraordinary circumstances by the Planning Director. As a result of this process, the Planning Commission may modify the mining or reclamation plan or guarantees thereof to conform with the ACSMO, and such modified permit or plan shall be binding upon the operation.

- ~~45. Permittee shall pay to the County of Alameda full costs incurred by the County for review, approval, and administration of all conditions of approval, including required inspections.~~
46. Permittees shall hold harmless and indemnify the County against liability for personal injury or property damage caused by or resulting from intentional or negligent acts or omissions by Permittees, its officers, agents, or employees.
47. This Surface Mining Permit shall terminate January 1, 2045 or upon completion of reclamation, whichever occurs first, and final reclamation shall occur no later than two years after completion of surface mining. Permittees shall notify the Planning Director of Public Works upon completion of mining. All stockpiles and equipment shall be removed from the site upon completion of reclamation. This permit shall be subject to revocation or suspension as specified in Section 8-121.2 of the ACSMO.
48. Truck storage yard shall be used exclusively by trucks owned and operated by the Mission Valley Rock Company.
49. Prior to December 1, 2002, Permittee shall submit to the Planning Director a new landscape plan prepared by a licensed landscape architect. The objective of this landscape plan shall be to screen and/or soften the visibility of active mining areas, the plant site, stockpiles, and other elements of the sand and gravel operation from sensitive viewpoints including but not limited to I-680 and Calaveras Road. The plan shall take into account the speed of growth of selected plants; drought tolerance of selected plants; ability of plants to provide an effective visual screen; and suitability of plants to the soil, climate, natural setting, and other physical characteristics of the site. The Planning Director will forward the plan to the Sunol Citizens' Advisory Committee for comments prior to approval of the plan. Once approved, the Permittee shall proceed, on an appropriate timeline recommended by the landscape architect, to install and develop landscaping according to the approved plan. Permittee shall guarantee installation of landscaping in accordance with the landscape plan in an amount to be approved by the Planning Director; the guarantee shall be returned to the Permittee upon completion of the landscape installation. On-going maintenance of the landscaping will be monitored by the Planning Department.
- ~~50. The Permittee shall pay an administrative fee of \$0.02 per ton of excavated material to the Planning Department to help cover the Departments costs in administering Alameda Countys surface mining and reclamation program. This fee shall be paid into a Planning Department account on October 1 of each year, beginning October 1, 2002, and no specific initial balance shall be required. The tonnage on which the fee is based shall be the total tonnage of material documented in the annual report, except for the first year, in which the previous rate of \$0.01 per ton shall apply to the material excavated prior to August 19, 2002,^a and the new \$0.02 per ton rate shall apply to material excavated thereafter. The amount of the fee surcharge shall be considered at each Five Year Review for SMP 24, and in any event shall may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment by the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~

- ~~51. The Permittee shall pay an administrative fee of \$0.02 per ton of excavated material to the Public Works Agency to help cover the Agency costs in administering Alameda County's surface mining and reclamation program. This fee shall be paid into a Public Works Agency account on October 1 of each year, beginning October 1, 2002, and no specific initial balance shall be required. The tonnage on which the fee is based shall be the total tonnage of material documented in the annual report, except for the first year, in which the previous rate of \$0.01 per ton shall apply to the material excavated prior to August 19, 2002, and the new \$0.02 per ton rate shall apply to material excavated thereafter. The amount of the fee surcharge shall be considered at each Five Year Review for SMP 24, and in any event shall may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment by the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~
50. The Permittee shall pay an administrative fee as required by, and for purposes described in, Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance Code.
51. 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 Countys reasonable attorneys fees.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOE:

EXCUSED:

ABSENT:

ABSTAINED:

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

DRAFT RESOLUTION NO. 09-__ - AT MEETING HELD APRIL 20, 2009

SURFACE MINING PERMIT AND RECLAMATION PLAN

CASE NO. SMP-32

**Introduced by Commissioner ____
Seconded by Commissioner ____**

WHEREAS Surface Mining Permit and Reclamation Plan, SMP-32 was most recently amended by the Board of Supervisors on February 26, 1991 by Resolution R-91-165; and

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

WHEREAS Hanson Aggregates ("Permittee") has filed with the Alameda County Planning Department for a Five Year Review of previously permitted gravel extraction and reclamation activities on a 241-acre site (of which 139 acres are permitted to be mined) is located southwest of the intersection of Paloma Way, northwest of SMP-24, bordered by Interstate 680 to the south, Paloma Road to the north, Alameda Creek to the east and the San Francisco Water Department Maintenance yard to the west southeast of the Town of Sunol, unincorporated Alameda County, Assessor's Parcel Number 96-0375-12-2.

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. 85 of Surface Mining Permit and Reclamation Plan SMP-32 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 the application for Surface Mining Permit SMP-32 was reviewed by the Sunol Citizens' Advisory Committee on March 18, 2008 and recommended by those assembled for approval; 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-32 at the hour of 4:00 p.m. on Monday, the 20th day of April, 2009, in the Auditorium of the Alameda County Building, 224 Winton Avenue, Hayward, California; and

WHEREAS the application for Five Year Review of Surface Mining Permit SMP-32 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 testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS this Planning Commission does find that under Conditions of approval listed below, the Surface Mining Permit and Reclamation Plan SMP-32, as modified below, conforms to requirements of:

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

WHEREAS there are a number of conditions of approval that require revision, primarily due to approval of Municipal Code revisions since last amendment to this permit; and

WHEREAS this Planning Commission finds that changed circumstances and identified environmental effects warrant revising this Surface Mining Permit and Reclamation Plan to modify several conditions of approval, including modification of Condition Nos. 8, 9, 18, 21, 30, 31, 32, 35, 39, 45, 47, 55, 61, 62, 63, 84, 85 and 86; and addition of two (2) new conditions, Condition Nos. 16 and 83; and the removal of previous Condition Nos. 10, 16 and 83 (as shown below).

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

NOW, THEREFORE,

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

BE IT FURTHER RESOLVED that this Planning Commission approves the Five Year Review of Surface Mining Permit and Reclamation Plan SMP-32, subject to the following ninety-three (93) amended conditions:

CONDITIONS OF APPROVAL

SURFACE MINING RECLAMATION PLAN SMP-32

HANSON AGGREGATES

General

1. This permit shall supersede SMP-29, and all amendments thereto, which was granted for a 69-acre portion of the SMP-32 site by the Alameda County Board of Supervisors on February 26, 1991, pursuant to Resolution R-91-165.
2. Surface mining operations and reclamation shall be in substantial conformance with the various maps, information, and recommendations, as amended herein, contained in the binder known as

"Permit Application for Expansion of Surface Mining Permit-29 (SMP-29), Mission Valley Rock Company, December 11, 1992," prepared by Spinardi Associates, which contains sections entitled: "Application, Drawings, Geotechnical, Geotechnical Addendum, Historical/Cultural, Archaeological, Traffic, and Biological." These plans have been amended by drawings by Gates & Associates, revised October 1994, that illustrate the refined berm design, landscaping and setback uses. Amendments are also incorporated from Spinardi Associates' "Site Preparation and Mining/Reclamation Plan," dated November 21, 1994, that further refines the phasing for landscaping and project implementation. The project plans may be further amended as necessary by the Planning Director, based on input from the San Francisco Water Department and other interested parties, within the limits of the overall performance standards established by these conditions.

3. Surface mining operations and reclamation shall conform to the Alameda County Surface Mining Ordinance, as amended, except as more specifically provided elsewhere in these conditions of approval.
4. The permittee shall demonstrate to the Planning Director that the lease approved by the San Francisco Water Department incorporates as a minimum this Surface Mining Permit and Reclamation Plan. The Permittee shall notify Alameda County as soon as possible regarding any substantial modifications to the permitted mining area, design parameters, and/or reclamation plan that may occur as a result of lease negotiations with SFWD or agreements with other parties, and these changes shall be incorporated into the SMP-32 permit at the time of each annual inspection and report.
5. No structures shall be permitted on the site, with the exception of the conveyor belt (and accessory structures associated with the conveyor) necessary to link the site to SMP-24 on the opposite side of I-680. Structures other than the conveyor would require a modification to this permit, subject to provisions of the Alameda County Surface Mining Ordinance.
6. The end use of the site upon complete reclamation is hereby assumed to be for water management and agriculture. Any other end use of the site may be subject to additional environmental review, including but not limited to a review of consistency between proposed uses and requirements of the East County Area Plan, Alameda County Zoning Ordinance, Alameda County Surface Mining Ordinance, California Surface Mining and Reclamation Act, San Francisco Water Department water management objectives, and existing and planned land uses in the area, and must be approved by the County of Alameda. Uses permitted shall be compatible with San Francisco's watershed management plan for the site and vicinity.
7. No activity shall occur at the project site unless and until the permittee demonstrates compliance with all pre-disturbance mitigation or other conditions that can and should be implemented as soon as possible, including but not limited to payment of fees, submittal and approval of detailed plans and programs, and cooperation with other agencies. The Planning Director may then give approval to start activity.
8. Permittee shall furnish the Planning Director of Public Works with an Annual Report describing compliance with these conditions by October 1 of each year, following commencement of site preparation, including but not limited to topsoil and overburden removal, pipeline relocation, conveyor belt construction, fence installation, well abandonment, berm construction, and other activities. After aggregate mining commences, a monthly breakdown of product tonnage sold from the site during the preceding reporting period shall be included in the report. With each report, the permittee shall provide a map at the same scale as the approved mining and

reclamation plans showing annual progress of site preparation (including topsoil stockpiling and relocation, berm construction, landscaping, utility line relocation, vineyard replacement, etc.); overburden removal and disposal; mining and reclamation; drainage, erosion and sedimentation control facilities to be provided and those in place; and as-built landscaping including the success of previously installed landscaping (including health, height, visual appearance, and effectiveness). An erosion and sedimentation control plan shall be submitted to the Planning Director of Public Works as part of the Annual Report.

9. The Planning Director of Public Works shall review the applicant's Annual Report and inspect the mining operations and concurrent reclamation to determine and assure continuing compliance with the regulations of the Alameda County Surface Mining Ordinance and this permit. Permittee shall provide or make available to the Planning Director of Public Works such information as necessary for determination of compliance. The Planning 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, one copy shall be sent to the San Francisco Water Department, and two copies shall be furnished to the Planning Commission within 45 days after the inspection. No fees beyond those collected under Section 6.80.242 of the Alameda County General Ordinance Code shall be required to compensate the County for costs incurred through conducting the annual inspection.
- ~~10. Permittee shall pay to the County of Alameda the full cost incurred by the County for review, approval, and administration of all programs related to the project, including inspections pursuant to Condition of Approval #9. This may require the hiring of additional personnel on either a part-time or full-time basis. The Director of Public Works and/or Planning Director are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make said approval determinations.~~
11. Permittee shall post a cash deposit in the amount of \$10,000 with the Planning Director, which funds may be used to cover the cost of implementation of other conditions of approval and/or investigation of complaints. At such time as this account diminishes to \$4,000, it shall be replenished by the permittee to its full amount of \$10,000.
12. Prior to commencement of site preparation and mining operations, detailed plans, specifications and programs, as required hereinafter, shall be approved by the designated authority and implemented by permittee. No work shall begin until the Planning Director gives approval to start based on a determination that all prerequisite conditions have been met.
13. Permittee has agreed to and shall fund the preparation of a feasibility study and preliminary plan for a Sunol Valley agricultural preservation and enhancement effort, which could include studies of the economic incentives, market feasibility, and mechanisms necessary for implementing a specific plan aimed at preserving the character of valley. The plan may also require investigations of soils, water supply, development controls and guidelines, and other factors. The plan would be supervised by the County, with the participation of the community of Sunol, San Francisco Water Department, and other responsible parties. Permittee's share of the cost of the study shall not exceed \$50,000. This fund shall be established with the Planning Department within 30 days of a mining lease being granted by the San Francisco Water Department.
14. Permittee has offered to and shall pay a one-time community improvement fee of \$50,000 for the County downtown beautification project in Sunol, which could include landscaping, infrastructure, and/or other projects. Funds may be used for "seed" money, matching funds, or

actual project design and implementation. This fund shall be established with the Planning Department within 30 days of a mining lease being granted by the San Francisco Water Department. The Planning Director shall be responsible for authorizing the use of these funds for the above purposes, subject to input and review by the Sunol Citizens' Advisory Committee.

15. Permittee has offered to and shall pay a sum of \$5,000 per year to the Sunol Glen Unified School District, for the entire term of this permit starting with the commencement of mining of aggregate. A sum of \$40,000 shall be provided within 30 days of the effective date of this permit as an advance on the annual fee for future years, subtracted from the first eight years of fees. Other advances may also be provided, upon mutual agreement of the School District and permittee.
- ~~16. Permittee shall pay a 2 cents (\$0.02) 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 each Annual Report is filed, 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 may be adjusted by the Planning Commission to reflect inflation.~~
16. The Permittee shall pay an administrative fee, as required by and for the purposes described in Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance Code.
17. Permittee shall use its best efforts to maximize sales which produce sales tax revenues to Alameda County.
18. Permittee shall cooperate with other land owners south of I-680, particularly the San Francisco Water Department, to determine the extent of additional mineral resources that may be available and suitable for mining south of I-680 in the Sunol Valley. Permittee shall further participate in efforts to facilitate additional mining with the objectives of maximizing aggregate extraction while also providing timely and efficient reclamation for water storage. Participation and progress toward solutions shall be documented to the Planning Director of Public Works as part of the Annual Report.
19. To assist San Francisco in determining the viability of recreational use in conjunction with mining, permittee shall prepare a conceptual recreation plan for the SMP-32 quarry area prior to any site disturbance, for approval by San Francisco Water Department and the Planning Director, after review by the Sunol community. The recreation plan shall address near-term access to the Water Temple area, and long-term recreational use as part of final reclamation. The plan shall be prepared by a qualified professional, and be consistent with landscape plans required elsewhere in these conditions of approval.
20. All site preparation shall be successfully completed ~~within eight (8) years from initial site disturbance~~ as mining activities progress based upon the "Site Preparation Phasing Plans" on file with the Community Development Agency, including Sheets 1 through 5, dated January 2001, and approved by the Planning Director on October 11, 2001. This includes but is not limited to the topsoil redistribution and setback zone construction, slurry wall construction, berm construction, hillock construction, landscape planting on berms and hillocks, vineyard replanting, other permanent planting and crop cultivation, hydroseeding of exposed overburden and slopes, and other measures necessary to prepare the site for mining and minimize visual, biologic, water quality, public safety and other effects. Permittee shall provide financial assurances that all

remaining site preparation measures (according to the approved phasing plan) necessary to leave the site in a safe, attractive, and productive condition are implemented in the event of permittee default.

21. The SMP-32 mining operations shall occur only between the hours of 6 AM and 10 PM, Monday through Saturday. Other limitations on hours of operations may apply, as specified elsewhere in these conditions of approval. This limitation does not apply to the SMP-24 processing plant operation, which is governed under separate permit. This condition also does not apply to emergency operations to undertake preventive or corrective actions related to the public health and safety, in which case the Planning Director of Public Works shall be notified within 48 hours of the need and for extended hours and the actions taken. The Planning Director of Public Works and/or the Planning Director may authorize exceptions to this restriction.

Agricultural Land Use

22. The reclamation plan shall include provisions for redistributing topsoil from areas to be disturbed by mining for use on berms for screen landscaping and on adjacent lands that could support in-ground crops.
23. As shown in the Site Preparation and Mining/Reclamation Plan, prepared by Spinardi Associates dated November 21, 1994, and Gates & Associates revised October 1994, permittee shall install permanent agricultural plantings (trees and/or vines) along the entire I-680 corridor and a portion of the Paloma Road frontage at the I-680 interchange, including an area of fifteen acres or more of replacement vineyard.
24. The fifteen acres of replacement vineyard areas shall be planted at least four years prior to removing vineyards from the mining site. Prior to removing existing vines, permittee shall provide verification in a form acceptable to the Planning Director that new vines were planted at least four years earlier.
25. Along the Alameda Creek frontage and along the Water Temple Road frontage within 1,500 feet of the filter gallery, buffer areas shall be planted in riparian vegetation and hay/grain crops for the purpose of retaining the site's character and the habitat value as foraging territory for raptors and possible use by special status species such as the California tiger salamander and burrowing owl.
26. Along the remainder of the Water Temple Road frontage and Paloma Road frontage, plantings shall include hay/grain crops, permanent plantings, and/or container nurseries, as appropriate to meet the various needs for habitat mitigation, visual amenity, and public access in these areas.

Grading and Seismic Safety

27. Grading and erosion control shall conform to design standards and geotechnical requirements of the Alameda County Grading Ordinance, Alameda County Surface Mining Ordinance, and the California State Surface Mining and Reclamation Act, as amended, and shall be subject to review by the San Francisco Water Department. The plans shall incorporate plantings and protection to temporary stockpiles.
28. No explosives shall be used in site preparation, quarry operations, or reclamation activities.
29. Recommendations contained in the project Geotechnical and Geologic Investigation, prepared by Treadwell & Rollo, August 1991, including all amendments provided by the permittee, or

requested by the County of Alameda or the State of California, and approved by Alameda County shall be followed.

30. The site shall be inspected within one working day by a qualified professional after any earthquake over Richter magnitude 5.0 on the earthquake faults within the Bay Area to ensure the continued safety of excavation activity and in the vicinity of power and water utility lines. A report on the investigation and any corrective actions recommended and taken shall be provided to the Planning Director of Public Works.
31. Should any problems develop regarding slope stability, erosion control, or related matters, permittee shall immediately have an investigation prepared by a qualified professional detailing the problem and possible solutions to be approved by the Planning Director of Public Works. Permittee shall implement approved solutions on a timetable approved by the Planning Director of Public Works.
32. The specific design of all finished slopes shall meet the specifications of San Francisco Water Department for ultimate use as a water storage lake, and shall be approved by the Planning Director of Public Works prior to completion of construction of the finished slopes.
33. 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 and corrected. 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 by the permittee.

Drainage, Flooding, and Water Quality

34. Work within or adjacent to a watercourse, such as construction of the conveyor belt, is subject to the conditions of Alameda County Ordinance 82-18 and shall require a permit from Alameda County Flood Control and Water Conservation District, and is subject to review by the California Department of Fish and Game under Section 1603 of the Fish and Game Code for a Streambed Alteration Agreement, and by the US Army Corps of Engineers in the event that Section 404 of the Clean Water Act applies.
35. Prior to any site preparation activity, permittee shall obtain approval by the Planning Director of Public Works of a plan including details and calculations related to all drainage, erosion and sediment control facilities. Included shall be surface area, storage for runoff, and capacity of ponds that will serve as sediment basins, detention ponds, or water storage. An up to date hydrology map must be submitted showing all on site drainage and all intercepted areas.
36. Prior to any site preparation activity, and as part of each module of activity, permittee shall test surface soils and overburden material for possible contamination that could affect groundwater or surface water quality. If it is found to contain unacceptable levels of nitrates or other pollutants, this material shall be isolated within berms or other fill to avoid polluting surface or ground waters, or be disposed of off-site. Concurrence of the San Francisco Water Department with the testing program and proposed mitigation measures shall be demonstrated by the permittee.
37. Runoff shall be directed along existing routes and channels to preserve the current surface characteristics in these areas and prevent damage to other areas. If necessary, a runoff collection system of dikes, streams and culverts, a siltation basin, and an energy dissipator shall be constructed and maintained to avoid point source runoff, erosion, runoff to the San Francisco

filter gallery, modifications to the Alameda Creek bank or channel, and/or downstream siltation. An approved energy dissipator is required if any direct runoff is discharged into Alameda Creek.

38. All drainage facilities shall consider the effect on mosquito breeding and be approved by the Alameda County Mosquito Abatement District.
39. Changes in drainage and/or sedimentation control facilities shall be submitted in advance to the Planning Director of Public Works for approval, after consultation with the San Francisco Water Department.
40. Any new structure (including the conveyor belt system) to be located within the Federal Insurance Administration's A 2 flood zone shall be subject to special building requirements.
41. The project site is within the Alameda County Flood Control and Water Conservation District's (Zone 7) Special Drainage Area 7 and is subject to conditions imposed at the time of issuance of building permits, such as for the conveyor belt structure. Permittee shall demonstrate to Zone 7 that the proposed structure would not adversely increase the water surface elevation of the upstream channel.
42. The project is subject to permit from the San Francisco Bay Area Regional Water Quality Control Board for discharges to Alameda Creek. No regularly occurring discharge shall occur from the site. Any emergency discharge shall be in accordance with permits and conditions from the Regional Water Quality Control Board. Water shall normally be recycled on-site for dust control, pumped to the existing processing plant for use as wash water, and/or pumped to storage ponds for later use.
43. Existing groundwater wells that are in the path of mining shall be destroyed according to the regulations and standards of Zone 7. A permit shall be obtained from Zone 7 for any well to be installed or reused in the site perimeter, whether for irrigation, potable water supply, groundwater monitoring, or other use.
44. A detailed spill containment/cleanup contingency plan shall be approved by the San Francisco Water Department, Planning Director, Public Works Agency, Alameda County Health Care Services Agency, Alameda County Fire Department, California Department of Forestry, and Regional Water Quality Control Board prior to site disturbance. Permittee shall follow stringent spill containment and clean up procedures to: (a) isolate any oil, diesel or other spill; (b) dig up all contaminated or potentially contaminated soil; (c) stockpile affected material; and (d) treat affected material and replace, if appropriate, or dispose contaminated soil off site at an approved disposal site, if warranted.
45. Permittee shall develop a water quality and groundwater migration testing program prior to site preparation and implement the plan during site preparation and mining activity to ensure continued quality of groundwater. The program shall be approved by the San Francisco Water Department and Planning Director of Public Works, and shall include, but not be limited to: the timing of samples, criteria to assess quality, and procedures to follow if water quality or groundwater migration is found to have decreased below a standard defined by the San Francisco Water Department.
46. Water runoff shall be directed away from lands owned by the State of California (Caltrans right-of-way for Interstate 680).

47. If any problems develop regarding surface water runoff, groundwater quality or migration, flooding or related matters, permittee shall immediately have an investigation conducted and a report prepared by a qualified professional detailing the problem and possible solutions to be approved by the Planning Director of Public Works. Appropriate solutions shall then be implemented by the permittee.

Biological Resources

48. The remaining walnut trees along the southwestern boundary of the quarry site shall be preserved to the maximum extent possible. Any removal of trees shall first be approved by the Planning Director and San Francisco Water Department.
49. Landscape screen planting shall be in substantial conformance with plans prepared by Gates & Associates, revised October 1994, and shall include a variety of trees, shrubs and groundcovers, with a preference for native plants and species suitable for wildlife and bird use, to be determined in consultation with the California Native Plant Society, California Department of Fish and Game, and US Fish and Wildlife Service. These plant species shall be suitable for public access around the lake, if San Francisco Water Department determines that future access as part of reclamation is appropriate. The landscape plan for the site shall include identification of these resource values to aid review for compliance by the Planning Director.
50. Permittee shall conduct pre-construction surveys of the project site and buffer area along Alameda Creek prior to site disturbance as shown in the plans prepared by Spinardi Associates, dated November 21, 1994) to determine the presence or absence of the California tiger salamander and/or burrowing owl. The surveys shall be conducted in accordance with established protocol of the California Department of Fish and Game. If either of the species is found, prior to undertaking any further work on the phase in question, permittee shall prepare a plan for the protection of either or both species, as the case may be. The goal of such a plan shall be to prevent any reduction in the number of, or any restriction in the range of either or both species, as the case may be. The plan shall be prepared in consultation with CDFG and USFWS, and shall be subject to approval of the Planning Director. If the tiger salamander is found, the plan shall provide for maintenance of project buffer areas, with the exception of the area fronting on I-680 proposed to be put into use as vineyards, in a state that is suitable for habitat during the entire permit term. Minimum replacement ratios shall be 1:1. Off-site habitat, if required in addition to on-site habitat preservation, shall be preserved and/or enhanced in cooperation with the San Francisco Water Department and other landowners, as necessary, through the recording of easements or other mechanisms to permanently set aside areas with high biologic value. If the burrowing owl is found, the plan shall provide for preservation of 6.5 acres of foraging habitat for every owl pair or unpaired resident bird observed. If necessary, the plan shall further provide for passive relocation of resident owls from the disturbance area and burrow enhancement or creation pursuant to existing, approved CDFG procedures. The approved plan shall be implemented by the permittee.
51. Permittee shall conduct surveys for red-legged frog along Alameda Creek in the vicinity of the project site during the appropriate season. If the species is found to use the area, permittee shall prepare and implement a bullfrog control plan to ensure that the project does not result in new bodies of water during mining or as a result of reclamation that could serve as breeding areas for the predatory bullfrogs. The final reclamation as a water storage lake shall include the implementation of a long-term bullfrog control plan, if the red-legged frog is found to be present in the vicinity at that time.

52. Permittee shall consult with the California Department of Fish and Game and US Fish and Wildlife Service in preparation of final mitigation plans for habitat preservation and enhancement. The methods, results, and recommendations of the field surveys shall be approved by the Planning Director, and successful implementation shall be completed by the permittee prior to site disturbance, or prior to final reclamation, as the case may be. Monitoring shall be performed by a qualified third party professional, who shall submit a report as part of the permittee's Annual Report.

Traffic

53. No new access points to the quarry site shall be established on Paloma Road. Regular small vehicle trips shall occur along the existing access road on the upper Alameda Creek bank under I-680. Only equipment that cannot be brought to the site via the existing access road due to size or weight may be transported on County roadways. All excavated material shall be transported from the SMP-32 site to the existing processing plant at SMP-24 via conveyor belt for storage, processing, transportation, or disposal.
54. No vehicles except necessary quarry equipment in regular use shall be stored on the site.
55. Permittee shall continuously maintain Athenour Way to standards of the County of Alameda. Damage to Athenour Way resulting from a natural adversity or a cause not related to either the quarry or the processing plant will not be the responsibility of the permittee. As part of the annual inspection of the quarry, or at other times as determined necessary by the Planning Director of Public Works, the County will inspect the condition of Athenour Way. Required repairs will be identified by the County and shall be completed by permittee. Permittee shall use contractors approved by the County, and all work shall be inspected by the County or a private company mutually acceptable to the County and permittee.
- a. To guarantee roadway maintenance, permittee shall post a guarantee of \$100,000 (either a cash deposit into an interest-bearing account or a letter of credit) to ensure the availability of funds in the event that the County must complete required maintenance or repairs.
 - b. If permittee fails to maintain the roadway in a condition acceptable to the County, the County may withdraw from the account such funds as are necessary to commence or complete the required maintenance and repairs, following notification to the permittee as described below. If the cost of maintenance and repairs exceeds the \$100,000 plus interest accrued to the account, then the total cost to complete the work shall be due and payable by permittee upon receipt of notification from the County. With the exception of emergency repairs, permittee shall be given sixty days notification to complete the repairs or propose an alternative acceptable to the Planning Director of Public Works. In the case of emergency repairs, as determined by the Planning Director of Public Works, the County may withdraw such funds as are necessary to complete the work. If the cost of maintenance and repairs exceeds the \$100,000 plus interest accrued to the account, then the total cost to complete the work shall be due and payable by permittee upon receipt of notification from the County. If funds are ever withdrawn from the account, the corpus shall be replenished to the full \$100,000 within five working days.
 - c. Interest accruing in the account shall remain on deposit, unless withdrawn for work on the road. At the end of the permit term or any earlier closure of the operation, or upon abandonment of the roadway by Alameda County, funds in the account will be returned

to permittee following inspection and determination by the Planning Director of Public Works that the roadway is in good condition to standards of the County of Alameda.

- d. If at the end of the permit term or any earlier closure of the operation the Director determines that the roadway is not in good condition to standards of the County of Alameda, then the procedure as provided in (b) above shall be followed. If there are insufficient funds in the road maintenance account or reclamation account to accomplish all necessary work on the roadway, then the County may perform the required work and recover all costs by any and all means provided by California law. The County shall give notice to the permittee and/or owner of the amount of the deficiency. Payment to the County by the permittee and/or owner shall be due immediately and shall be delinquent if not paid within 15 days of the date of the notice. The County may pursue any and all rights of collection against the permittee and/or owner for recovery of the delinquent sums. Such delinquency shall constitute a lien against the property and the County may, at its option, exercise its right as a lienholder to enforce the lien in any manner permitted by the law, including, without limitation, through a foreclosure sale.
 - e. As part of the Five Year Review, a schedule for necessary roadway repairs and alternatives for funding repairs will be considered by the Planning Commission. If warranted, the deposit may be increased to reflect current and projected future roadway maintenance needs.
56. Permittee may petition the State of California and Alameda County Board of Supervisors to abandon Athenour Way as a State and County controlled roadway. If a petition is filed for abandonment, permittee shall supply information as necessary to the Public Works Agency and Planning Department to analyze the petition, including information regarding the interest of Caltrans. If the roadway is abandoned by the State of California and Alameda County, funds in the roadway maintenance account will be refunded to the permittee, and all ownership and maintenance of the roadway will be transferred to the permittee.
- ~~57. An encroachment permit from Caltrans shall be obtained for any work conducted within the State right of way, as necessary and appropriate, including the I 680 right of way and embankment, Alameda Creek bridge at I 680, Athenour Way or other locations.~~

Noise

58. Engines on all equipment used for surface mining operations shall be equipped with manufacturer-recommended mufflers, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device intended to thwart quieting.
59. Site preparation and mining shall be conducted in substantial conformance with the proposed phasing plan prepared by Spinardi Associates, dated November 21, 1994, as amended by this permit and subsequent revisions. The plan provides for the construction of berms and landscape buffers prior to aggregate mining in a manner that will effectively shield the surrounding areas from visual and noise impacts. Topsoil removal, overburden stripping, and berm construction, once begun in the northwest portion of the site within 1,600 feet of the sensitive noise receptors, shall proceed as quickly as possible to further minimize noise. Activity in this area shall be conducted during the summer months to minimize noise received at the school-related areas. These operations shall begin no earlier than 7 AM.
60. Permittee shall be responsible for installing double-paned windows and a mechanical ventilation

system at the request of the San Francisco Water Department and/or the Sunol Glen School, if after operations commence, the County determines it to be necessary to further minimize noise levels caused by the SMP-32 operations at all or a portion of these facilities. The determination shall be based on a comparison of site-specific noise measurements made by qualified personnel against County standards for exterior and interior noise exposure, and the reported experience of persons who regularly use the facilities.

Air Quality

61. Measures shall be taken to reduce dust emissions to the maximum extent possible. In addition to using water as a dust suppressant, other measures shall be used if practicable such as commercially available dust suppressants, and temporarily halting stripping activities during high wind periods that create a visible dust plume. Permittee shall describe measures undertaken in each Annual Report furnished to the Planning Director of Public Works.
62. Adequate soil moisture shall be maintained in all activity areas within the site or watered to reduce dust to an insignificant level, as determined by the Planning Director of Public Works and Bay Area Air Quality Management District.
63. All surface mining operations emitting smoke, vapors, dust and other airborne contaminants shall be provided with all necessary control measures and devices as required by the Planning Director of Public Works, 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.
64. If, at any time, high wind or dry weather create potentially hazardous conditions on surrounding roads and highways or in the town of Sunol as a result of windblown dust from the site, the causative activity must cease and corrective measures must be taken. Adequate water and equipment shall be maintained on-site for this purpose. The event must also be reported to the California Highway Patrol and the County Planning Department and Public Works Agency within 48 hours.
65. Permittee shall maintain all quarry-operated equipment in accordance with manufacturers' recommendations to reduce exhaust emissions from heavy equipment and haul trucks.
66. Permittee shall ensure that the quarry conforms to all requirements of the Bay Area Air Quality Management District, and shall document compliance as part of the Annual Report.
67. If complaints about off-site dust are received by the County, an investigation shall be conducted to determine whether a reasonable nuisance or hazard exists, if the SMP-32 quarry and/or surrounding buffer lands on the project site is the cause of the dust, and, if so, what corrective actions are required to correct the problem. Permittee shall comply with the decision of the Planning Director regarding the appropriate corrective action, which may include but is not limited to changes in the method of operation, hours of operation, or other elements of the project.

Visual Quality

68. A detailed landscape and phasing plan shall be prepared and approved prior to site disturbance based on the conceptual plans approved as part of this permit, prepared by Gates & Associates, revised October 1994, that takes into account the preference for native species and biologic habitat value; speed of growth of selected plants; ability of plants to provide an effective visual

screen; and suitability of plants to the soil, climate, natural setting and other physical characteristics of the site. The landscape plan shall include both an irrigation plan, specifying use of a water-conserving system, and a landscape maintenance program. The landscape plan shall be prepared by a licensed landscape architect in consultation with the San Francisco Water Department, the California Native Plant Society, the U.S.D.A. Soil Conservation Service, and the California Department of Fish and Game. The landscape plan shall include timing, responsibilities, and guarantees, and shall be approved by the Planning Director prior to commencement of soil disturbance and planting. The Planning Director shall forward the plan to the Sunol Citizens' Advisory Committee for comments prior to approval of the plan. Permittee shall guarantee maintenance of the landscaping in accordance with the plan. On-going maintenance of the landscaping shall be monitored by an independent landscape architect/contractor under the supervision of the Alameda County Planning Department and contract to the permittee, with reports supplied as part of the Annual Report. The success of the plantings shall be reviewed by the Sunol Citizens' Advisory Committee.

69. Permittee shall construct a continuous berm around the perimeter of the quarry pit as shown in the revised plans prepared by Gates & Associates, revised October 1994, subject to amendment under these conditions of approval, to provide a visual barrier to sensitive areas including but not limited to I 680, Paloma Road, and the San Francisco Water Department water temple and access road. The engineered appearance of the final use of the site (water storage for the San Francisco Water Department) shall be minimized through the use of a meandering berm with varying dimensions and through suitable landscape planting design, including the use of native, drought tolerant plants, as outlined below.
70. Permittee shall coordinate quarry operations, buffering land uses, conveyor belt location and design, fencing, and landscape berms with the San Francisco Water Department as necessary to facilitate the implementation of public access to the watershed lands, if such access and trails are found to be desirable by the San Francisco Water Department. Modifications to the conveyor belt, landscaping, or other operational concerns, would be subject to approval by the Planning Director. In the event the San Francisco Water Department opens its lands for public access, permittee shall cooperate with the eventual operator of the recreation and trail facilities.
71. Landscaping shall be reviewed periodically to ensure the adequacy of the plan and plantings. Permittee shall survey and stake the location of the pit perimeter, berms, hillocks, and other major features of the plan for an initial inspection by the Alameda County Planning Department and the Sunol Citizens' Advisory Committee, prior to any site disturbance. In consultation with the permittee, Department of Public Works, Sunol Citizens' Advisory Committee, and other responsible parties, the Planning Director shall approve a program for interim inspections as the buffer areas are constructed, berms are constructed, and other features and landscaping are installed, in order to ensure that the features are achieving the intended goal of screening views and providing a pleasing setting. The Planning Director may approve modifications to the plans to improve factors such as tree species, spacing, timing of installation, and other elements. Screen landscaping shall be permanently installed at least four years in advance of activity in areas of active mining to ensure adequate growth, and shall have a minimum success of 75 percent.
72. Stockpiles of materials from mining activity shall be allowed only within the pit, and shall be limited to a one-week supply if visible from surrounding areas. During site preparation, stockpiles as required due to activity such as topsoil removal and bentonite wall construction shall be stored for a maximum of 30 days, except as approved by the Planning Director. The height of all visible stockpiles shall be limited to 25 feet.

73. Permittee shall restrict and minimize lighting for night operations. Where lighting is necessary, permittee shall utilize light shades, directional lighting, and other measures so as to minimize visibility off site.

Public Facilities and Services

74. Prior to issuance of Building Permits, the Planning Director shall approve the precise location, access, and design of the conveyor belt linking the expansion area to the existing plant on the opposite side of I 680. The conveyor belt shall not adversely affect the Alameda Creek channel or bridge in any manner, as determined by the Planning Director.
75. An encroachment permit from Caltrans shall be obtained for any work conducted within the State right-of-way, as necessary.

Archaeologic and Historic Resources

76. Permittee shall alert all personnel involved in activities at the site to the possibility of finding archaeological or historic materials (materials shall be described in sufficient detail that they would be recognizable if found). If any of these materials are encountered, work shall be halted in the immediate area of the discovery or suspected source area. Work shall not recommence until a qualified archaeologist has inspected the find, made an evaluation of the character and potential significance of the resource, collected appropriate data and samples, and implemented a mitigation program, if necessary. Reports and recommendations shall be forwarded to the County in a timely manner. Permittee shall comply with the recommendations of the archaeologist regarding preservation, relocation or recording, if necessary.
77. Permittee shall propose and implement a schedule of site visits for archaeological evaluation during topsoil and overburden removal, subject to the approval of the Planning Director. Particular attention shall be paid to the southwestern quadrant of the site and the area opposite the San Francisco Water Department maintenance area. Reports, recommendations and activities shall be presented as part of the Annual Report and filed with the California Archaeological Inventory, as appropriate.
78. In the event that any human remains are uncovered, the County Coroner and the Native American Heritage Commission must be notified. If the remains are determined to be of Native American origin, arrangements must be made between the permittee and the designated Most Likely Descendent regarding the exposure, removal, and eventual reburial of human remains and associated grave goods.
79. Permittee shall not operate in or disturb the ground within the previously identified archaeological resource area and any possible additional cultural resource finds. This prohibition shall exclude foot or vehicular traffic, and incorporate provisions of an erosion control plan for the area.

Public Health and Safety

80. A potable water supply and adequate toilet facilities shall be provided for employees according to requirements of the Alameda County Health Care Services Agency.
81. An annual fire protection plan shall be filed with the Alameda County Fire Department and State

Department of Forestry and implemented by the permittee, as approved or amended by these agencies.

82. The perimeter of the mining area shall be fenced prior to commencement of mining activities. Fencing shall conform to specifications of the Alameda County Surface Mining Ordinance. An alternative design may be approved by the Planning Director if the design is found to achieve the same degree of security as standards in the Alameda County Surface Mining Ordinance. New and existing fences shall be repaired as necessary and maintained in good condition.

Reclamation

~~83. Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions by creating an account acceptable to the County of Alameda and depositing in said account by October 1 of each year an amount totalling \$5.00 per 100 tons of product sold during the period, starting from the date the permit is approved, of which \$2.00 per 100 tons shall be retained in an interest bearing account until final reclamation is achieved in accordance with the reclamation plan. The amount shall be in 1990 dollars and shall be adjusted in accordance with the Construction Cost Index for San Francisco of Engineering News Record to account for inflation at the time of the deposit. Permittee shall receive credit for final reclamation completed as determined by the Director of Public Works. Said credit shall be deducted from the required deposit and/or refunded from the account on an annual basis. Upon expiration or revocation of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to the permittee 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. 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 or operator, the permittee 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.~~

83. The Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions of approval by providing a mechanism for financial assurance of reclamation as described in, and in accordance with, Surface Mining and Reclamation Act and the Alameda County Surface Mining Ordinance. The mechanism shall be of sufficient value to cover the full costs of reclamation in any specific year for which it is calculated, and may take any form acceptable within the requirements of SMARA, including but not limited to escrow accounts, trust accounts, performance / surety bonds and/or Irrevocable Letters of Credit.

84. Final reclamation shall occur within the stated permit term, but in no case later than two years after completion of surface mining. Prior to release of funds from impound accounts for monitoring and reclamation, all conditions shall be accomplished and accepted by the ~~Director of Public Works and the~~ Planning Director. All stockpiles and equipment shall be removed from the site upon completion of reclamation. An "as built" plan of the final reclamation shall be prepared and submitted to the ~~Planning Director of Public Works.~~

Monitoring and Responsibilities

85. Within five years from the date of approval of this permit, and at approximately five year

intervals thereafter, the Planning Commission shall review compliance with the Surface Mining Permit and Reclamation Plan and with the Alameda County Surface Mining Ordinance and consider new or changed circumstances within the general area of the mining operations which shall be accommodated by the permit or plans. The review shall include a public hearing. The Permittee shall pay the actual cost of reviews unless otherwise approved for extraordinary circumstances by the Planning Director. As a result of this process, the Planning Commission may modify the mining or reclamation plan or guarantees thereof to conform with the Alameda County Surface Mining Ordinance or changed circumstances, and such modified permit or plan shall be binding upon the operation.

86. If problems develop regarding mining or reclamation as may be determined by the Planning Director ~~or Director of Public Works~~, permittee shall take corrective action with all due haste, in good faith. Permittee shall implement solutions as approved by the Planning Director ~~or Director of Public Works~~.

Permit Expiration / Revocation

87. This Surface Mining Permit and Reclamation Plan shall terminate January 1, 2045 or upon completion of reclamation, whichever occurs first.
88. A processing plant shall not be allowed on the SMP-32 site.
89. This permit shall be subject to revocation or suspension as specified in Section 8.121.2 of the Alameda County Surface Mining Ordinance.

Legal Responsibilities

90. 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 attack, set aside, void, or annul this Surface Mining Permit and Reclamation Plan, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Surface Mining Ordinance, other State and County code and 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.
91. Should a judicial proceeding be instituted to enforce or interpret these conditions and provisions, the prevailing party shall be entitled to reasonable attorneys' fees and costs, in addition to any other relief awarded. Permittee shall reimburse the County, its agents, officers, or employees for any court costs and/or attorneys' fees which the County, its agents, officers, or employees expend in defense of a legal challenge to this action or portions thereof.
92. A Notice of Limitation incorporating all permit provisions shall be recorded against all properties owned or leased by the permittee which are subject to this Surface Mining Permit and Reclamation Plan.
93. Permittee, property owner and their authorized agents, and any other person in control of the property, individually or collectively, are responsible for the observation and compliance with all

the provisions of this permit and the Alameda County Surface Mining Ordinance. Each party shall provide a written statement that they accept responsibility for reclaiming the site as indicated on the mining and reclamation plan, and shall guarantee (a) compliance with all conditions of approval and (b) reclamation in accordance with said plan. Said responsibility shall run with the land under permit as a covenant thereupon until release of the covenant is recorded by Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOE:

EXCUSED:

ABSENT:

ABSTAINED:

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

DRAFT RESOLUTION NO. 09-__ - AT MEETING HELD APRIL 20, 2009

SURFACE MINING PERMIT AND RECLAMATION PLAN

CASE NO. SMP-33

**Introduced by Commissioner ____
Seconded by Commissioner ____**

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

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

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

WHEREAS 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. 7 of Surface Mining Permit and Reclamation Plan SMP-32 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 the application for Surface Mining Permit SMP-33 was reviewed by the Sunol Citizens' Advisory Committee on March 18, 2008 and recommended by those assembled for approval; 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-33 at the hour of 4:00 p.m. on Monday, the 20th day of April, 2009, in the Auditorium of the Alameda County Building, 224 Winton Avenue, Hayward, California; and

WHEREAS the application for Period Review of Surface Mining Permit SMP-33 has been reviewed in accordance with the provisions of the California Environmental Quality Act, and found to be Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15309 (Inspections) since it consists of an activity limited entirely to the inspection of the subject mining

operation; and

WHEREAS the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

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

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

WHEREAS there are a number of conditions of approval that require revision, primarily due to approval of Municipal Code revisions since last amendment to this permit; and

WHEREAS this Planning Commission finds that changed circumstances and identified environmental effects warrant revising this Surface Mining Permit and Reclamation Plan to modify several conditions of approval, including modification of Condition Nos. 4, 13, 17, 43, and 53; and addition of new three (3) conditions, Condition Nos. 3, 10 and 12; and the removal of previous Condition No. 3, 10, 11 and 12 (as shown below).

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

NOW, THEREFORE,

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

BE IT FURTHER RESOLVED that this Planning Commission approves the Five Year Review of Surface Mining Permit and Reclamation Plan SMP-33, subject to the following fifty-three (53) amended conditions:

CONDITIONS OF APPROVAL

SURFACE MINING RECLAMATION PLAN SMP-33

HANSON AGGREGATES

ADMINISTRATIVE

1. Surface mining operations, reclamation and grades shall be in substantial conformance with the various maps, information and recommendations labeled "Exhibit B, SMP-33", being the application for approval of Surface Mining Permit and Reclamation Plan, as amended, including plans for mining, reclamation and landscaping, dated July 23, 2001.
2. Mining and reclamation shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.

~~3. Upon the termination of SMP 33, Permittee shall guarantee timely performance of reclamation requirements of the ACSMO and these conditions by all of the following mechanisms:~~

~~a. Permittee shall maintain the full value of existing account for SMP 08 at the total of the account at the time of expiration of SMP 08; and~~

~~b. Permittee shall maintain its standard escrow agreement with Alameda County, and its reclamation escrow account, and maintain a minimum of \$10,000.00 in the account. Permittee shall deposit in said account by October 1 of each year an amount totaling \$5.00 per 100 tons sold during the period starting from the original date its permit was approved. 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 Permittee within the next 12 months. The funds on deposit in the escrow account may be invested in a manner approved by Alameda County, with an emphasis on obtaining a high yield on investment. 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 shall be made payable to the County of Alameda, or to the State of California, Director of the Department of Conservation in the event that the State of California becomes the lead agency for the quarry pursuant to the Surface Mining and Reclamation Act (California Public Resources Code, Section 2774.4).~~

~~e. Permittee shall establish a performance bond to supplement the escrow account if required to fund the future amount of the approved financial assurance estimate for the year commencing October 1 of each year. This bond shall be established prior to the start of renewed mining, and shall remain in effect until annual deposits required under Condition 3(b) above equal or exceed the value of the financial assurance for the year beginning October 1. The performance bond shall be made payable to the County of Alameda, or to the State of California, Director of the Department of Conservation in the event that the State of California becomes the lead agency for the quarry pursuant to the Surface Mining and Reclamation Act (California Public Resources Code, Section 2774.4).~~

~~d. The escrow account can be used to finance reclamation improvements during the life of the permit, for which Permittee may claim credit prior to October 1 of each year; said credit shall, with County approval, be deducted from the required deposit and/or refunded from the escrow account except that, following expiration of the bond according to Condition 3(c), an accumulated minimum in the amount of \$30,000 shall be retained in the account until reclamation is completed. Upon revocation or expiration of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to Permittee 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.~~

3. The Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions of approval by providing a mechanism for financial assurance of reclamation as described in, and in accordance with, Surface Mining and Reclamation Act (SMARA) and the Alameda County Surface Mining Ordinance. The mechanism shall be of sufficient value to cover the full costs of reclamation in any specific year

for which it is calculated, and may take any form acceptable within the requirements of SMARA, including but not limited to escrow accounts, trust accounts, performance / surety bonds and/or Irrevocable Letters of Credit.

4. Permittee shall furnish the ~~Planning Director of Public Works~~ with a report describing compliance with these conditions by July 1 of each year, beginning July 1, 2002. With each report, Permittee shall provide a map at the same scale as the approved mining, reclamation and landscape plans, showing current progress of mining and reclamation, drainage, erosion and sedimentation control facilities to be provided and those in place, and as built landscaping including status of all prior landscaping. A monthly breakdown of tonnage sold from the site during the 12 month reporting period shall be included in the report.

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

5. Permittee and all lessees shall provide a new written statement by January 31, 2002, that it accepts responsibility for reclaiming the site as indicated on the mining, reclamation and landscape plans, and shall guarantee all reclamation in accordance with said plans. Said responsibility shall run with the land under permit as a covenant thereupon until release of the covenant is recorded by Alameda County.
6. If problems develop regarding mining or reclamation as may be determined by the Planning Director, Permittee shall take corrective action with all due haste, in good faith. Permittee shall implement solutions as approved by the Planning Director.
7. Within five years from the date of approval of this surface mining permit, 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, landscaping plan or guarantees thereof to conform with the ACSMO and State of California requirements.
8. This mining permit and reclamation plan shall expire December 31, 2045, or on such earlier date as may be mutually agreed to by Permittee and the County of Alameda. Permittee shall notify the Planning Director and Director of Public Works upon completion of mining and again upon completion of reclamation. Within one year of the declaration by Permittee that reclamation has been completed, the site shall have been brought into conformance with the reclamation plan as to grading, safety, stability, and vegetation. Monitoring for full reclamation shall continue after this date for a minimum period of one year.
9. The end use of the site upon complete reclamation is assumed to be for agriculture, such as livestock grazing or pasture crops. Any use other than that permitted under the A - Agricultural District of the County Zoning Ordinance must be approved by the County of Alameda. Uses permitted shall not conflict with the goals of the San Francisco Water Department, the Alameda

County Water District, or the Regional Water Quality Control Board in water management and water quality.

- ~~10. Permittee shall pay a surcharge of \$0.02 per ton of aggregate sold to the Planning Department to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Planning Department account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP 33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~
- ~~11. Permittee shall pay a surcharge of \$0.01 per ton of aggregate sold to the Public Works Agency to help cover the Agency's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Public Works Agency account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP 33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.~~
10. The Permittee shall pay an administrative fee, as required by and for the purposes described in Section 6.80.242 of the Alameda County Health and Safety Code, Surface Mining Ordinance Code.
11. Permittee shall defend, indemnify and hold harmless Alameda County or its agents, officers or employees from any claim, action or proceeding against Alameda County, or its agents, officers or employees to attach, set aside, void, or annul this Surface Mining Permit, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Surface Mining Ordinance, the California Surface Mining and Reclamation Act, other County ordinance requirements and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. If Permittee shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and Permittee shall be responsible for the County's reasonable attorneys' fees.
- ~~12. Permittee shall pay to the County of Alameda reasonable and actual costs incurred by the County for review, approval, administration and monitoring of all programs, including inspections required pursuant to these Conditions. This may require the hiring of additional personnel on either a part-time or full-time basis. The Planning Director and/or Director of Public Works are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make necessary approval determinations. Permittee shall be notified prior to any unusual or extraordinary expenditure of funds.~~

12. Within five years from the date of approval of this permit, and at approximately five year intervals thereafter, the Planning Commission shall review compliance with the Surface Mining Permit and Reclamation Plan and with the Alameda County Surface Mining Ordinance and consider new or changed circumstances within the general area of the mining operations which shall be accommodated by the permit or plans. The review shall include a public hearing. The Permittee shall pay the actual cost of reviews unless otherwise approved for extraordinary circumstances by the Planning Director. As a result of this process, the Planning Commission may modify the mining or reclamation plan or guarantees thereof to conform with the Alameda County Surface Mining Ordinance or changed circumstances, and such modified permit or plan shall be binding upon the operation.

GRADING AND EROSION CONTROL

13. Grading and erosion control shall conform to design standards (Sections 7-115.0 through 7-115.190) and geotechnical requirements (Sections 7-114.2 through 7-114.10) of Alameda County Grading Ordinance No. 82-17. A complete erosion and sedimentation control plan is on file at the County Community Development ~~Public Works~~ Agency offices, and shall be subject to annual inspection and review by the Planning Director ~~of Public Works~~. Any changes to the plan shall be submitted for review and approval by the Planning Director ~~of Public Works~~. Permittee shall submit details and calculations for all new erosion and sedimentation control facilities sufficient to demonstrate their adequacy. Included shall be surface area, storage for runoff and capacity of the pond that will serve as retention basin for glass plant runoff, and details of network to carry water to nearby sedimentation ponds.
14. Permittee shall endeavor to schedule his operations to optimize the salvage and reuse of top soil in capping areas to be revegetated. Permittee shall indicate where the topsoil and overburden stockpiles are to be located, and shall provide for protection of the stockpiles from wind and rain erosion through the use of interim vegetation, to be established on all undisturbed slopes prior to October 15 of the year in which they are created. If topsoil is not available, selected overburden material can be substituted for topsoil provided that it be tested for adequate plant nutrients, texture and water holding capacity, or enhanced as required, as may be determined satisfactory to the USDA Soil Conservation Service.
15. No stockpiling of overburden or aggregate material on or from the SMP-33 quarry site shall occur within the drainage of Alameda Creek, but shall be located only in areas with drainage to silt ponds of SMP-24.
16. When reclamation is nearly completed (filling of pit, capping and satisfactory revegetation), Permittee shall remove any on-site berms remaining substantially unvegetated and shall regrade the site and revegetate the berm locations to allow natural sheet flows to proceed across the site easterly to flow into the creek. This may be accomplished by grading the entire site uniformly from the west to the top of the revegetated berm on the easterly boundary. The margin along which the reclaimed pit meets the berm shall be constructed so as to not sag or retain water adjacent to the west side of the berm, but rather to pass water over the crest of the former berm. Monitoring shall include review of the amended reclamation plan by the Planning Director to reflect the changes prior to commencement of new mining; County staff shall inspect and certify that the required berm removal, grading and revegetation have been accomplished satisfactorily prior to release of reclamation financial assurances at the conclusion of reclamation.
17. Should any problems develop regarding slope stability, erosion control, groundwater, or related matters, Permittee shall immediately have an investigation prepared by an qualified professional

detailing the problem and possible solutions to be approved by the Planning Director of Public Works.

DRAINAGE AND WATER QUALITY

18. Permittee shall submit details and calculations for all drainage facilities sufficient to demonstrate their adequacy. An up-to-date hydrology map must be submitted showing all new on-site drainage and all intercepted areas. Drainage on the site shall not enter Alameda Creek prior to full reclamation of the site, but may only enter the creek off-site and via previously approved discharge locations on the area permitted under permits SMP-8 and SMP-24.
19. During reclamation, Permittee shall construct the gunite/soil stabilization runoff pond during the dry season to contain, at minimum, the incident rain and facility runoff that would occur during the 100-year statistical annual rainfall. Permittee shall prepare an analysis of this annual rainfall condition and the size of pond necessary for containment. The analysis shall be completed prior to final capping of the silt pond, and the pond shall be constructed according to the recommendations in the analysis as part of final reclamation. Permittee shall construct the pond in the year following the last rainy season during which the previously existing silt pond can still accommodate gunite/soil stabilization runoff. Permittee shall maintain the reclamation plan to reflect this requirement, and should note that the pond may or may not be permanent, depending on the use of the property after discontinuation of gunite/soil stabilization activity. Monitoring shall include review and approval by the Planning Director, after review and comment by the Director of Public Works, of the 100-year annual rainfall analysis at the time of final reclamation; and certification by County staff that the pond has been constructed properly, at the proper time following closure of, and during capping of, the silt pond.
20. Work within or adjacent to any natural watercourse is subject to the conditions of Alameda County Ordinance No. 82-18 and shall require a permit from the Alameda County Flood Control and Water Conservation District, and a Streambed Alteration Agreement from the California Department of Fish and Game. Permittee and lessees shall not mine within 100 feet of the top of bank of Alameda Creek.
21. Permittee shall conduct quarrying operations in a manner that shall not cause or result in pollution of the ground water basin. Permittee shall conform to all requirements of the San Francisco Bay Regional Water Quality Control Board with respect to discharge of silt-laden water and waste materials.
22. If the Army Corps of Engineers identifies jurisdictional wetlands at the project site, regulatory requirements for wetland mitigation shall be incorporated into the proposed quarry and reclamation activities. Feasibility of long-term wetlands shall be based on a comparison of competing benefits to be derived from limited water and land resources. Any wetland management plan proposed and adopted shall incorporate or otherwise complement features of the San Francisco Water Department Watershed Management Plan.

GENERAL

23. Permittee has submitted a landscape plan (on file) that indicates a variety of fast-growing, native species suitable for the site, to be planted in an approximately random manner and with uneven spacing. The landscape plan shall include a list of grass / forb species for use on berms and undisturbed areas, along with a suitable bush/tree palette. Permittee shall ensure that changes to the selected tree/bush palette would be suitable for the climate and soil conditions, and that once

planted, would achieve a survival rate of at least 75 percent. Upon implementation of the landscaping plan, if the success/survival rate after five years is less than 75 percent for any segment of the plant population, Permittee shall do one of the following:

- a. Restore the population back to 100 percent and take steps to ensure survival of the plant type; or
- b. Replace the lost population with an alternative species more likely to succeed and that is acceptable to the Planning Director.

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

24. Permittee shall ensure that the visual vegetative barrier is maintained, and shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the work area, and that the lighting is directed toward the area being worked; under no circumstances shall areas beyond the site boundaries be directly illuminated, nor shall general lighting radiate above the horizontal. Lighting for operations in the pits shall be placed as low into the pits as possible. Permittee or his lessees of the Butler building shall minimize lighting on the Butler building. Exterior lights that are visible from any location south and east of the Butler building shall be extinguished when no workers are present; however, these lights may be placed on motion-sensitive detector circuits so as to automatically light when humans are present on the site. This condition shall be implemented by March 1, 2002. Monitoring shall include certification by County Staff of required landscaping installation prior to commencement of operations; occasional inspection of night time operations by County Staff to ensure that lighting is directed toward the work area and that areas beyond the site boundaries are not directly illuminated; and immediate response to complaints about excessive night lighting.
25. The Permittee shall plant new sycamore trees in the areas adjacent to the project site, preferably on San Francisco Water Department lands immediately adjacent to the site, but if necessary on other nearby lands owned by the Permittee. Ten (10) sycamore trees shall be planted for each mature tree lost. Trees shall be planted approximately 50 feet apart to approximate the expected spacing in a natural stand of sycamore trees in this type of habitat. Each tree shall initially have a minimum size of 15 gallons. Within 30 days of approval of this condition, the biologist or an arborist shall recommend a planting, irrigation and success ratio program to be followed that shall include planting guidelines, irrigation guidelines, and a monitoring program for a period of time suitable to ensure that the trees have successfully taken root.
26. The Permittee shall perform a survey for ground squirrels and burrowing owls prior to commencement of grading activity on the site to ensure that neither type of animal has colonized any part of the specific project area footprint. The survey for squirrels shall be performed every two months until grading begins. If squirrels are found to have colonized the site, and if work is expected to commence during the period from March 1 to August 31, they should be eradicated by a pest control specialist and their burrows collapsed only after monitoring for the presence of burrowing owls. The burrowing owl survey shall be performed by a qualified professional within 21 days of the beginning of grading; if any owls are found to have colonized the site, grading and other earthwork shall be delayed until the end of the breeding/nesting season, about August 31, and the burrows shall be carefully monitored to ensure that all owls have left the burrows before earthwork can commence.

27. On the expansion site, prior to removal of any vegetation and within 21 days of the beginning of earthwork, Permittee shall retain a qualified professional to conduct a nesting survey for loggerhead shrike nests on the expansion area footprint. If active nests are found within the 6-acre expansion footprint, vegetation removal shall be delayed until the end of the breeding/nesting season as determined by the professional biologist. The qualified expert shall preserve a copy of documentation of all recovered data and materials found onsite; the materials may, at the discretion of the expert, be carried to an institute approved by the Planning Director where they may be preserved and or studied.
28. Permittee shall do the following if archaeological or paleontological resources are found during any quarry operations:
 - a. Immediately halt or relocate excavations and contact a qualified archaeologist or paleontologist to inspect the site, along with the County Coroner. If the scientist determines that potentially significant materials or human remains are encountered, the scientist shall record, recover, retrieve, and/or remove them;
 - b. If human remains are found onsite, the applicant shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on the site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
 - c. Provide a copy of documentation of all recovered data and materials found onsite to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
 - d. If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.

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

29. If suspected paleontological remains are discovered during excavation, Permittee shall immediately halt or relocate excavations and contact a qualified expert to inspect the site. If the expert determines that potentially significant paleontological materials have been encountered, the expert shall record, recover, and/or remove them, and the Permittee shall relinquish any claim to them. The Planning Director shall be notified of any significant finds within five (5) working days. The qualified expert shall preserve a copy of documentation of all recovered data and materials found onsite; the materials may, at the discretion of the expert, be carried to an institute approved by the Planning Director where they may be preserved and or studied.
30. Permittee shall maintain standard quarry permit fencing along all boundaries of the area covered by SMP-33 with adjacent lands not owned by Permittee, unless another standard is approved by the Planning Director.
31. Permittee shall operate trucks to and from the quarry operation only along truck haulage routes

directly accessible by Athenour Way and approved under Surface Mining Permit SMP-24 and which are already in use for Permittee's operations in the area.

32. Permittee shall use no explosives.
33. Permittee shall equip engines on dirt moving equipment used for surface mining operations with mufflers, and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device intended to thwart quieting.
34. Mining shall be conducted so that the active mining face will provide sound attenuation to the south and east of the active mining area. Monitoring shall include inspections by County staff to certify that mining is being followed as directed.
35. All surface mining and processing operations emitting smoke, vapors, dust and other airborne contaminants shall be provided with all necessary control measures and devices as required by the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air. Cut slopes, haul roads and other disturbed areas shall be watered as required to minimize dust generation. Haul routes may be paved, watered, oiled, or treated with a dust palliative as appropriate to minimize dust.
36. The driver of a weighed vehicle, loaded beyond current State of California maximum legal weights, shall be notified and requested to reduce the load to the legal limit. If loaded materials are subject to dust generation, drivers shall be requested to moisten loads at facilities to be conveniently located and maintained on site; otherwise, loads shall be watered or covered in accordance with applicable sections of the California Vehicle and Highway Codes. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. Permittee shall request all vehicle operators to have noise attenuating mufflers as required by the State of California Vehicle Code. Signs notifying drivers of these requirements shall be posted at the scale location. Provisions contained in this condition shall be mandatory for vehicles owned by, or under the control of Permittee. Drivers not cooperating with this provision shall be discouraged from hauling materials from the site. Haulage roads and loading areas shall be paved, oiled or watered to maintain a dust-free condition.
37. Permittee shall restrict processing operations to the present plant approved under SMP-24, except for possible scalping and silt-washing equipment at the excavation site.
38. Permittee shall prepare and file a fire plan annually with the State Department of Forestry to mitigate fire hazards; this may be combined with the fire plan for SMP-24 and SMP-32, as appropriate.
39. Permittee shall make sure all litter, debris, tires, and other large unused items are cleaned up promptly and disposed of properly. Large items that are not in use or waiting to be recycled, shall be stored indoors while waiting to be picked up by a recycler. Trucks and large equipment shall not be staged or stored on the southern side of the Butler Building except when necessary for repairs, and shall be moved to another location promptly afterward.

GRIFFIN SOILS INC. AND PRESTIGE GUNITE

40. Permittee or lessees may operate a soil stabilization facility and a gunite facility on the quarry site, for the purposes of supplying gunite, and soil stabilization materials to the quarry operator for use in crushing asphalt, asphaltic concrete, or other batch and resale products, and to provide

gunite and soil stabilization materials to other surface mining sites, and other related users. The soil stabilization and gunite facility shall operate in compliance with all other requirements of this permit and in compliance with the permit issued by the Bay Area Air Quality Management District for this gunite facility. Operation shall be permitted until expiration of this permit, but shall be reviewed at five year intervals along with the surface mining permit.

41. Permittee or lessees shall maintain the soil stabilization and gunite facility in compliance with all applicable County, regional, and state codes and ordinances, including those relating to air quality, water quality, and noise.
42. Permittee may use gunite and soil stabilization materials in the production of asphalt, asphaltic concrete and other batch or resale products, or other applicable onsite operations.
43. Records of total monthly and annual tonnage of gunite or soil stabilization material produced on site shall be maintained on file by the recycling facility operator for inspection by County staff, and shall be submitted annually by May 1 of each year to the Planning Director. Records of tonnage of materials used, or contributed to by Hanson Aggregates Mission Valley Rock, monthly and annually for/by production of quarry products, shall be maintained on file by the quarry operator for inspection by County staff, and shall be submitted annually to the Planning Director.
44. The hours of operation of the soil stabilization facility shall be limited to 6:00 AM to 5:00 PM, Monday thru Friday. The hours of operation of the gunite facility shall be limited to 5:00 AM to 5:00 PM, Monday thru Friday, with occasional Saturday operations. Truck deliveries either from or onto the site shall be restricted to the hours of 7:00 AM to 5:00 PM for both facilities. Maintenance on equipment at the site may be conducted outside of these hours, provided that it is conducted completely within the Butler Building, and that all doors on the south side of the Butler Building are kept closed to minimize escape of noise and interior light to the adjacent properties.
45. Gunite and soil stabilization truck traffic shall not use Calaveras Road for access to the site, or as a haul route.
46. The soil stabilization and gunite facility operators shall implement the current and proposed practices provided in the Storm Water Pollution Prevention Plan, including regular testing and inspection of equipment for leaks, conducting maintenance indoors, individual load checking for undesirable materials, dry cleanup of leaks and spills, pavement sweeping, vegetated swales and buffers and covered bunker berms. Monitoring shall include certification by the County inspector at each visit that the practices are being carried out adequately. The Planning Director shall have authority to order improved quantity or quality of measures cited in the Program if compliance with all applicable requirements is not achieved.
47. All processing of soil stabilization material shall be located inside of the processing building.
48. Any additional construction, placement of equipment outside the existing approved plant building, or changes in operation or plant layout shall be subject to additional review by the Planning Commission.
49. The operator shall maintain a chain link fence and keep the site free of trash and debris. The operator shall inspect the site weekly and remove accumulated trash and debris. Tires, steel and batteries shall be recycled frequently.

50. The operators shall maintain a deposit of \$1,000 with the Planning Director to hold in trust for Zoning Enforcement activities which may result due to the operation of the gunite and soil stabilization facilities. When the balance of the trust account reaches \$200, the trust shall be replenished to the original \$1,000.
51. County staff shall inspect the operation at different times of day on at least a quarterly basis for compliance with these conditions. Some inspections shall be unannounced. The operator shall cooperate with the inspector in making these inspections.
52. Any application for changes in ancillary uses on the site shall be submitted to the Planning Director or the Planning Commission for approval, per Section 6.80.120 of the Alameda County Surface Mining Ordinance.

RECLAMATION

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOE:

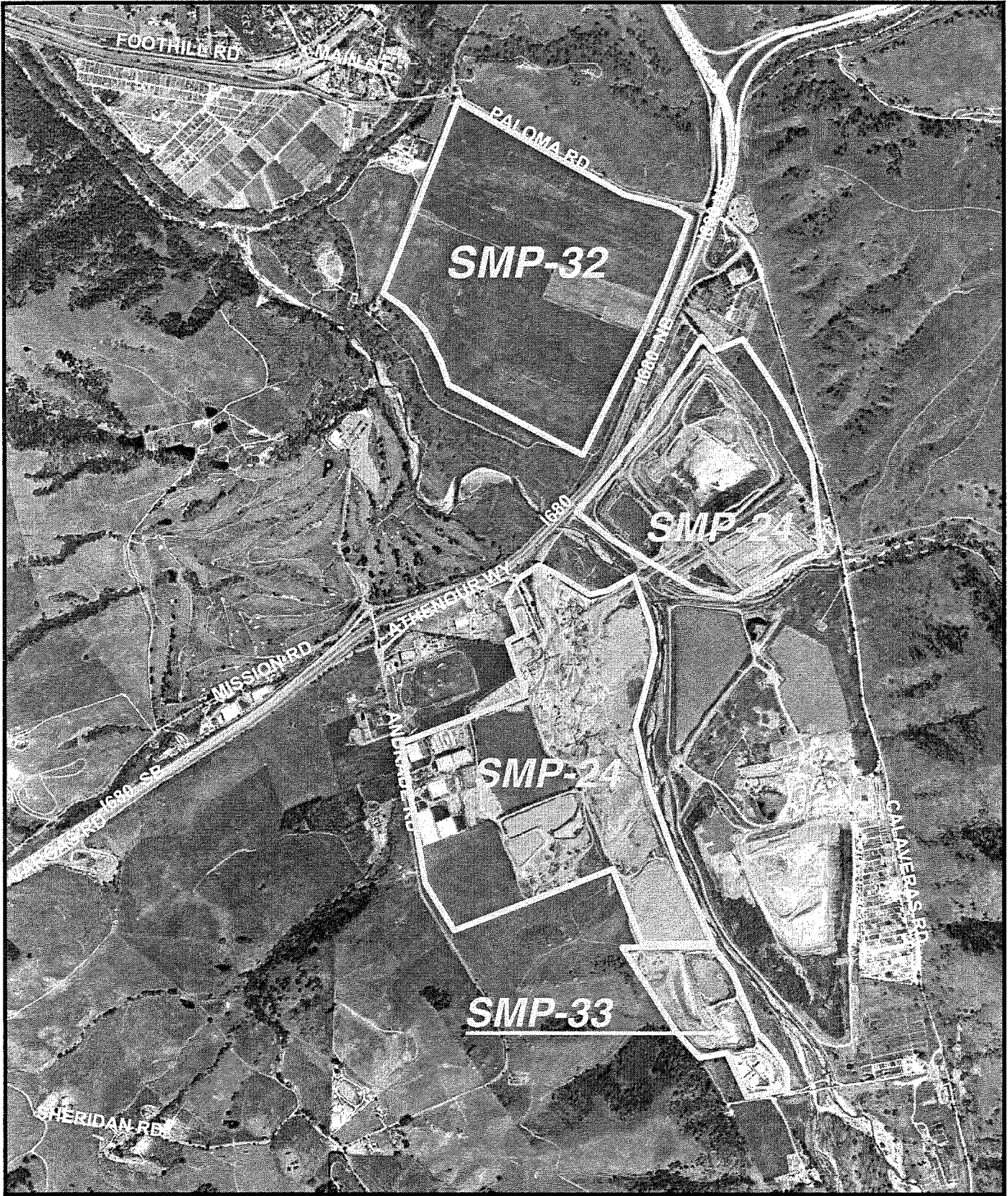
EXCUSED:

ABSENT:

ABSTAINED:

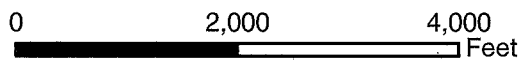
Attachment B
Mining Location

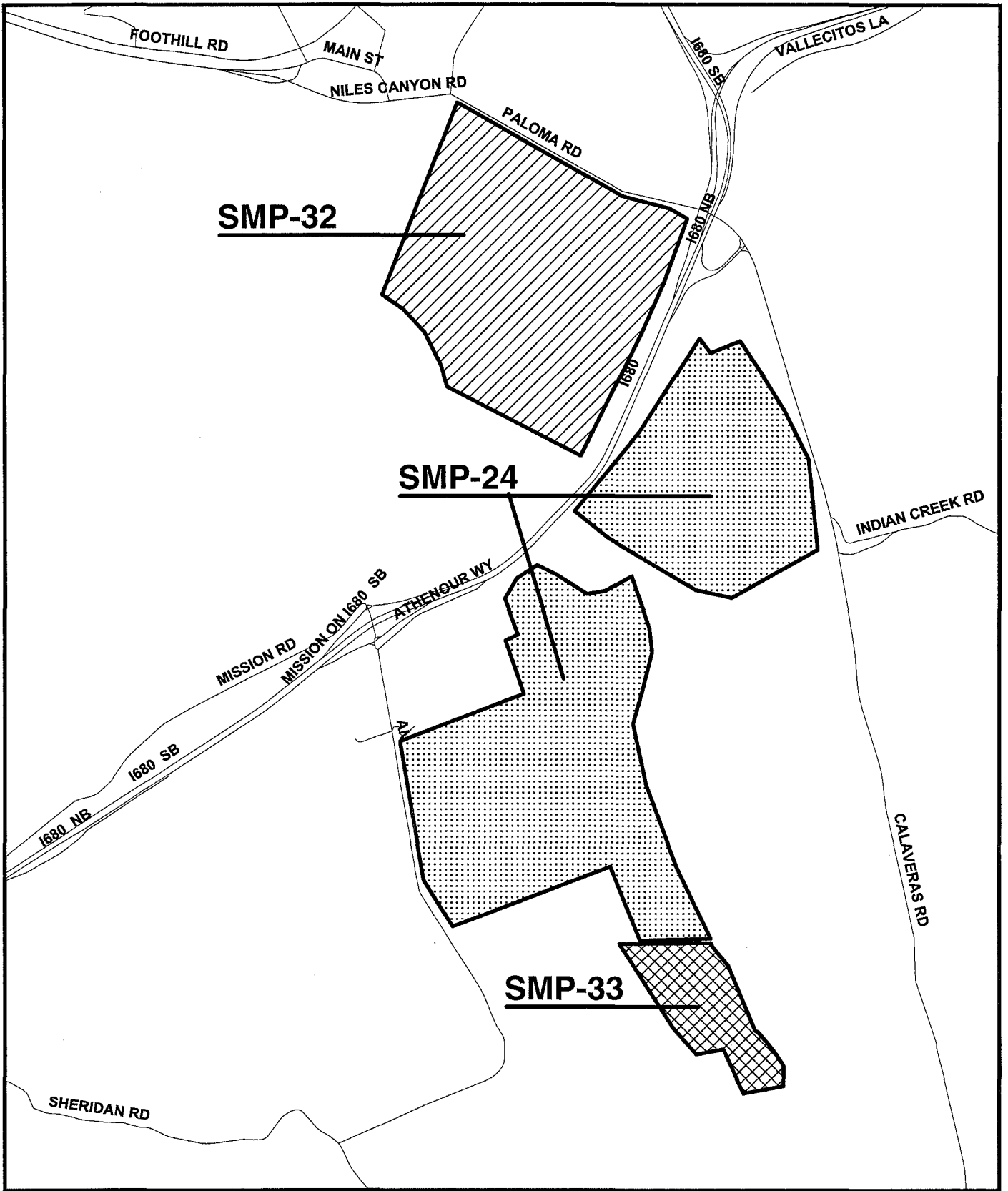
This Page Intentionally Left Blank



SURFACE MINING PERMITS: SMP-24, SMP-32 AND SMP-33
AERIAL PHOTO

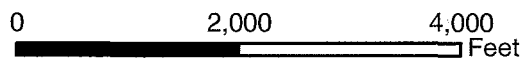
Alameda County CDA - Planning Department





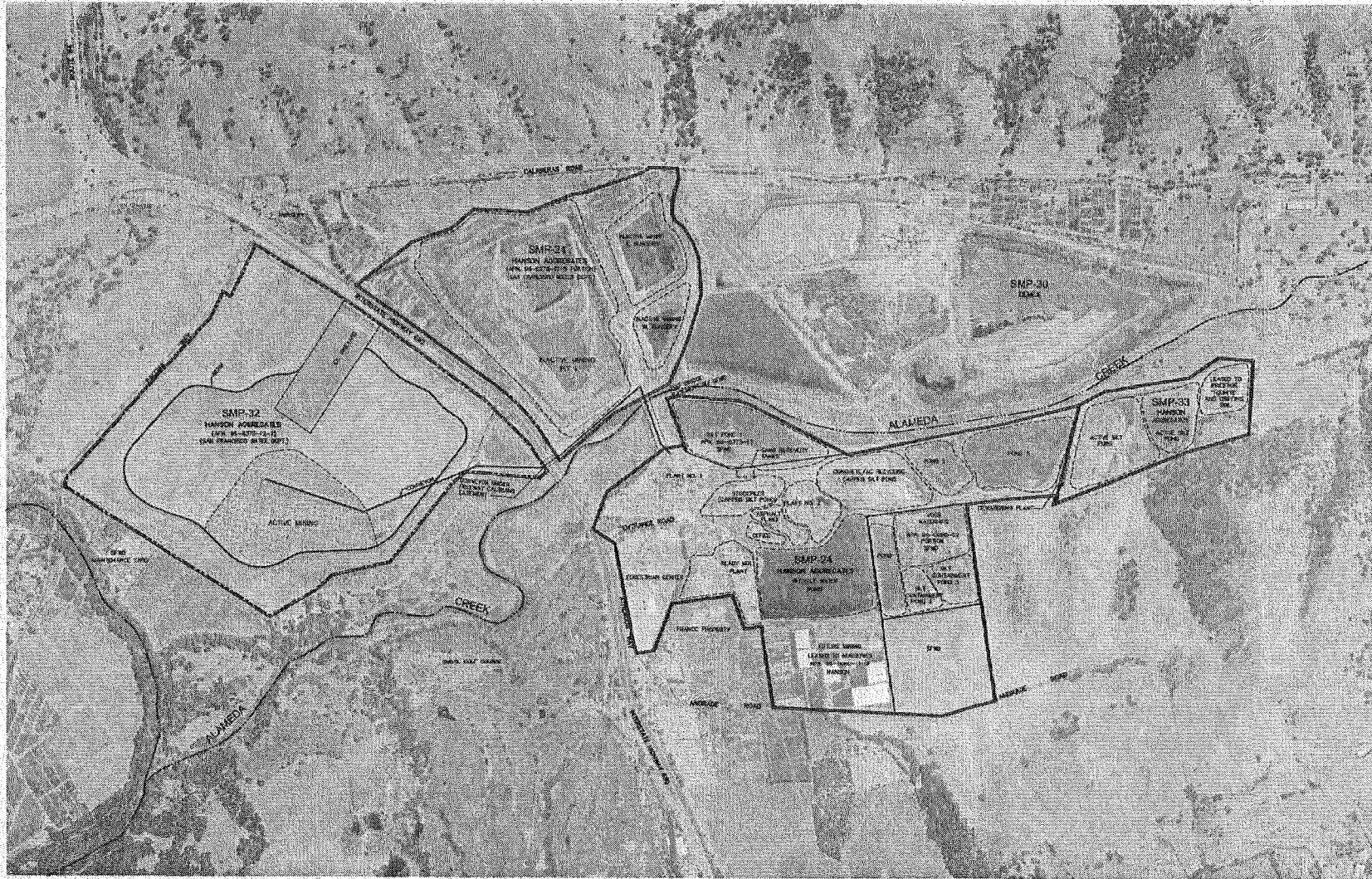
SURFACE MINING PERMITS: SMP-24, SMP-32 AND SMP-33
VICINITY MAP

Alameda County CDA - Planning Department



Attachment C
Mining Diagram

This Page Intentionally Left Blank

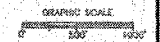


DETAIL NOTES

1. THIS MAP WAS PREPARED UNDER PROFESSIONAL ENGINEERING SUPERVISION AND IS A REPRESENTATION OF THE FACTS AS SUPPLIED TO THE ENGINEER.
 2. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 3. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 4. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 5. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 6. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 7. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 8. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 9. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.
 10. THIS MAP SHOWS THE LOCATION OF QUARIES AS OF THE DATE INDICATED HEREON.

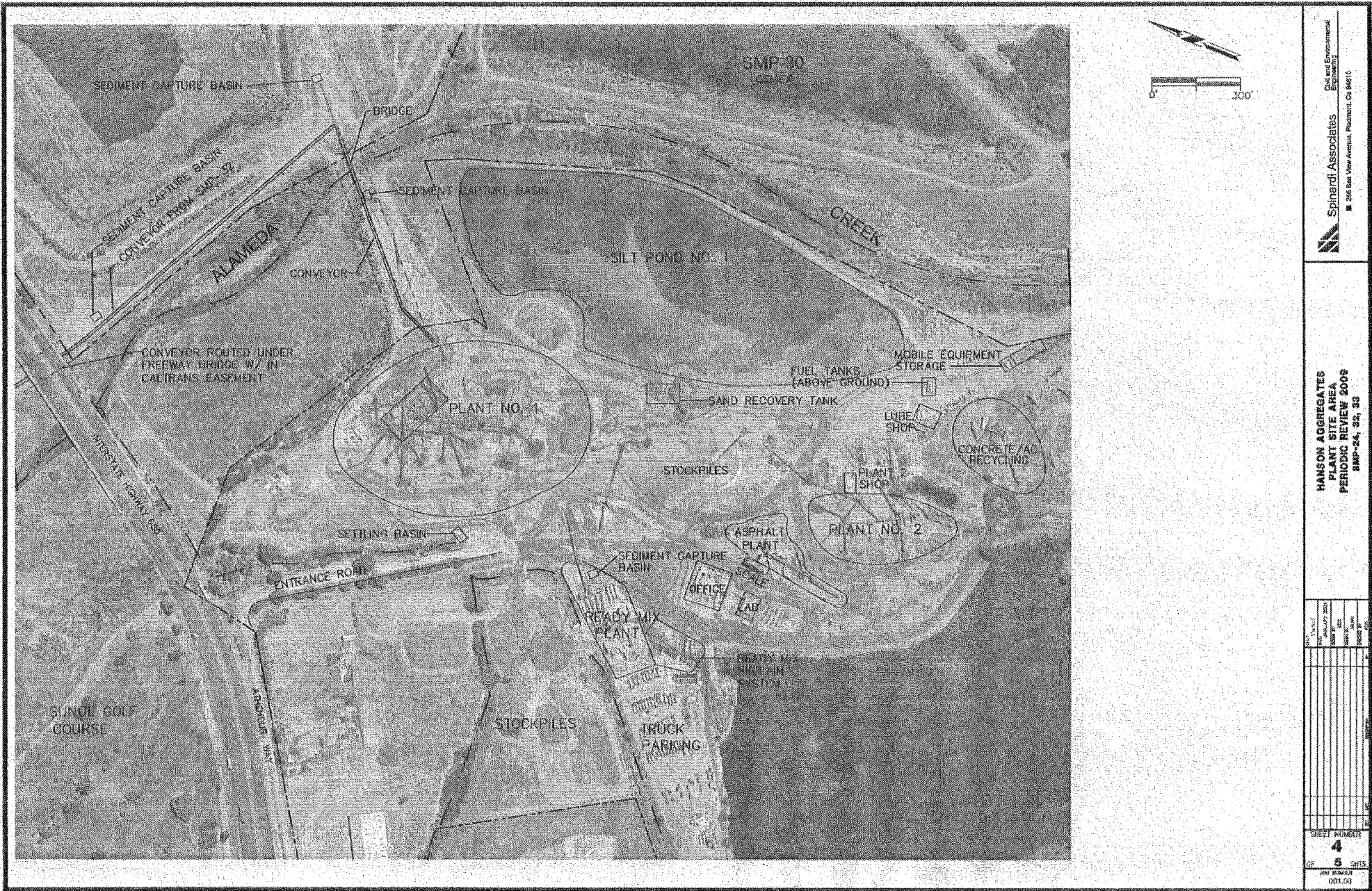
LEGEND

- PROPERTY LINE
- QUARRY PERMIT BOUNDARY
- ▨ MINING ACTIVITY

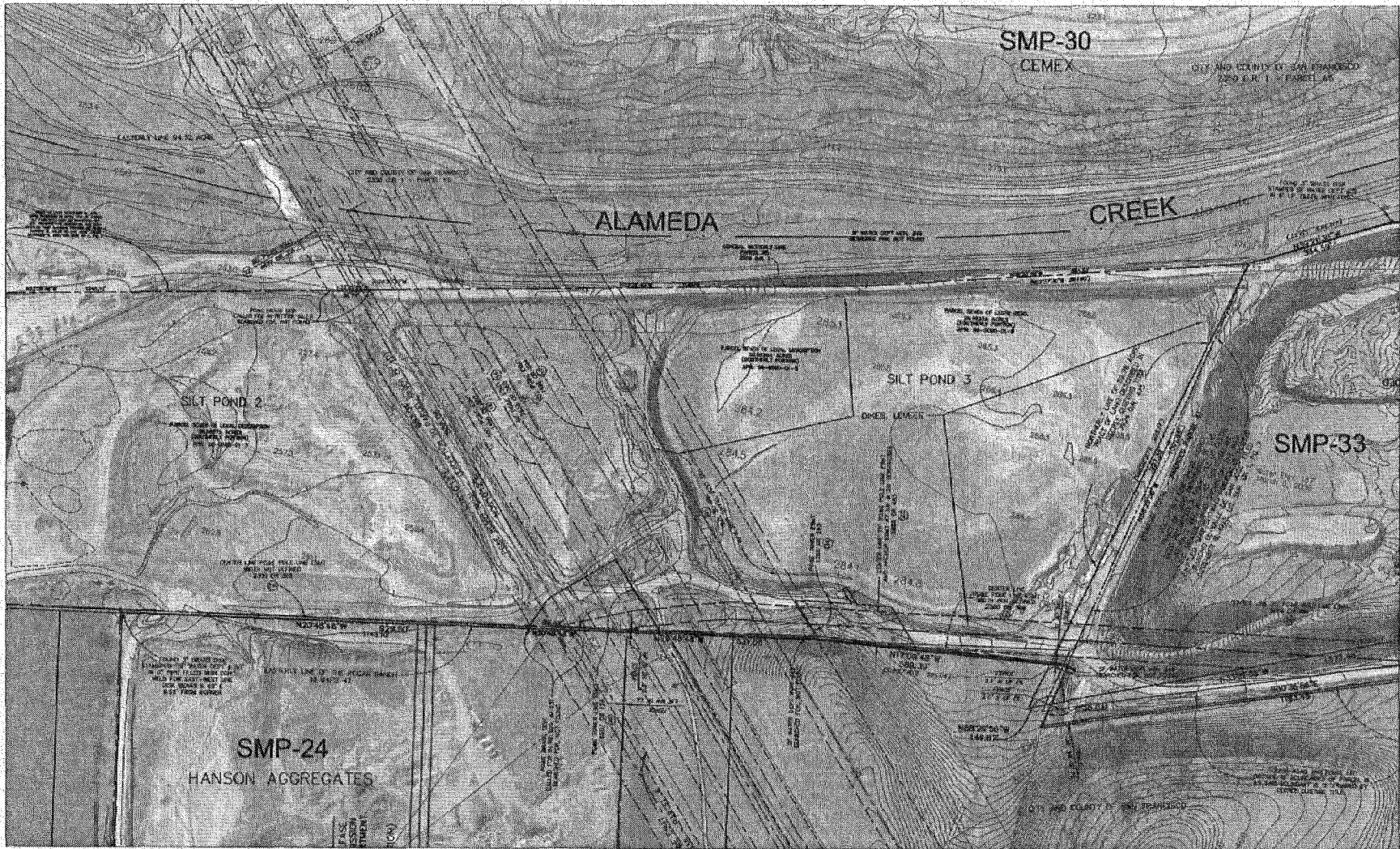


DATE	BY	REVISED
JANUARY 2009	1	INITIAL
FEBRUARY 2009	2	REVISION
MARCH 2009	3	REVISION
APRIL 2009	4	REVISION
MAY 2009	5	REVISION
JUNE 2009	6	REVISION
JULY 2009	7	REVISION
AUGUST 2009	8	REVISION
SEPTEMBER 2009	9	REVISION
OCTOBER 2009	10	REVISION
NOVEMBER 2009	11	REVISION
DECEMBER 2009	12	REVISION

SHEET NUMBER
1
 OF 6 SHEETS
 ALL RIGHTS RESERVED
 001.00

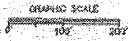


DATE	11/10/08	REVISION	
BY		REVISION	
CHECKED BY		REVISION	
APPROVED BY		REVISION	
SHEET NUMBER	4		
OF	5	SHEETS	
DWG NUMBER	001.03		



GENERAL NOTES

1. THIS MAP WAS PREPARED USING PHOTOGRAMMETRIC DATA AND FIELD SURVEY DATA.
 2. SPOTS, UNDEVELOPED AREAS, AND OTHER COMPLEX AREAS ARE SHOWN AS UNDEVELOPED AREAS.
 3. CONTOURS ARE BASED ON THE DATA PROVIDED BY THE CLIENT.
 4. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 5. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 6. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 7. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 8. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 9. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.
 10. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.

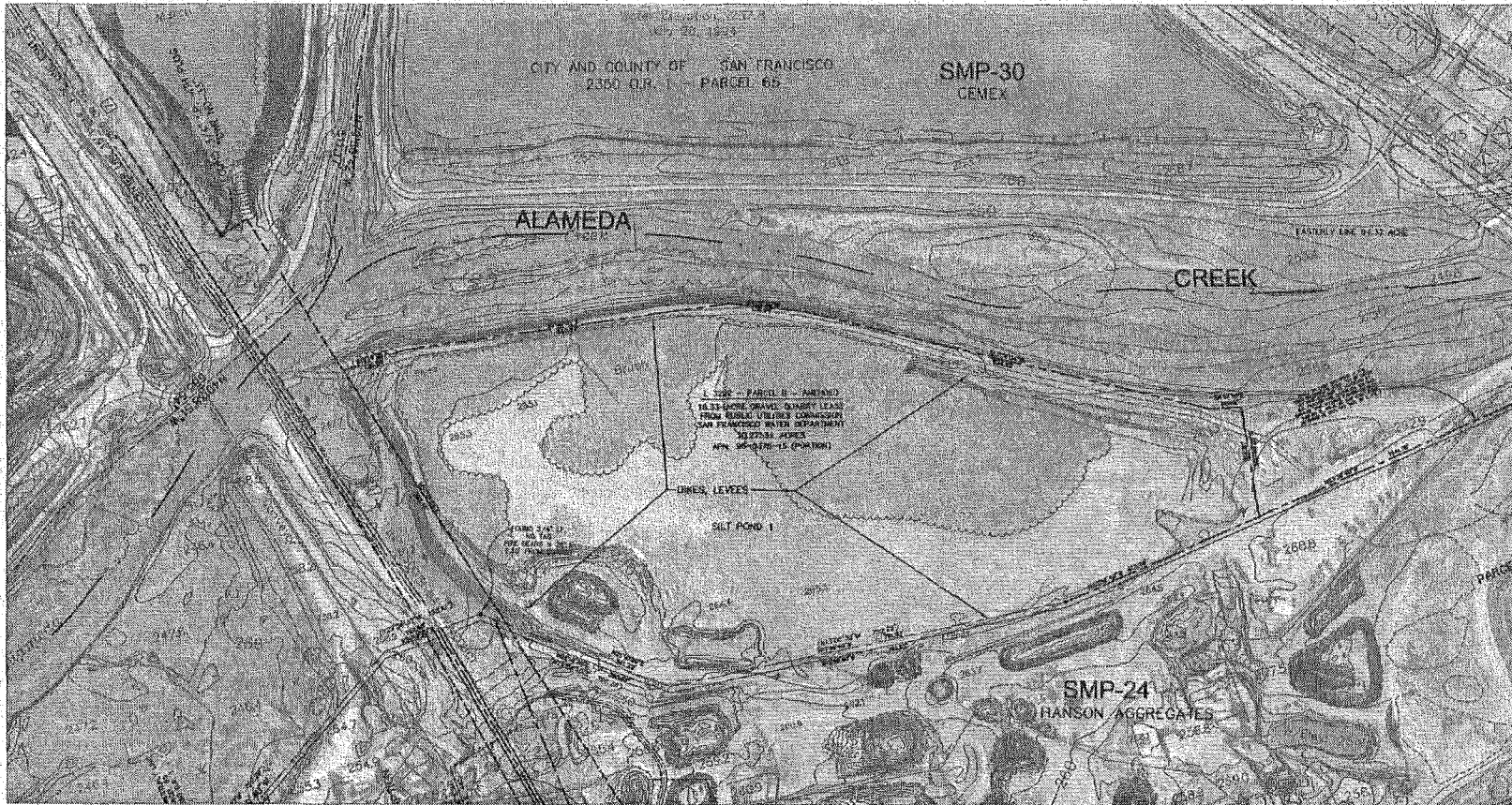


Splinter Associates
 Civil and Environmental
 Engineering
 225 East View Avenue, Redwood City, CA 94061

**HANSON AGGREGATES
 SILT POND 8
 PERIODIC REVIEW 2009
 SMP-24, 32, 33**

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

SHEET NUMBER
3
 OF 5 SHEETS
 200 NUMBER
 081.00



CITY AND COUNTY OF SAN FRANCISCO
 2350 CUR PARCEL 66
 SMP-30
 GENEX

ALAMEDA

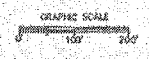
CREEK

L. 2008 - PARCEL 11 - HANSON
 14523 SQ. FT. SPREADS 1500 FT. LEAS
 FROM PUBLIC UTILITIES COMMISSION
 SAN FRANCISCO WATER DEPARTMENT
 METCALE APN 98-0781-15 (PARTIAL)
 LINES, LEVELS

SILT POND 1

SMP-24
 HANSON AGGREGATES

TECHNICAL STAMP
 HANSON AGGREGATES
 2008 JANUARY 2008
 PERIODIC REVIEW 2008
 SMP-24, 32, 33
 DATE OF PREPARATION: JUL 16, 2008



Spihardl Associates
 Civil and Environmental
 Engineers
 205 Bay View Avenue, Redwood City, CA 94065

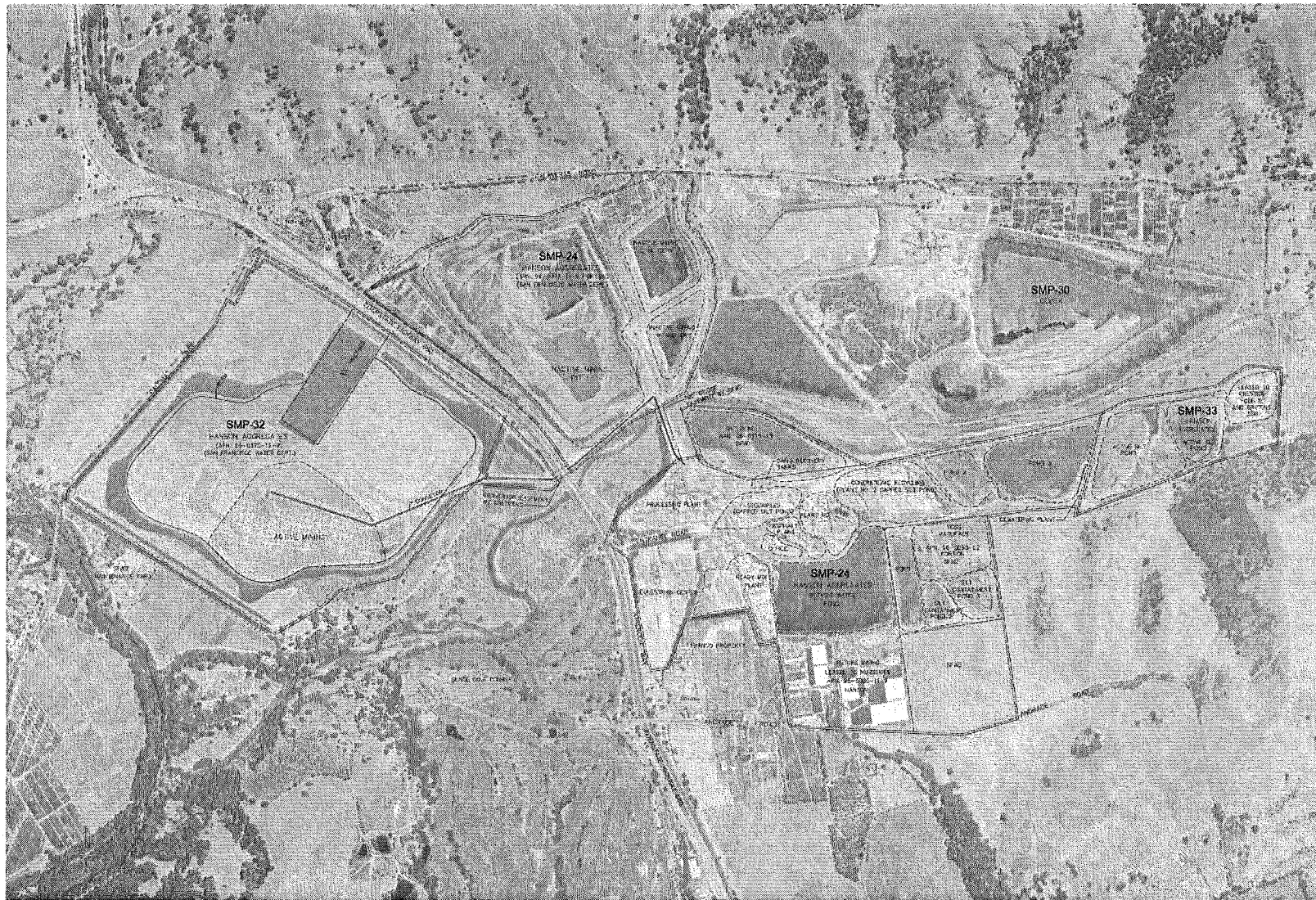
**HANSON AGGREGATES
 SILT POND 1
 PERIODIC REVIEW 2008
 SMP-24, 32, 33**

DATE	DESCRIPTION	BY
2008 JAN 20	PERIODIC REVIEW	AS
2008 JUL 16	PERIODIC REVIEW	AS
2008 SEP 15	PERIODIC REVIEW	AS
2008 NOV 15	PERIODIC REVIEW	AS
2009 JAN 15	PERIODIC REVIEW	AS
2009 MAR 15	PERIODIC REVIEW	AS
2009 MAY 15	PERIODIC REVIEW	AS
2009 JUL 15	PERIODIC REVIEW	AS
2009 SEP 15	PERIODIC REVIEW	AS
2009 NOV 15	PERIODIC REVIEW	AS
2010 JAN 15	PERIODIC REVIEW	AS
2010 MAR 15	PERIODIC REVIEW	AS
2010 MAY 15	PERIODIC REVIEW	AS
2010 JUL 15	PERIODIC REVIEW	AS
2010 SEP 15	PERIODIC REVIEW	AS
2010 NOV 15	PERIODIC REVIEW	AS
2011 JAN 15	PERIODIC REVIEW	AS
2011 MAR 15	PERIODIC REVIEW	AS
2011 MAY 15	PERIODIC REVIEW	AS
2011 JUL 15	PERIODIC REVIEW	AS
2011 SEP 15	PERIODIC REVIEW	AS
2011 NOV 15	PERIODIC REVIEW	AS
2012 JAN 15	PERIODIC REVIEW	AS
2012 MAR 15	PERIODIC REVIEW	AS
2012 MAY 15	PERIODIC REVIEW	AS
2012 JUL 15	PERIODIC REVIEW	AS
2012 SEP 15	PERIODIC REVIEW	AS
2012 NOV 15	PERIODIC REVIEW	AS
2013 JAN 15	PERIODIC REVIEW	AS
2013 MAR 15	PERIODIC REVIEW	AS
2013 MAY 15	PERIODIC REVIEW	AS
2013 JUL 15	PERIODIC REVIEW	AS
2013 SEP 15	PERIODIC REVIEW	AS
2013 NOV 15	PERIODIC REVIEW	AS
2014 JAN 15	PERIODIC REVIEW	AS
2014 MAR 15	PERIODIC REVIEW	AS
2014 MAY 15	PERIODIC REVIEW	AS
2014 JUL 15	PERIODIC REVIEW	AS
2014 SEP 15	PERIODIC REVIEW	AS
2014 NOV 15	PERIODIC REVIEW	AS
2015 JAN 15	PERIODIC REVIEW	AS
2015 MAR 15	PERIODIC REVIEW	AS
2015 MAY 15	PERIODIC REVIEW	AS
2015 JUL 15	PERIODIC REVIEW	AS
2015 SEP 15	PERIODIC REVIEW	AS
2015 NOV 15	PERIODIC REVIEW	AS
2016 JAN 15	PERIODIC REVIEW	AS
2016 MAR 15	PERIODIC REVIEW	AS
2016 MAY 15	PERIODIC REVIEW	AS
2016 JUL 15	PERIODIC REVIEW	AS
2016 SEP 15	PERIODIC REVIEW	AS
2016 NOV 15	PERIODIC REVIEW	AS
2017 JAN 15	PERIODIC REVIEW	AS
2017 MAR 15	PERIODIC REVIEW	AS
2017 MAY 15	PERIODIC REVIEW	AS
2017 JUL 15	PERIODIC REVIEW	AS
2017 SEP 15	PERIODIC REVIEW	AS
2017 NOV 15	PERIODIC REVIEW	AS
2018 JAN 15	PERIODIC REVIEW	AS
2018 MAR 15	PERIODIC REVIEW	AS
2018 MAY 15	PERIODIC REVIEW	AS
2018 JUL 15	PERIODIC REVIEW	AS
2018 SEP 15	PERIODIC REVIEW	AS
2018 NOV 15	PERIODIC REVIEW	AS
2019 JAN 15	PERIODIC REVIEW	AS
2019 MAR 15	PERIODIC REVIEW	AS
2019 MAY 15	PERIODIC REVIEW	AS
2019 JUL 15	PERIODIC REVIEW	AS
2019 SEP 15	PERIODIC REVIEW	AS
2019 NOV 15	PERIODIC REVIEW	AS
2020 JAN 15	PERIODIC REVIEW	AS
2020 MAR 15	PERIODIC REVIEW	AS
2020 MAY 15	PERIODIC REVIEW	AS
2020 JUL 15	PERIODIC REVIEW	AS
2020 SEP 15	PERIODIC REVIEW	AS
2020 NOV 15	PERIODIC REVIEW	AS
2021 JAN 15	PERIODIC REVIEW	AS
2021 MAR 15	PERIODIC REVIEW	AS
2021 MAY 15	PERIODIC REVIEW	AS
2021 JUL 15	PERIODIC REVIEW	AS
2021 SEP 15	PERIODIC REVIEW	AS
2021 NOV 15	PERIODIC REVIEW	AS
2022 JAN 15	PERIODIC REVIEW	AS
2022 MAR 15	PERIODIC REVIEW	AS
2022 MAY 15	PERIODIC REVIEW	AS
2022 JUL 15	PERIODIC REVIEW	AS
2022 SEP 15	PERIODIC REVIEW	AS
2022 NOV 15	PERIODIC REVIEW	AS
2023 JAN 15	PERIODIC REVIEW	AS
2023 MAR 15	PERIODIC REVIEW	AS
2023 MAY 15	PERIODIC REVIEW	AS
2023 JUL 15	PERIODIC REVIEW	AS
2023 SEP 15	PERIODIC REVIEW	AS
2023 NOV 15	PERIODIC REVIEW	AS
2024 JAN 15	PERIODIC REVIEW	AS
2024 MAR 15	PERIODIC REVIEW	AS
2024 MAY 15	PERIODIC REVIEW	AS
2024 JUL 15	PERIODIC REVIEW	AS
2024 SEP 15	PERIODIC REVIEW	AS
2024 NOV 15	PERIODIC REVIEW	AS
2025 JAN 15	PERIODIC REVIEW	AS
2025 MAR 15	PERIODIC REVIEW	AS
2025 MAY 15	PERIODIC REVIEW	AS
2025 JUL 15	PERIODIC REVIEW	AS
2025 SEP 15	PERIODIC REVIEW	AS
2025 NOV 15	PERIODIC REVIEW	AS
2026 JAN 15	PERIODIC REVIEW	AS
2026 MAR 15	PERIODIC REVIEW	AS
2026 MAY 15	PERIODIC REVIEW	AS
2026 JUL 15	PERIODIC REVIEW	AS
2026 SEP 15	PERIODIC REVIEW	AS
2026 NOV 15	PERIODIC REVIEW	AS
2027 JAN 15	PERIODIC REVIEW	AS
2027 MAR 15	PERIODIC REVIEW	AS
2027 MAY 15	PERIODIC REVIEW	AS
2027 JUL 15	PERIODIC REVIEW	AS
2027 SEP 15	PERIODIC REVIEW	AS
2027 NOV 15	PERIODIC REVIEW	AS
2028 JAN 15	PERIODIC REVIEW	AS
2028 MAR 15	PERIODIC REVIEW	AS
2028 MAY 15	PERIODIC REVIEW	AS
2028 JUL 15	PERIODIC REVIEW	AS
2028 SEP 15	PERIODIC REVIEW	AS
2028 NOV 15	PERIODIC REVIEW	AS
2029 JAN 15	PERIODIC REVIEW	AS
2029 MAR 15	PERIODIC REVIEW	AS
2029 MAY 15	PERIODIC REVIEW	AS
2029 JUL 15	PERIODIC REVIEW	AS
2029 SEP 15	PERIODIC REVIEW	AS
2029 NOV 15	PERIODIC REVIEW	AS
2030 JAN 15	PERIODIC REVIEW	AS
2030 MAR 15	PERIODIC REVIEW	AS
2030 MAY 15	PERIODIC REVIEW	AS
2030 JUL 15	PERIODIC REVIEW	AS
2030 SEP 15	PERIODIC REVIEW	AS
2030 NOV 15	PERIODIC REVIEW	AS

SHEET NUMBER
2
 OF 5 SHEETS
 200 HANSON
 1001.00

Attachment D
Current Landscaping

This Page Intentionally Left Blank



LEGEND

- PROPERTY LINE
- QUARRY PERMIT BOUNDARY
- MINING ACTIVITY
- EXISTING PLANNING AREAS



GATES & ASSOCIATES
 LANDSCAPE ARCHITECTURE
 LAND PLANNING URBAN DESIGN

8871 OPEN CATHART RD. SAN ANTONIO, TX 78253
 TEL: 214.346.0176 FAX: 214.346.0203
 WWW.GATES.ASOCIATES.COM

HANSON
AGGREGATES
 EXISTING LANDSCAPE 2008
 SMP-24, 30, 32, 33

REVISION	DESCRIPTION	DATE



PROJECT NAME: HANSON AGGREGATES
 PROJECT NUMBER:
 PROJECT FILE:
 DRAWN: [initials]
 CHECKED: [initials]
 DATE: NOVEMBER 04, 2008
 SCALE: 1" = 100'

EXISTING PLANNING EXHIBIT

L-1
 PROJECT NUMBER: 08-11474

Attachment E
Reclamation Diagram

This Page Intentionally Left Blank



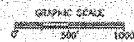
LEGEND

ALL INFORMATION HEREON IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS TO BE RELEASED TO THE PUBLIC UPON REQUEST.

DATE OF PHOTOGRAPHY: JULY 16, 2008

LEGEND

- - - - - PROPERTY LINE
- QUARRY PERMIT BOUNDARY
- MAINTENANCE ROADS
- AGRICULTURE (GRAZING)
- WATER STORAGE



**HANSON AGGREGATES
 PERIODIC REVIEW 2008
 SMP-24, 30, 32, 33
 RECLAMATION PLAN OVERVIEW**

DATE	BY	DESCRIPTION

SHEET NUMBER
5
 OF 5 SHEETS
 HANSON
 001.00

Attachment F
Requested Condition Changes

This Page Intentionally Left Blank



February 26, 2009

Mr. Albert Lopez, Director
Alameda County Community Development Agency
224 W. Winton Avenue, Room 111
Hayward, California 94544

RE: Hanson Aggregates' Mission Valley Rock Facility SMP-24 (CA Mine I.D. 91-01-0013), SMP-32 (CA Mine I.D. 91-01-0011), and SMP-33 (CA Mine I.D. 91-01-0012)

Subject: SMP Condition Review in Preparation for the 5-Year Review

Dear Mr. Lopez:

As the periodic review process has begun for SMP-24, SMP-32 and SMP-33, the County requested at the February 4, 2009 meeting at the Hanson Aggregates' (Hanson) Mission Valley Rock plant site that Hanson submit any comments or requests for consideration on conditions of approval associated with each permit that are either outdated, in need of re-wording, or in need of clarification. An item of clarification that Hanson requests that is common throughout all three SMP's conditions of approval is the reference to either the **Director of Public Works** or the **Planning Director**. We understand the history of the County's delegation of responsibility over mining permits, which again will be changing in the near future. Therefore, we would like to recommend that "Planning Director" or the appropriate title be used consistently in all three permits in order to reflect where the Administrative fee is being paid.

If you have any questions, or if I can be of further assistance, please call me at (925) 244-6584.

Very truly yours,

Lee Cover
Hanson Aggregates

Enclosures

cc: Tom Jackson, Hanson Aggregates
Eric Riddiough, Hanson Aggregates
Bill Butler, Hanson Aggregates

Comments on SMP-24 Conditions

Condition 39 states –

The permittee shall guarantee timely performance of reclamation requirements of the ACSMO and these conditions by creating an escrow account acceptable to the County of Alameda and depositing in said account by October 1 of each year an amount totalling \$4.91 per 100 tons excavated during the period, starting from the date the permit is approved, of which \$2.00 shall be retained in an interest bearing account until final reclamation is achieved in accordance with the reclamation plan. The amount shall be in accordance with the Construction Cost Index for San Francisco of Engineering News-Record to account for inflation at the time of the deposit. The permittee shall receive credit for final reclamation completed as by the Director of Public Works. Said credit shall be deducted from the required deposit and/or refunded from the escrow account on an annual basis. After August 19, 2002, any additional financial assurance for guarantee of reclamation may take the form of a reclamation bond written in a manner approved by the State of California and made payable only to Alameda County and State of California Department of Conservation as prescribed by the California Surface Mining and Reclamation Act of 1975. Upon expiration or revocation of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to the permittee 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 to reclaim the site.

Hanson is requesting Condition 39 be modified to reflect Department of Conservation and Alameda County Surface Mining Ordinance, section 6.80.241, acceptance of a surety bond to cover reclamation requirements. It has been accepted practice for several years to post a surety bond to cover reclamation requirements. Suggested change in the language would be:

The permittee's guarantee of reclamation is to be in the form of a reclamation bond written in a manner approved by the State of California and made payable only to Alameda County and State of California Department of Conservation as prescribed by the California Surface Mining and Reclamation Act of 1975.

Conditions 50 and 51 state –

50. *The Permittee shall pay an administrative fee of \$0.02 per ton of excavated material to the Planning Department to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This fee shall be paid into a Planning Department account on October 1 of each year, beginning October 1, 2002, and no specific initial balance shall be required. The tonnage on which the fee is based shall be the total tonnage of material documented in the annual report, except for the first year, in which the previous rate of \$0.01 per ton shall apply to the material excavated prior to August 19, 2002, and the new \$0.02 per ton rate shall apply to material excavated thereafter. The amount of the fee surcharge shall be considered at each Five Year Review for SMP-24, and in any event shall be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment by the Board of Supervisors*

of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.

51. *The Permittee shall pay an administrative fee of \$0.02 per ton of excavated material to the Public Works Agency to help cover the Department=s costs in administering Alameda County's surface mining and reclamation program. This fee shall be paid into a public Works Agency account on October 1 of each year, beginning October 1, 2002, and no specific initial balance shall be required. The tonnage on which the fee is based shall be the total tonnage of material documented in the annual report, except for the first year, in which the previous rate of \$0.01 per ton shall apply to the material excavated prior to August 19, 2002, and the new \$0.02 per ton rate shall apply to material excavated thereafter. The amount of the fee surcharge shall be considered at each Five Year Review for SMP-24, and in any event shall be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment by the Board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, Permittee shall be subject to the fees specified therein.*

On May 4, 2003 the Board of Supervisors modified the Mining Ordinance to reflect a new administrative fee schedule which supersedes the schedules outlined in Conditions 50 and 51. Conditions 50 and 51 should be deleted and replaced with the following suggested language.

Alameda County Surface Mining Ordinance specifies in section 6.80.242 the standard administrative fees for surface mining operations in Alameda County. The permittee shall be subject to the fees specified therein.

Comments on SMP-32 Conditions

Condition 10 states –

Permittee shall pay to the County of Alameda the full cost incurred by the County for review, approval, and administration of all programs related to the project, including inspections pursuant to Condition of Approval #9. This may require the hiring of additional personnel on either a part-time or full-time basis. The Director of Public Works and/or Planning Director are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make said approval determinations.

Alameda County Surface Mining Ordinance, section 6.80.242 A states,

Each operator of a permitted surface mine in Alameda County shall pay an administrative fee of to the community development agency to help cover the agency's costs in administering Alameda County's surface mining, reclamation and associated programs.

Further, B of this sections states,

This administrative fee shall, upon commencement of accrual, supersede and replace any and all planning department, community development agency and public works agency administrative fees required as conditions of approval for specific active surface mining permits, and the conditions of approval that require any such fees or surcharges shall be voided and deleted.

Condition 10 should be deleted based on Alameda County Surface Mining Ordinance stipulating that administrative fees or surcharges required as condition of approval shall be voided and deleted. Payment to the County for costs incurred for review, approval, and administration of all programs related to the project fall under this section.

Condition 16 states –

Permittee shall pay a 2 cents (\$0.02) 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 each Annual Report is filed, 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 may be adjusted by the Planning Commission to reflect inflation.

The Board of Supervisors modified the Mining Ordinance beginning May 4, 2003 to reflect a new administrative fee schedule which supersedes the Conditions No. 16. Condition 16 should be deleted and replaced with the following suggested language.

Alameda County Surface Mining Ordinance specifies in section 6.80.242 standard administrative fees for surface mining operations in Alameda County. The permittee shall be subject to the fees specified therein.

The following discussion pertains to Conditions 20, 24 and 4.

Condition 20 states -

All site preparation shall be successfully completed within eight (8) years from initial site disturbance. This includes but is not limited to the topsoil redistribution and setback zone construction, slurry wall construction, berm construction, hillock construction, landscape planting on berms and hillocks, vineyard replanting, other permanent planting and crop cultivation, hydroseeding of exposed overburden and slopes, and other measures necessary to prepare the site for mining and minimize visual, biologic, water quality, public safety and other effects. Permittee shall provide financial assurances that all remaining site preparation measures (according to the approved phasing plan) necessary to leave the site in a safe, attractive, and productive condition are implemented in the event of permittee default.

Initial site disturbance occurred in December 2005.

Condition 24 states –

The fifteen acres of replacement vineyard areas shall be planted at least four years prior to removing vineyards from the mining site. Prior to removing existing vines, permittee shall provide verification in a form acceptable to the Planning Director that new vines were planted at least four years earlier.

Condition 4 states –

The permittee shall demonstrate to the Planning Director that the lease approved by the San Francisco Water Department incorporates as a minimum this Surface Mining Permit and Reclamation Plan. The Permittee shall notify Alameda County as soon as possible regarding any substantial modifications to the permitted mining area, design parameters, and/or reclamation plan that may occur as a result of lease negotiations with SFWD or agreements with other parties, and these changes shall be incorporated into the SMP-32 permit at the time of each annual inspection and report.

Condition 20 specifies that all site preparations be completed within 8 years after initial site disturbance, including replanting the vineyard, and Condition 24 requires the replacement vineyard to be planted at least four years prior to removing the existing vineyard. Condition 20 was based on the original phasing plan sequence which had mining starting along I-680. However, during lease negotiations with the SFPUC, it was decided that the mining phasing would be reversed from the initial phasing plan and that initial mining would start closest to the Water Temple instead of along I-680 where the existing vineyard is situated. Alameda County was notified of this altered phasing sequence modification in a letter dated January 16, 2001, and a new phasing sequence plan prepared by Spinardi Associates dated April 1, 2001, was submitted to the County. This substantially changed mining sequence will not allow completion of the remaining hillock in the location of the vineyard and relocation of the vineyard as outlined in Condition 20 within the 8 year time span. Hanson requests that Condition 20 be modified as follows:

All site preparation shall be successfully completed as mining activities progress based on the revised phasing plan. This includes but is not limited to the topsoil redistribution and setback zone construction, slurry wall construction, berm construction, hillock construction, landscape planting on berms and hillocks, vineyard replanting, other permanent planting and crop cultivation, hydroseeding of exposed overburden and slopes, and other measures necessary to prepare the site for mining and minimize visual, biologic, water quality, public safety and other effects. Permittee shall provide financial assurances that all remaining site preparation measures (according to the approved phasing plan) necessary to leave the site in a safe, attractive, and productive condition are implemented in the event of permittee default.

Condition 57 states –

An encroachment permit from Caltrans shall be obtained for any work conducted within the State right-of-way, as necessary and appropriate, including the I-680 right-of-way and embankment, Alameda Creek bridge at I-680, Athenour Way or other locations.

Condition 57 is redundant with Condition 75, which reads,

An encroachment permit from Caltrans shall be obtained for any work conducted within the State right-of-way, as necessary.

Hanson requests that Condition 57 be deleted.

Condition 83 states -

Permittee shall guarantee timely performance of reclamation requirements of the Alameda County Surface Mining Ordinance and these conditions by creating an account acceptable to the County of Alameda and depositing in said account by October 1 of each year an amount totalling \$5.00 per 100 tons of product sold during the period, starting from the date the permit is approved, of which \$2.00 per 100 tons shall be retained in an interest bearing account until final reclamation is achieved in accordance with the reclamation plan. The amount shall be in 1990 dollars and shall be adjusted in accordance with the Construction Cost Index for San Francisco of Engineering News-Record to account for inflation at the time of the deposit. Permittee shall receive credit for final reclamation completed as determined by the Director of Public Works. Said credit shall be deducted from the required deposit and/or refunded from the account on an annual basis. Upon expiration or revocation of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to the permittee 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. 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 or operator, the permittee 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.

Hanson is requesting Condition 83 be modified to reflect Department of Conservation and Alameda County Surface Mining Ordinance, section 6.80.241, acceptance of a surety bond to cover reclamation requirements. It has been accepted practice for several years to post a surety bond to cover reclamation requirements. Suggested change in the language would be:

The permittee's guarantee of reclamation is to be in the form of a reclamation bond written in a manner approved by the State of California and made payable only to Alameda County and State of California Department of Conservation as prescribed by the California Surface Mining and Reclamation Act of 1975.

Comments on SMP-33 Conditions

Condition 3 states -

Upon the termination of SMP-08, Permittee shall guarantee timely performance of reclamation requirements of the ACSMO and these conditions by all of the following mechanisms:

- (a) Permittee shall maintain the full value of existing account for SMP-08 at the total of the account at the time of expiration of SMP-08; and*
- (b) Permittee shall execute a new standard escrow agreement with Alameda County, open a new reclamation escrow account and deposit a minimum of \$10,000.00 into the new account, all prior to the commencement of renewed mining under SMP-33. Permittee shall deposit in said account by October 1 of each year an amount totaling \$5.00 per 100 tons sold during the period starting from the date their permit is approved. 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 Permittee within the next 12 months. The funds on deposit in the escrow account may be invested in a manner approved by Alameda County, with an emphasis on obtaining a high yield on investment. 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 shall be made payable to the County of Alameda, or to the State of California, Director of the Department of Conservation in the event that the State of California becomes the lead agency for the quarry pursuant to the Surface Mining and Reclamation Act (California Public Resources Code, Section 2774.4).

- c) Permittee shall establish a performance bond to supplement the escrow account if required to fund the future amount of the approved financial assurance estimate for the year commencing October 1 of each year. This bond shall be established prior to the start of renewed mining, and shall remain in effect until annual deposits required under Condition 3(b) above equal or exceed the value of the financial assurance for the year beginning October 1. The performance bond shall be made payable to the County of Alameda, or to the State of California, Director of the Department of Conservation in the event that the State of California becomes the lead agency for the quarry pursuant to the Surface Mining and Reclamation Act (California Public Resources Code, Section 2774.4).*

- (d) The escrow account can be used to finance reclamation improvements during the life of the permit, for which Permittee may claim credit prior to October 1 of each year; said credit shall, with County approval, be deducted from the required deposit and/or refunded from the escrow account except that, following expiration of the bond according to Condition 3(c), an accumulated minimum in the amount of \$30,000 shall be retained in the account until reclamation is completed. Upon revocation or expiration of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to Permittee 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.*

Hanson is requesting Condition 3 be modified to reflect Department of Conservation and Alameda County Surface Mining Ordinance, section 6.80.241, acceptance of a surety bond to cover reclamation requirements. It has been accepted practice for several years to post a surety bond to cover reclamation requirements. Suggested change in the language would be:

The permittee's guarantee of reclamation is to be in the form of a reclamation bond written in a manner approved by the State of California and made payable only to Alameda County and State of California Department of Conservation as prescribed by the California Surface Mining and Reclamation Act of 1975.

Condition 10 and 11 states –

10. *Permittee shall pay to the Planning Department a surcharge of \$0.02 per ton of material sold to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Planning Department account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP-33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, permittee shall be subject to the fees specified therein.*

11. *Permittee shall pay the Public Works Agency a surcharge of \$0.01 per ton of material sold to help cover the Agency's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Public Works Agency account on February 1 of each year, beginning February 1, 2002, and no specific initial balance shall be required. The tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP-33, and in any event may be adjusted annually by the Planning Commission to reflect inflation. This fee shall be subject to change upon enactment of the board of Supervisors of an amendment to the Alameda County Surface Mining Ordinance that specifies standard administrative fees for all surface mining operations in Alameda County; upon enactment of that ordinance revision, permittee shall be subject to the fees specified therein.*

On May 4, 2003 the Board of Supervisors modified the Mining Ordinance to reflect a new administrative fee schedule which supersedes the schedules outlined in Conditions 10 and 11. Conditions 10 and 11 should be deleted and replaced with the following suggested language.

Alameda County Surface Mining Ordinance specifies in section 6.80.242 standard administrative fees for surface mining operations in Alameda County. The permittee shall be subject to the fees specified therein.

Condition 13 states –

Permittee shall pay the County of Alameda reasonable and actual costs incurred by the County for review, approval, administration and monitoring of all programs, including inspections required pursuant to these Conditions. This may require the hiring of additional personnel on either a part-time or full-time basis. The Planning Director and/or Director of Public Works are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make necessary approval determinations. Permittee shall be notified prior to any unusual or extraordinary expenditure of funds.

Alameda County Surface Mining Ordinance, section 6.80.242 A states,

Each operator of a permitted surface mine in Alameda County shall pay an administrative fee of to the community development agency to help cover the agency's costs in administering Alameda County's surface mining, reclamation and associated programs.

Further, B of this sections states,

This administrative fee shall, upon commencement of accrual, supersede and replace any and all planning department, community development agency and public works agency administrative fees required as conditions of approval for specific active surface mining permits, and the conditions of approval that require any such fees or surcharges shall be voided and deleted.

Condition 13 should be deleted based on Alameda County Surface Mining Ordinance stipulating that administrative fees or surcharges required as condition of approval shall be voided and deleted. Payment to the County for costs incurred for review, approval, and administration of all programs related to the project fall under this section.