WD 11601 Vol. 1

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

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Agency Director

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Planning Director

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August 22, 2002

Mission Valley Rock Company
Mort Calvert
7999 Athenour Way
Sunol, CA 94586

SUBJECT: Surface Mining Permit, SMP-24 approval

Dear Mr. Calvert:

Your application for a Five Year Review and Expansion (continue gravel extraction and reclamation activities) for the quarry regulated under Alameda County Surface Mining Permit and Reclamation Plan SMP-24, located on a 202-acre site located in the Sunol Valley in unincorporated Alameda County, approximately one to two miles south of the interchange of Paloma Way/Calaveras Road and Interstate 680 near the town of Sunol in unincorporated Alameda County, bearing Assessor's Parcel Number 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15 was approved by the Alameda County Planning Commission, subject to the conditions shown in Resolution 02-19 dated Monday, August 19, 2002.

This action may be appealed within 10 days after the date of this letter by submitting a letter to the Planning Department, 399 Elmhurst Street, Hayward, CA 94544. The project applicant will be charged actual County costs for consideration of appeals. An appeal fee of $100.00 must be submitted by anyone else appealing an action. The Surface Mining Permit number, the condition appealed, and the reason for the appeal should be clearly stated in the letter.

If you have any questions, please contact me at (510) 670-5400.

Very truly yours,

Bruce Jensen

Bruce Jensen
Senior Planner

cc: Public Works, Grading Department
Public Works, Building Inspection Department
Public Works, Land Development
Account Clerk
Ms. Pat Stillman, Save Our Sunol, 2934 Kilkare Rd., Sunol, CA 94586
Mr. Conover Smith, Sunol CAC

MVR 00603

ALAMEDA COUNTY PLANNING DEPARTMENT

Development Planning • Policy Planning & Research • Zoning Administration & Enforcement

399 Elmhurst Street, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

Notice of Determination

[per Public Resources Code sec. 21081, 21152; California Code of Regulations sec. 15075, 15090-15094, 15112]

To: Alameda County Clerk - Recorder
Miscellaneous Filings
1106 Madison Street
Oakland, CA 94612
QIC CODE 20201

Project Title: Surface Mining Permit SMP-24, Quarry Expansion

State Clearinghouse Number: 2002072013 **FILING #:**_____

Project Location - Specific: located on a 202-acre site located in the Sunol Valley in unincorporated Alameda County, approximately one to two miles south of the interchange of Paloma Way/Calaveras Road and Interstate 680 near the town of Sunol in unincorporated Alameda County, bearing Assessor's Parcel Number 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15.

Project Location - City: Sunol, CA **Project Location - County:** Alameda

Description of Nature, Purpose, and Beneficiaries of Project: Modify the original quarry and reclamation plan by expanding the amount of volume of material that could be removed. This expansion would involve a deepening of the existing pits from 140 feet to as much as 250 feet (depending on the availability of material at that depth). Pits on both sides of Alameda Creek would be deepened; increased depths would result in greater water storage capacity available to the San Francisco Water Department in future years.

Name of Person / Agency Carrying Out Project: Mission Valley Rock Company

This Notice is to advise that the Community Development Agency, as Lead Agency, has approved the above described Project on [date], and has made the following determination regarding the Project:

1. The Project as approved [ ] will / [X] will not have a significant effect on the environment.
2. [ ] An Environmental Impact Report was prepared and certified for the Project pursuant to CEQA.
   [X] A Negative Declaration was prepared for this Project pursuant to CEQA.
3. Mitigation measures [X] were / [ ] were not made a condition of approval pursuant to CEQA.
4. A Monitoring and Reporting Program [X] was / [ ] was not adopted for the project pursuant to CEQA.
5. Findings for each significant effect of the project [ ] were / [X] were not made pursuant to CEQA.
6. A Statement of Overriding Considerations [ ] was / [X] was not adopted pursuant to CEQA.

The Project's environmental documentation and the record of Project approval is available for review at the Alameda County Planning Department, 399 Elmhurst Street, Room 136, Hayward, CA 94544.

Lead Agency Contact Person: Bruce Jensen and/or Brett Lucas **Telephone:** (510) 670-5400

Signature: Bruce R Jensen **Date:** 8/22/02 **Title:** Senior Planner

NOTE: The filing of this Notice of Determination must occur within 5 days after project approval by the Lead Agency. Filing and posting at the County Clerk (and the State Office of Planning and Research, as appropriate) starts a 30-day statute of limitations on legal challenges.

MVR 00604

THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA

RESOLUTION NO. 02-19 - AT MEETING HELD AUGUST 19, 2002

Introduced by Commissioner Gault
Seconded by Commissioner Edwards

(INCORPORATING AND REVISING RESOLUTION NO. 91-15,
ADOPTED BY THE PLANNING COMMISSION MARCH 18, 1991)

WHEREAS Section 8-117.5 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 Surface Mining Permit and Reclamation Plan SMP-24, the application of Mission Valley Rock Company, 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 Condition of Surface Mining Permit and Reclamation Plan 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 there are a number of conditions of approval that require revision, primarily due to the passage of time and necessary updating; and

WHEREAS this Planning Commission did hold a 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 19th day of August, 2002, in the Auditorium of the Public Works Building, 399 Elmhurst Street, Hayward, California; and

WHEREAS this Five Year Review was duly noticed as required by law; and

WHEREAS the Permittee has also applied for deepening and consolidation of certain pits within the area covered by SMP-24, with said deepening of those certain pits from 150 feet below grade to a maximum of 240 feet below grade, and consolidation of those certain pits by virtue of removal and excavation of some levees currently separating those pits from each other; and

WHEREAS this proposal by Mission Valley Rock for pit deepening and consolidation has been publicly reviewed in accordance with provisions of the California Environmental Quality Act, and an Initial Study and Draft Mitigated Negative Declaration were circulated in a manner prescribed by law, and public comments thereto were addressed and, where appropriate, responded to by recommendation of additional mitigation measures to reduce environmental effects of the project to less-than-significant levels; and

WHEREAS the proposal to deepen and consolidate certain quarry pits would result in a benefit to the ability of the San Francisco Water Department to store water supplies in reservoirs created by mining in the Sunol Valley, by virtue of increasing the total storage volume of the reservoirs created by the quarry pits; 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 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 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 Conditions 1, 3, 10, 13, 14, 17, 18, 22, 28, 31, 33, 37, 39, 40, 41, 42, 44, 49, 50, and 52; and addition of new six (6) conditions, Conditions 12, 30, 32, 47, 48 and 51; and the removal of previous Condition No. 45 (as shown below).

NOW, THEREFORE,

BE IT RESOLVED that this Planning Commission accepts and approves the prepared Initial Study and Draft Mitigated Negative Declaration as the valid environmental review documentation for the proposal to deepen and consolidate quarry pits on the area covered under Surface Mining Permit SMP-24; and

BE IT FURTHER RESOLVED that this Planning Commission approves the revision of Surface Mining Permit and Reclamation Plan SMP-24 allowing the deepening and consolidation of quarry pits, and concurrent Five Year Review, subject to the following 52 amended conditions:

CONDITIONS OF APPROVAL

SURFACE MINING RECLAMATION PLAN SMP-24
MISSION VALLEY ROCK COMPANY

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"; ~~and~~ "Exhibit C," being the Application dated October 23, 1985; "Exhibit D," being the maps labeled, "Mining Plan for Surface Mining Permit 24, Sheets 1 and 2," dated August 2001; and Exhibit E, being the figure entitled "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.

3. The operator shall furnish the Director of Public Works with a report describing compliance with these conditions by October 1 of each year, beginning October 1, ~~1986~~, 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.

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

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 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 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 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 mitigates 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 ~~shall submit~~ 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~~ an up-to-date hydrology map ~~must~~ 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 ~~shall demonstrate~~ 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 ~~will be~~ is crossed by a conveyor belt, ~~shall be~~ has been submitted. The conveyor system ~~shall~~ 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 Director of Public Works.

22. Original ~~Cut~~ 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 "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 ~~be~~ 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: ~~Operations shall cease in the vicinity of any suspected archaeological resource until an archaeologist is consulted and his or her recommendations followed, subject to approval by the Planning Director.~~

(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 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 ~~shall be~~ 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 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 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.

40. Detailed methods and specifications of revegetation and restoration of the site, prepared by a professional agronomist, have been ~~shall be~~ submitted to the 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 ~~October 1, 1990~~, 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. Permittee shall pay actual cost of reviews. 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 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.

~~45. This Surface Mining Permit (SMP-24) and these conditions shall supersede requirements of SMP-5 upon exercising this permit. In the interim, all conditions and requirements of SMP-5 shall continue to be binding upon the operation.~~

48. Truck storage yard shall be used exclusively by trucks owned and operated by the Mission Valley Rock Company.

49. Prior to ~~June 18, 1991~~, 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 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,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. ~~Permittee shall pay a 1¢ per ton surcharge to the Planning Department to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid to the Planning Department at the time that an annual report is filed in accordance with Condition 3, and the tonnage on which the surcharge is based shall be the same as that documented in the annual report. The amount of the surcharge shall be reconsidered at each Five Year Review, and adjusted by the Planning Commission to reflect inflation.~~

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,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.

52. The Permittee shall defend, indemnify and hold harmless Alameda County or its agents, officers or employees from any claim, action or proceeding against Alameda County, or its agents, officers or employees to attach, set aside, void, or annul this Surface Mining Permit, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Surface Mining Ordinance, the California Surface Mining and Reclamation Act, other County ordinance requirements and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. If Permittee shall fail

to adequately defend the County of Alameda, the County may provide its own legal defense and Permittee shall be responsible for the County's reasonable attorneys' fees. ~~Permittee shall defend, indemnify and hold harmless Alameda County or its agents, officers and 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 or accompanying environmental documents or actions taken pursuant to the California Environmental Quality Act, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorneys fees to plaintiffs in such a proceeding as well as any staff time, costs and attorneys fees incurred by Alameda County in its defense.~~

ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioners Edwards, Gault, Hamlin, Kirby, Lepell, Tam
NOES: None
ABSENT: None
EXCUSED: Commissioner Ysit
ABSTAINED: None

MITIGATED NEGATIVE DECLARATION

Alameda County Planning Department
(Lead Agency)
399 Elmhurst Street, Room 136
Hayward, California 94544
(415) 670-5400

1. **Project Name:** SURFACE MINING PERMIT (SMP-24) PIT DEEPENING EXPANSION, MISSION VALLEY ROCK COMPANY QUARRY (PORTION), SUNOL, CALIFORNIA.

2. **Description, Location, and Assessor's Parcel Number(s):** Project is a volumetric expansion of operations under Surface Mining Permit SMP-24 held by Mission Valley Rock Company. The expansion would involve a deepening of the existing quarry pits on the 202-acre site from 140 feet to as deep as 250 feet. The added marketable material from this approval would be about 10 million tons of aggregate, bringing the remaining net available resources to approximately 24 million tons. The existing permit will expire in December 2045; this expansion would have the same expiration date. The project would continue in a fashion similar to the operation currently underway, including extractive operations and transport of raw product to the existing production plant (not under consideration as part of this permit), and subsequent reclamation of the site to water storage ponds administered by the San Francisco Water Department, and agriculture (grazing) by means of silt storage and topsoil replacement. The site ranges from one (1) to two (2) miles southeast of the town of Sunol, easterly of Interstate 680. Sunol Valley, unincorporated Alameda County, southeast of Interstate 680. 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15.

3. **Persons or Entity Undertaking Project:** Mission Valley Rock Company

4. **Responsible Agencies:** Bay Area Air Quality Management District; Regional Water Quality Control Board; Department of Conservation, Division of Mines and Geology

5. **Findings:** Based on the attached Initial Study, the Alameda County Planning Commission has found that the project will not have a significant effect on the environment if the recommended mitigation measures are implemented.

6. Date of **Public Notice of Negative Declaration:** July 3, 2002

7. **End of Review Period:** August 6, 2002

James E. Sorensen /BHJ

Planning Director

August 19, 2002
Date

MITIGATED NEGATIVE DECLARATION

Alameda County Planning Department
(Lead Agency)
399 Elmhurst Street, Room 136
Hayward, California 94544
(415) 670-5400

1. **Project Name:** SURFACE MINING PERMIT (SMP-24) PIT DEEPENING EXPANSION, MISSION VALLEY ROCK COMPANY QUARRY (PORTION), SUNOL, CALIFORNIA.

2. **Description, Location, and Assessor's Parcel Number(s):** Project is a volumetric expansion of operations under Surface Mining Permit SMP-24 held by Mission Valley Rock Company. The expansion would involve a deepening of the existing quarry pits on the 202-acre site from 140 feet to as deep as 250 feet. The added marketable material from this approval would be about 10 million tons of aggregate, bringing the remaining net available resources to approximately 24 million tons. The existing permit will expire in December 2045; this expansion would have the same expiration date. The project would continue in a fashion similar to the operation currently underway, including extractive operations and transport of raw product to the existing production plant (not under consideration as part of this permit), and subsequent reclamation of the site to water storage ponds administered by the San Francisco Water Department, and agriculture (grazing) by means of silt storage and topsoil replacement. The site ranges from one (1) to two (2) miles southeast of the town of Sunol, easterly of Interstate 680. Sunol Valley, unincorporated Alameda County, southeast of Interstate 680. 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15.

3. **Persons or Entity Undertaking Project:** Mission Valley Rock Company

4. **Responsible Agencies:** Bay Area Air Quality Management District; Regional Water Quality Control Board; Department of Conservation, Division of Mines and Geology

5. **Findings:** Based on the attached Initial Study, the Alameda County Planning Commission has found that the project will not have a significant effect on the environment if the recommended mitigation measures are implemented.

6. **Date of Public Notice of Negative Declaration:** July 3, 2002

7. **End of Review Period:** August 6, 2002

James E. Sorensen /BH

Planning Director

August 19, 2002
Date

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Adolph Martinelli
Agency Director

James E. Sorensen
Planning Director

399
Elmhurst Street
Room 136

Hayward
California
94544-1307

phone
510.670.5400
fax
510.785.8793

www.
co.alameda.ca.us/cda

July 2, 2002

Interested Parties:

Attached for your review and comment is an Initial Study/Draft Mitigated Negative Declaration for deepening of existing quarry pits on the area regulated by Surface Mining Permit SMP-24 held by Mission Valley Rock Company for operations at its quarry in the Sunol Valley. The expansion would involve a deepening of the existing quarry pits from 140 feet to as deep as 250 feet, with removal of some interior levies. No lateral spatial expansion is proposed. The site is one (1) to two (2) miles southeast of the town of Sunol. The net gain of marketable materials would be approximately 10 million tons. The existing permit will expire in December 2045; this expansion would have the same expiration date. The project would continue in a fashion similar to the operation currently underway, including extractive operations and transport of raw product to the existing production plant (not under consideration as part of this permit), and subsequent reclamation of the site to water storage ponds for San Francisco Water Department, and to agriculture through silt storage and topsoil replacement. All site traffic would use Athenour Way.

Please note that a Periodic Review for SMP-24 is being processed simultaneously with the application for pit deepening, and will receive a public hearing at the same meeting of Planning Commission. Periodic reviews are required for all quarries in Alameda County. The Mission Valley Rock Company quarry covered by SMP-24 is located on approximately 202 acres (permitted area) of land in the Sunol Valley, unincorporated Alameda County, southeast of Interstate 680 and with quarry pits on either side of Alameda Creek. No mining within the streambed of Alameda Creek has occurred or is proposed. The Mission Valley Rock Company quarry is one of two quarries under four different surface mining permits currently operating in the Sunol Valley Significant Mineral Resource Area as designated by the State of California. The review by the Planning Commission involves consideration of new or changed circumstances within the general area of mining operation that should be accommodated by the permit, and may result in modifications to SMP-24.

The Alameda County Planning Commission will hold a public hearing on a draft Negative Declaration and the proposed project, tentatively scheduled for Monday, **the 19th day of August, 2002, beginning at 1:30 p.m.**, in the Auditorium of the Alameda County Public Works Building, 399 Elmhurst Street, Hayward, California. A final decision may be made on this date.

A hearing before the Sunol Citizens' Advisory Committee will be scheduled for an evening in early August, prior to the hearing by the Planning Commission; this meeting will receive separate public notice. Interested Sunol citizens and others will be welcome to attend this meeting as well.

Anybody requiring additional copies of these materials should contact Mr. Richard Galvez at (510) 670-6504. From July 10 through July 29, 2002, questions on this matter or requests for Additional information should be directed to Mr. Brett Lucas at (510) 670-6521. Otherwise, if you have any questions, please call the undersigned at (510) 670-5400.

Very truly yours,

Bruce Jensen
Policy Planning Division

MVR 00618

DISTRIBUTION LIST FOR PROPOSED EXPANSION OF PERMITTED MINING OPERATION
MISSION VALLEY ROCK COMPANY QUARRY SMP-33,
INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Regional, State and Federal Agencies
U.S.D.A. Soil Conservation Service
U.S. Fish and Wildlife Service
California State Clearinghouse
California Department of Conservation, Division of Mines and Geology
California Department of Fish & Game
California Regional Water Quality Control Board, District 2
Bay Area Air Quality Management District
East Bay Regional Park District

Local Agencies
Alameda County Planning Commission
Alameda County Public Works Agency, Traffic Engineering Section
Alameda County Public Works, Grading
Alameda County Engineering Geologist
Alameda County Environmental Health Department
San Francisco Water Department
San Francisco Planning Department

Other Organizations
California Native Plant Society
Save Our Sunol
Alameda Creek Alliance
RMC Pacific Materials
Mission Valley Rock Company

Press
The Tri-Valley Herald

Individuals
Ms. Pat Stillman
Ms. Virginia McCullough

Local Committees
Alameda County Sand and Gravel Committee
Sunol Citizens' Advisory Committee

ALAMEDA COUNTY PLANNING DEPARTMENT

• Development Planning • Housing & Community Development • Lead Poisoning Prevention • Policy Planning & Research • Zoning Administration & Enforcement

399 Elmhurst Street, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

NOTICE OF COMPLETION

(Public Resources Code

State of California
Office of Planning and Research
PO Box 3044
Sacramento, CA 95812

Date: July 2, 2002

SCH#: _____

General Information

Project Title: PROPOSED DEEPENING OF SURFACE MINING PERMIT (SMP-24), MISSION VALLEY ROCK COMPANY QUARRY, SUNOL, CALIFORNIA

Lead Agency: Alameda County Community Development Agency

Address: 224 West Winton Avenue, Room 151, Hayward, CA 94612

Contact Person: Bruce Jensen, Senior Planner — Telephone: 510-670-5400

Brett Lucas, Planner III — Telephone: 510- 670-6521

Project Location

County: Alameda — City / Community: N/A

Assessor's Parcel Nos. 96-1-11-7, 11-8, and 10-4; 96-80-1-3, 1-5, 1-7, and -12; and 96-375-11-5, -15.

Section N/A Twp. N/A Range N/A

Cross Streets: Andrade Road & Athenour Way — Nearest Community: Sunol, CA

State Hwy #: Near I-680 and SR 84 — Airports: N/A

Railways: Union Pacific R.R. — Waterways: Alameda Creek

Present Land Use and Zoning

Present land use is quarry operations, including mining and processing. Land Use designation in the Alameda County General Plan is Water Management, Zoning is "A" - Agriculture, 100 acre M.B.S.A.

Project Description / Development Type

[ ] Residential: Units _____ Acres _____
[ ] Office: Sq.ft. _____ Acres _____ Employees _____
[ ] Shopping/Commercial: Sq.ft. _____ Acres _____ Employees _____
[ ] Industrial: Sq.ft. _____ Acres _____ Employees _____
[ ] Water/Wastewater: MGD _____
[ ] Transportation: Type _____
[X] Mining: Mineral Aggregate, 202 acres
[ ] Power: Type _____ Watts _____

NOTICE OF PUBLIC HEARING / INTENT TO ADOPT A NEGATIVE DECLARATION

PROPOSED PIT DEEPENING UNDER SURFACE MINING PERMIT (SMP-24)
THE MISSION VALLEY ROCK COMPANY QUARRY (PORTION),
SUNOL, CALIFORNIA

Notice is hereby given that the Alameda County Planning Commission will hold a public hearing to consider adoption of a mitigated negative declaration for, and approval of, a volumetric expansion of operations under Surface Mining Permit SMP-24 held by Mission Valley Rock Company. The expansion would involve a deepening of the existing quarry pits on the 202-acre site from 140 feet to as deep as 250 feet. The added marketable material from this approval would be about 10 million tons of aggregate, bringing the remaining net available resources to approximately 24 million tons. The site ranges from one (1) to two (2) miles southeast of the town of Sunol, easterly of Interstate 680. The existing permit will expire in December 2045; this expansion would have the same expiration date. The project would continue in a fashion similar to the operation currently underway, including extractive operations and transport of raw product to the existing production plant (not under consideration as part of this permit), and subsequent reclamation of the site to water storage ponds administered by the San Francisco Water Department, and agriculture (grazing) by means of silt storage and topsoil replacement. All site traffic would use Athenour Road and Interstate 680 for access.

A Mitigated Negative Declaration, which is a written statement indicating that the proposed project will not have a significant effect upon the environment if appropriate mitigation measures are imposed, is proposed to be adopted pursuant to the California Environmental Quality Act and State and County CEQA Guidelines. Possible environmental impacts of this project include aesthetic (light and glare), biological habitat, cultural and paleontological, and cut slope stability effects. The review period for the Initial Study and Draft Mitigated Negative Declaration is from July 3, 2002 to August 6, 2002. If you challenge the proposed amendment to Surface Mining Permit SMP-24 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Notice is also hereby given that a Periodic Review for SMP-24 is being processed simultaneously with the application for pit deepening, and will receive a public hearing at the same meeting of Planning Commission. Periodic reviews are required for all quarries in Alameda County. The Mission Valley Rock Company quarry covered by SMP-24 is located on approximately 202 acres (permitted area) of land in the Sunol Valley, unincorporated Alameda County, southeast of Interstate 680 and with quarry pits on either side of Alameda Creek. No mining within the streambed of Alameda Creek has occurred or is proposed. The Mission Valley Rock Company quarry is one of two quarries under four different surface mining permits currently operating in the Sunol Valley Significant Mineral Resource Area as designated by the State of California. The review by the Planning Commission involves consideration of new or changed circumstances within the general area of mining operation that should be accommodated by the permit, and may result in modifications to SMP-24.

Said public hearing will be held on Monday, the 19th day of August, 2002, beginning at 1:30 p.m., in the Auditorium of the Alameda County Public Works Building, 399 Elmhurst Street, Hayward, California. All persons interested in the matter may appear and be heard at this meeting. A final decision may be made on that date.

JAMES SORENSEN - PLANNING DIRECTOR & SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY

TELEPHONE: (510) 670-5400

The Public Works Agency Building located at 399 Elmhurst Street, Hayward, is wheelchair accessible. If you need other accommodations, call Pat Brimer (voice) 670-5459 or TDD 834-0754; advance notice is requested.

Local Action Type

[ ]	General Plan Update	[ ]	Rezoning
[ ]	New G. P. Element	[ ]	Land Division
[ ]	General Plan Amend.	[ ]	Use Permit
[ ]	Master Plan	[ ]	Variance
[ ]	Specific Plan	[ ]	Annexation
[ ]	Area Plan	[ ]	Cancel Ag. Preserve
[ ]	Redevelopment Plan	[X]	Other: Surface Mining Permit - modification

Document Type

CEQA

[X]	Neg. Dec / Initial Study	[ ]	Notice of Exemption
[ ]	Draft EIR	[ ]	Notice of Preparation
[ ]	Final EIR	[X]	Notice of Completion
[ ]	Supp. / Subs. EIR	[ ]	Notice of Determination

NEPA

[ ]	EA	[ ]	Joint Document
[ ]	FONSI	[ ]	Final Document
[ ]	Draft EIS	[ ]	Other _____
[ ]	Final ElS		

Project Issues Discussed in Document

[X]	Land Use Compatibility	[X]	Biological Res.
[X]	Agricultural Land	[ ]	Wetlands
[X]	Visual/Aesthetic	[X]	Geology
[X]	Historical	[X]	Seismicity
[X]	Archaeological	[X]	Soils/Erosion
[X]	Traffic/Circulation	[X]	Surface Water
[X]	Noise	[X]	Ground Water
[X]	Air Quality	[X]	Flooding
[X]	Water Supply	[X]	Socio-Economic
[X]	Septic Systems	[ ]	Fiscal Impacts
[ ]	Sewer Capacity	[X]	Jobs/Housing
[X]	Fire/Police	[X]	Toxic/Hazards
[X]	Schools	[X]	Mineral Resources
[X]	Parks/Rec.	[X]	Cumulative
[X]	Solid Waste	[X]	Growth Inducement
[ ]	Other _____		

Signature Bruce H Jensen **Date** 7/2/2002

Printed Name Bruce Jensen **Title** Senior Planner

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

Reviewing Agencies

X = Sent by Lead Agency

[ ]	Resources Agency	[ ]	Caltrans District _____
[ ]	Boating / Waterways	[ ]	Dept. of Transportation Planning
[X]	Conservation	[ ]	Aeronautics
[X]	Fish and Game	[ ]	California Highway Patrol
[ ]	Forestry	[ ]	Housing and Community Dev't
[ ]	Colorado River Board	[ ]	Statewide Health Planning
[ ]	Dept. Water Resources	[ ]	Health
[ ]	Reclamation	[ ]	Food and Agriculture
[ ]	Parks and Recreation	[ ]	Public Utilities Commission
[ ]	Office of Historic Preservation	[ ]	Public Works
[ ]	Native American Heritage Commission	[ ]	Corrections
[ ]	S.F. Bay Cons. and Dev't. Commission	[ ]	General Services
[ ]	Coastal Commission	[ ]	OLA
[ ]	Energy Commission	[ ]	Santa Monica Mountains
[ ]	State Lands Commission	[ ]	TRPA
[ ]	Air Resources Board	[ ]	OPR — OLGA
[ ]	Solid Waste Management Board	[ ]	OPR — Coastal
[ ]	SWRCB: Sacramento	[ ]	Bureau of Land Management
[X]	RWQCB: Region # Dist. 2	[ ]	Forest Service
[ ]	Water Rights	[ ]	Other _____
[ ]	Water Quality	[ ]	Other _____

For SCH Use Only:

Date Received at SCH _____ Catalog Number _____

Date Review Starts _____ Applicant _____

Date to Agencies _____ Consultant _____

Date to SCH _____ Contact _____ Phone _____

Clearance Date _____ Address _____

Notes: _____

_____

_____

MITIGATED NEGATIVE DECLARATION (DRAFT)

Alameda County Planning Department
(Lead Agency)
399 Elmhurst Street, Room 136
Hayward, California 94544
(415) 670-5400

1. **Project Name:** SURFACE MINING PERMIT (SMP-24) PIT DEEPENING EXPANSION, MISSION VALLEY ROCK COMPANY QUARRY (PORTION), SUNOL, CALIFORNIA.

2. **Description, Location, and Assessor's Parcel Number(s):** Project is a volumetric expansion of operations under Surface Mining Permit SMP-24 held by Mission Valley Rock Company. The expansion would involve a deepening of the existing quarry pits on the 202-acre site from 140 feet to as deep as 250 feet. The added marketable material from this approval would be about 10 million tons of aggregate, bringing the remaining net available resources to approximately 24 million tons. The existing permit will expire in December 2045; this expansion would have the same expiration date. The project would continue in a fashion similar to the operation currently underway, including extractive operations and transport of raw product to the existing production plant (not under consideration as part of this permit), and subsequent reclamation of the site to water storage ponds administered by the San Francisco Water Department, and agriculture (grazing) by means of silt storage and topsoil replacement. The site ranges from one (1) to two (2) miles southeast of the town of Sunol, easterly of Interstate 680. Sunol Valley, unincorporated Alameda County, southeast of Interstate 680. 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15.

3. **Persons or Entity Undertaking Project:** Mission Valley Rock Company

4. **Responsible Agencies:** Bay Area Air Quality Management District; Regional Water Quality Control Board; Department of Conservation, Division of Mines and Geology

5. **Findings:** Based on the attached Initial Study, the Alameda County Planning Commission has found that the project will not have a significant effect on the environment if the recommended mitigation measures are implemented.

6. **Date of Public Notice of Negative Declaration:** July 3, 2002

7. **End of Review Period:** August 6, 2002

James Sorensen /BAJ

Planning Director

July 2, 2002

Date

INITIAL STUDY/
DRAFT MITIGATED NEGATIVE DECLARATION

Environmental Checklist Form

pursuant to the California Environmental Quality Act, as amended.

A. PROJECT DESCRIPTION

1. **Project Title:** Expansion of Surface Mining Permit and Reclamation Plan SMP-24, Mission Valley Rock Co.

2. **Lead Agency Name and Address:**

   Alameda County Community Development Agency
   224 West Winton Avenue, Room 151
   Hayward, California 94544

3. **Contact Person and Phone Number:**

   Bruce Jensen, Senior Planner, (510) 670-5400

4. **Project Sponsor's Name and Address:**

   Mission Valley Rock Company
   Mort Calvert
   7999 Athenour Way
   Sunol, CA 94586
   (510) 862-2257

5. **Description of Project:** Surface Mining Permit SMP-24 was approved by the Board of Supervisors on January 23, 1986. A periodic review was conducted in 1991, and another periodic review is being processed concurrently with this application. Permittee proposes to modify the original quarry and reclamation plan by expanding the amount of volume of material that could be removed. This expansion would involve a deepening of the existing pits from 140 feet to as much as 250 feet (depending on the availability of material at that depth). Pits on both sides of Alameda Creek would be deepened; increased depths would result in greater water storage capacity available to the San Francisco Water Department in future years (San Francisco Water Department, the lessor for lands proposed to be quarried under Surface Mining permit SMP-32 and some lands under SMP-24, has requested application for this deepening in its lease for SMP-32). The overall area of quarry pits and processing plant equipment covers about 202 acres; no quarry footprint expansion is sought, although some levies and levy material that separate existing quarry pits would be removed. The life of the quarry, currently ending by the year 2045, would not be extended. The proposed expansion would bring the total amount of material available for market to about 23,950,000 tons of

marketable mineral commodities. During and after the mining period, reclamation would occur. The footprint of the proposed excavation area and reclamation plan is shown in Exhibit 2, Figures 2A and 2B.

All other aspects of the quarry operations under this permit would remain unchanged. Quarried sand and gravel would be processed on site, and would continue to be transported to the existing processing plant on the project site via electrically-powered conveyor belt or scraper. New side slopes in the deepened pits would be mined to a maximum grade of 2:1 or in some instances 1.5:1. As before, the rate of extraction could vary from time to time depending on market demand for the product. Mining equipment would include scrapers, dozer, backhoe, grader, front end loader and water truck; a dragline could be used if conditions warrant. Any topsoil from the newly mined area would be stockpiled and used for landscaping features and future reclamation. Wastes (sediments, fines, overburden) would be retained on site but none east of Alameda Creek; as has always been the case, the reclamation of these pits involves filling and capping silt and overburden or conversion to water storage reservoirs. All materials would be processed through existing on-site equipment and exported on trucks using the Athenour Way access road and Interstate 680.

The quarry would continue to potentially operate up to 365 days a year (depending on the volume of business), from 6:00 AM to Midnight, with occasional all-night operations should the need arise. The permitted area itself would result in no additional daily trips on area roadways since all material would pass through the existing processing plant; this equipment can already operate at full capacity but no greater, and total trips per day would be limited to that number currently possible under full production. Truck trip generation from the plant on any day, and the life of the quarry, depends heavily on market conditions for the mined resource; this condition would continue to be true.

Groundwater flowing into the pit is pumped to silt/holding ponds on the SMP-24/SMP-33 property for recharge. Water required for mining operations is pumped from these ponds and used for haul road and equipment dust control. Some of this water flows back into the ponds/pits and is re-used; a small portion soaks into the ground or evaporates. During times of high groundwater, and at other times as necessary, water that has been allowed to settle may be discharged into the Alameda Creek streambed as permitted by the Regional Water Quality Control Board discharge permit. No significant amounts of chemicals are used on site, and the water remains clean except for natural suspended silts. Alameda Creek is protected from any quarry runoff by berms four to six feet in height separating the pit sites from the stream channel. Surface runoff from off the quarry site is directed around the active quarry area and into Alameda Creek by berms. All of these practices would remain the same.

After the pits are mined out, they would be reclaimed as a silt ponds for the operations permitted under existing permit SMP-32, or converted to water storage reservoirs. The silt pond process is key to the reclamation plan, described further below. This part of the proposal has been part of the project description for this pit since adoption of SMP-32 and, prior to that, SMP-29, and does not represent a new element of the project description.

Additional details of the operations and equipment can be found in the application for this permit, available for review at the Alameda County Planning Department.

6. **Reclamation of the Site:** Refer to Exhibit 3, Mining and Reclamation Phasing Plan. The site would be gradually reclaimed to the original use through filling and capping of some pits, that original use being extensive agriculture (probably grazing) and to water storage reservoirs.

As described in Exhibit 3, mining of various areas would continue approximately through the year 2035 or beyond, while filling and capping of some pits as silt ponds would continue through the final year 2045. Toward the end of this period, the area under the present Office and AC/Plant 2 would be mined, and converted to water storage. The Permittee proposes to use some of the pits as silt ponds for the remaining permitted area under SMP-24 and SMP-32. After filling to near the surrounding grade with settled silt, the pits would be capped with stockpiled topsoil and revegetated using typical grasses found in the surrounding area, both native and nonnative. The original plan for revegetation would remain as it is now, except for the modification of the actual areas to be replanted. Upon completion of mining, approximately 1/3rd of the site would become permanent water storage ponds, and the remainder would become grazing land.

As previously approved, all stockpiles, structures, equipment and refuse would be used up or removed at the termination of quarrying. Other details may be found in the permit application, available for review at the Alameda County Planning Department.

7. **Project Location:** The 202-acre site is located on Athenour Way, near Andrade Road and I-680, Sunol Area, Assessor's Parcel Numbers 96-1-11-7, 11-8, and 10-4; 96-80-1-3 (portion), 1-5, 1-7, and -12; and 96-375-11-5 and -15. Site extends from the southeast side of I-680, either side of the Alameda Creek drainage, approximately 1.5 miles southeastward along the southwest side of Alameda Creek to the boundary with lands of Surface Mining Permit SMP-33. Refer to Exhibit 1, Figure 1 for vicinity map.

8. **General Plan Policies and Zoning:** General Plan Designation is for Water Management, under which quarries are permitted uses. Alameda County Measure D permits continuation of existing quarries and expansions of existing quarries onto adjoining parcels, however, this proposal does not include lateral spatial expansion (more discussion below under D, Evaluation of Environmental Effects). The Zoning Designation is "A" - Agriculture, 100 acre Minimum Building Site Area, in which zone quarries are conditionally permitted uses under the Alameda County General Ordinance Code, Title 6 - Health and Safety, Chapter 6.8, Surface Mining and Reclamation.

9. **Setting and Surrounding Land Uses:** The existing 202-acre mining site consists of the preexisting SMP-24 quarry area and plant site. The area consists of level or gently sloping quarry land; the entire site is currently disturbed by prior quarry operations. There are presently 10 pits onsite, most of which are in various stages of active mining; the remainder are silt ponds which may be re-excavated again to recover sand and other unmined materials. Of the active pits, a cluster of four adjacent pits are proposed to be mined into one large pit extending to a depth of up 250 feet, although this number may be less when mining is finished. Some partial reclamation has occurred on portions of the site, especially a capped silt pond that now is occupied by stockpiles. The rest is largely still under active mining operations. An access road extends from the end of Athenour Way through the site to the SMP-33 site to the south, and is used by all haul vehicles to gain access to I-680. There are no perennial streams or other significant natural

waterways, however, the property is near the Alameda Creek stream channel. Structures currently on the site include the company offices (portable), processing and asphalt/concrete plants, maintenance structures, conveyor belts, and a weigh station. The site is sparsely vegetated by nonnative grasses, forbs and shrubs except for a number of planted landscape trees at various locations. Adjacent to the site and across Alameda Creek to the east lie lands of the San Francisco Water Department, some of which on the east side of Alameda Creek are being quarried by RMC Pacific Materials. Steep, hilly ranchland is located immediately to the west and southwest. The site is accessible only via Athenour Way off Interstate 680. Other aspects of the setting are discussed in issue sections below as appropriate.

Surrounding land uses include grazing lands to the west and southwest, additional quarry operations to the east across Alameda Creek and south at SMP-33, and nurseries to the east and southeast along the creek.

10. Other Public Agencies Whose Approval May be Required:

Bay Area Air Quality Management District
Regional Water Quality Control Board
Department of Conservation, Division of Mines and Geology
City of San Francisco, Water Department

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors shown below are discussed in the following draft Initial Study. Those that are checked [X] require additional measures to mitigate potential environmental impacts. The absence of a check indicates that none of these factors in that topic category were identified as being the subject of an environmental impact.

[X]	Aesthetics	[ ]	Agriculture Resources	[ ]	Air Quality
[X]	Biological Resources	[X]	Cultural Resources	[X]	Geology /Soils
[ ]	Hazards / Hazardous Materials	[ ]	Hydrology/Water Quality	[ ]	Land Use/Planning
[ ]	Mineral Resources	[ ]	Noise	[ ]	Population/Housing
[ ]	Public Services	[ ]	Recreation	[ ]	Traffic
[ ]	Utilities / Service Systems	[ ]	Energy	[ ]	Mandatory Findings of Significance

C. DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[X] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

[ ] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[ ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Sorensen /cgj — Signature

July 2, 2002 — Date

James Sorensen — Printed name

Planning Director — Title

D. EVALUATION OF ENVIRONMENTAL EFFECTS

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	[ ]	[ ]	[X]	[ ]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	[ ]	[ ]	[X]	[ ]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	[ ]	[ ]	[X]	[ ]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	[ ]	[X]	[ ]	[ ]

Comments:

Character and Visual Quality - The preexisting quarry has defined the ongoing land use for the site; as a result, the basic character of the area would not change by continuation of the quarry activity. Although the increased degree of mining proposed, as well as the proposed minor changes in the precise layout and phasing of the mining and reclamation activities, would result in some degree of change within the area when compared to the existing condition, the changes would not substantially alter the character of the quarry area. The surrounding area to the west and south remains pastoral and quasi-natural, with ranchland and forest/scrub extending away and upward. The quarry pits themselves would be enlarged somewhat, but with only modest visibility from any public areas. The reclamation and landscape plan adopted for this permit indicates a variety of fast-growing, native species suitable for the site, to be planted in an approximately random manner and with uneven spacing. Given this existing condition and the fact that the new excavation will need to adhere to this plan, no new or increased visual impact is expected.

Significant Light and/or Glare - The existing operation includes a number of bright light fixtures for nighttime operations, both at the plant and in the quarry pits. These would not change under the present proposal, and no new impacts would occur. However, in the event that existing light fixtures are replaced due to failure or evolving operating requirements, the operator should install new fixtures that do not contribute to offsite glare, light trespass or light pollution, e.g., escape of light above the horizontal. The permit should require that the Permittee design and place new 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 should direct lighting be visible beyond the site boundaries, nor should general lighting radiate in a direction above the horizontal. Lighting for operations in the pits should be placed as low into the pits as possible. A mitigation measure for reducing night lighting impacts from new fixtures is included below.

- (a) Permittee shall 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.

No scenic roadways would be affected. No other significant impacts in this category are expected. No other mitigation would be required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
II. AGRICULTURE RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	[ ]	[ ]	[X]	[ ]
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	[ ]	[ ]	[X]	[ ]

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	[ ]	[ ]	[X]	[ ]

Comments: The proposed project would not result in the conversion of agricultural/open space lands to non-agricultural uses. The proposal does not involve the conversion of existing farmland, nor does it involve any farmland listed as Prime, Unique, or of Statewide Importance. In the reclamation of the site, the area would be reclaimed for agriculture. No contracts for agriculture or open space would be affected. Impacts would be less than significant, and no mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[ ]	[ ]	[X]	[ ]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[ ]	[ ]	[X]	[ ]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	[ ]	[ ]	[X]	[ ]
d) Expose sensitive receptors to substantial pollutant concentrations?	[ ]	[ ]	[X]	[ ]
e) Create objectionable odors affecting a substantial number of people?	[ ]	[ ]	[X]	[ ]

Comments: Air quality would not be affected significantly by this proposal. Quarry trip generation would remain at the current level, since maximum trip generation is determined only by processing plant capacity, which would not change. Some dust would continue be generated at the facility; typical sources of dust include excavation and grading operations, and vehicle traffic over unpaved roads. The existing processing plant on the SMP-24 lands would not contribute additional dust. Common remedies include watering of disturbed and traveled areas, use of dust palliative materials if necessary, and revegetation of disturbed areas that are not to used. These measures are also typical of those required by the Bay Area Air Quality Management District in each permit to operate for quarries. Currently, the Permittee utilizes general watering

of disturbed areas to suppress dust as required by the permit. County inspectors can order more extensive watering if conditions warrant, as well as the use of dust palliative materials for certain areas. Most of the actual excavation is be done in wet materials (near or below the water table) and dust is not generally a major product of this activity.

Asbestos release has been raised as a potential problem for quarry activities in the Sunol Valley, due to the supposed excavation of native rock materials from certain serpentine-bearing formations in the area. Serpentine is a common mineral in the rocks of Alameda County, and is found in the Sunol area. The Permittee does not excavate this hard bedrock material, however, but rather excavates materials of the Livermore Formation, a deep layer of partially consolidated streambed and lakebed deposits washed in from other areas in the distant past. Some of these gravels probably contain boulders and rocks of serpentine. Although the presence of serpentine does not guarantee the presence of asbestos, there is potential for asbestos to be present, and it could be released during the processing of the aggregate, which does not occur on this site or under this permit.

An asbestos test was conducted on the Permittee's processed material by Asbestest, Inc. in September, 1992. A letter report from this firm indicated that, using polarized light microscopy, the material tested contained no asbestos at all. The official report results as per State of California regulations indicate that an asbestos level of 0.1% or more was not reached, and the technical result was "None Detected." This letter report is attached as Exhibit 4 (Mr. Robert Kumagai, Asbestest, Incorporated, Asbestos Identification by Polarized Light Microscopy for Mission Valley Rock, Job No. C-2445-92, September 22, 1992).

Subsequent to this, in 2001, the California Air Resources Board adopted a regulation requiring testing of some produced aggregate materials based on their sources in possible ultramafic (asbestos-bearing) rock, which may include serpentine and potential asbestos components (17 California Code of Regulations 93106 - attached as Exhibit 5). The regulation also places some prohibition on sales of material contained more than 0.25 percent asbestos content, and requires warnings to be posted on loads containing, or projects using these materials. Specifically, the restrictions under Section (b) of this regulation apply to the following materials:

- (1) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); or
- (2) Aggregate material extracted from property that is NOT located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:
  - (A) Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;
  - (B) Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater, as determined using an approved asbestos bulk test method; or
  - (C) Determined by the owner/operator of a facility to be ultramafic rock, or serpentine, or material that has an asbestos content of 0.25 percent or greater.
- (3) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsection (b)(1) or (b)(2).

None of these requirements apply to the quarry pit under consideration, or any quarry pit owned or operated by the Permittee. Further, Section (f) of the regulation exempts from the strictest standards (prohibition, notice/warning, and recordkeeping/reporting) a number of uses, including:

- 1) *Sand and Gravel Operations*: The requirements of subsections (c), (d), and (e) shall not apply to aggregate material extracted from a sand and gravel operation. A "sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.
- (2) *Roads Located at Quarries or Mines*: The requirements of subsection (c) shall not apply to roads at quarries or mines that are located in a geographic ultramafic rock unit, an ultramafic rock deposit, or a serpentine deposit, provided that the aggregate material was obtained on site from the quarry or mine property.

Apparently, from the information in this regulation, there is no specific requirement for the Permittee to perform any further testing or ongoing monitoring for asbestos unless specifically requested by the Air Resources Board or local Air Pollution Control Officer at the Bay Area Air Quality Management District.

Another regulation is being considered for adoption in the Summer of 2002, which would place mitigation requirements on aggregate producers and other handlers of material that may contain asbestos in proportions exceeding 0.25 percent. Although the draft of this regulation is not yet available, preliminary information from the Air Resources Board suggests that the mitigation would take the form of water application at possible dust generation points; this is the type of dust suppression mitigation already in use by the Permittee and already required by the existing Permit for SMP-24. The excavated material is already wet, and further wetting already occurs at many stages during processing. If, upon review of the new Summer 2002 regulation, it becomes necessary for County quarry operators to meet a higher standard of particulate suppression, then the operators will be required by State law to meet those standards. Otherwise, no new impacts due to the presence of asbestos are expected. No new mitigation measure or condition of approval is required to further suppress potential asbestos emissions from the new pit expansion or processing of material extracted from the pit.

No other impacts are expected compared to the existing setting, which involves the preexistence of a quarry. No new sources of pollutants or increases in the amount of pollutant emissions would occur, and existing sources are already subject to mitigation. No odors are anticipated. No new mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
IV. BIOLOGICAL RESOURCES. Would the project:				

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[ ]	[X]	[ ]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	[ ]	[X]	[ ]	[ ]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool. coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	[ ]	[ ]	[X]	[ ]
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	[ ]	[ ]	[X]	[ ]
e) Conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance?	[ ]	[ ]	[X]	[ ]
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[ ]	[ ]	[X]	[ ]

Comments: **2002 Biological Study.** In June 2002, a biological study was conducted by Mr. Clint Kellner, Ph.D. of EDAW Associates for the area covered by SMP-24 (Biological Reconnaissance of SMP-24 and the Pits Proposed for Consolidating and Deepening, June 27, 2002) ; this study is included as Exhibit 6). The methodology is described in the attached study.

The reconnaissance survey took place over the entire SMP-24 area of the Mission Valley Rock Quarry in Sunol. The survey methodology involved walking down to the bottom of each of the pits that will be consolidated. The edges of the pits were sampled for aquatic species with a hand held dip net. The top of the partitions/levies were walked to survey for any special-status biological resources. Plant and animal species that were observed during field work were recorded in field notes.

Sedimentation basins, areas between the basins, and the working area of the Mission Valley Rock quarry were likewise surveyed. The site survey was conducted on June 4, 2002 with a follow-up survey on June 25, 2002. Also, information on file with the California Natural Diversity Database (CNDDB 2002) was examined to determine the potential presence of rare, threatened, and endangered species in the project vicinity.

EXISTING CONDITIONS:

The project site consists of non-native grassland, ruderal vegetation, and patches of willow trees.

Vegetation. The general vegetation of the quarry pits consists of sparse patches of non-native grassland and ruderal vegetation with small patches of willows growing at the edge of the water in the pits. The non-native grassland is dominated by ripgut brome (*Bromus diandrus*) and red brome (*Bromus madritensis* ssp. *rubens*). Rabbit's foot grass (*Polypogon monspeliensis*) grows in moist areas of the quarry pit and at the water's edge. The ruderal vegetation is dominated by yellow sweetclover (*Melilotis* sp.), and short-pod mustard (*Hirschfeldia incana*). Other ruderal species present include Italian thistle (*Carduus pycnocephalus*) and sow thistle (*Sonchus* sp.). Individual plants of mulefat (*Baccharis salicifolia*), sandbar willow (*Salix exigua*), arroyo willow (*Salix lasiolepis*), and red willow (*Salix lasiandra*) occur at the edge of the ponds at the bottom of the quarry pits. The willows may also grow in small stands of 4 or 5 trees. The willow trees are often associated with small stands of cattails (*Typha* sp.) that grow at the edges of the ponds.

Vegetation of the quarry pit slopes consists of a sparse growth of ruderal plants including short-pod mustard, Italian thistle, horse weed (*Conyza canadensis*), and coyote brush (*Baccharis pilularis*). Some of the quarry pits support a row of willow trees and or a row of cattails on their slopes where water seeps into the pits. The band of cattails averages 5 feet wide and is often associated with watercress (*Rorippa nasturtium-aquaticum*).

The willow trees are usually less than 12 feet tall and 4 inches in diameter but in one instance the willow trees of a 450-foot row were approximately 8 inches in diameter and 35 to 40 feet tall. A few cottonwood trees (*Populus fremontii*) also grew with the willows. The foliage of some of these trees was sparse and some of the trees had died. Nevertheless, a 225-foot portion of this row in the large pit northeast of Alameda Creek consisted of trees with a full canopy of dense foliage. These trees grow at a maximum spacing of 10 feet apart.

The vegetation of the silt ponds was similar to that of the pits - small clumps of cattails and willows. The areas separating the silt ponds consisted of ruderal vegetation - similar to the vegetation between the quarry pits.

Wildlife. Wildlife values on the site are generally low because of the constant disturbance to the quarry pits from mining activity. Black-tailed deer (*Odocoileus hemionus*) were observed in Alameda Creek and within the quarry pits. Black-tailed hare (*Lepus californicus*) would also be expected to occur in the quarry pits. Birds that are observed in the quarry pits include Brewer's and redwing blackbirds (*Agelaius phoeniceus*) in the cattails and willow trees, song sparrows (*Melospiza melodia*) in the willow trees, and Savannah sparrows (*Passerculus sandwichensis*) in the ruderal vegetation.

Bullfrogs (*Rana catesbiana*) occur at the edge of some of the quarry ponds and sedimentation basins near cattail and willow trees. Fence lizards (*Sceloporus occidentalis*) occur on the slopes of the quarry and areas of relative bare ground with

sufficient cover of rocks. Snakes may occur incidentally in the quarry pits and sedimentation basins but the quarry would not be considered habitat. Likewise skunks (*Mehpitis mephitis*) and raccoon (*Procyon lotor*) may also occasionally forage within the quarry but it would not be considered habitat.

Special-Status Species. The following discussion mentions the special-status species that occur in the Sunol area. These species are not likely to occur within the quarry pits because of the continual disturbance to their habitats and disruption to their activities.

Special-status plant species that occur in the Sunol area and surrounding USGS quadrangles include large-flowered fiddleneck (*Amsinckia grandiflora*), caper-fruited tropidocarpum (*Tropidocarpum capparideum*), Mt. Diablo buckwheat (*Eriogonum truncatum*), big-scale balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*), Congdon's spikeweed (*Centromadia parryi* ssp. *congdonii*), diamond petaled poppy (*Eschscholzia rhombipetala*), Diablo helianthella (*Helianthella castanea*), fragrant fritillary (*Fritillaria liliacea*), maple-leaved checkerbloom (*Sidalcea malachroides*), most beautiful jewel-flower (*Streptanthus albidus* ssp. *peramoenus*), alkali milk vetch (*Astragalus tener* var. *tener*), heartscale (*Atriplex cordulata*), brittlescale (*Atriplex depressa*), San Joaquin saltbush (*Atriplex joaquiniana*), hispid bird's beak (*Cordylanthus mollis* ssp. *hispidus*), palmate-bracted bird's beak (*Cordylanthus palmatus*), Livermore tarplant (*Deinandra bacigalupii*), round-leaved filaree (*Erodium macrophyllum*), robust monardella (*Monardella villosa* ssp. *robusta*), and hairless popcorn flower (*Plagiobothrys glaber*).

Special-status animal species that occur in the vicinity of Sunol include California tiger salamander (*Ambystoma californense*), California red-legged frog (*Rana aurora draytonii*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Clemmys marmorata*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), coast horned lizard (*Phrynosoma coronatum frontale*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris actia*), tricolored blackbird (*Agelaius tricolor*), Berkeley kangaroo rat (*Dipodomys heermani berkeleyensis*), golden eagle (*Aguila chrysaetos*), Cooper's hawk (*Accipiter cooperi*), sharp-shinned hawk (*Accipiter striatus*), black-shouldered kite (*Elanus caeruleus*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus anatum*), and yellow warbler (*Dendroica petechia brewesteri*). Species that are not expected on the site because of the absence of vernal pools or natural ponds are the longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and the curved-foot hygrotus diving beetle (*Hygrotus curvipes*). Townsend's big-eared bat (*Corynorhinus townsendii townsendii*) is not expected on the site because of the absence of roosting habitat.

In addition to these species, rookeries of various species of herons including great blue heron (*Ardea herodias*), black-crowned night heron (*Nycticorax nycticorax*) great egret (*Casmerodius albus*), and snowy egret (*Egretta thula*) are also sensitive resources.

Survey Results. Tricolored blackbirds were observed in two stands of cattails of one of the sedimentation basins just west of Alameda Creek. The tricolored blackbirds are a California Species of Special Concern. They are not federally- or state-listed. The sedimentation basin is not part of the current project to widen and deepen the quarry pits. The tricolored blackbirds were observed on June 4 and June 25, 2002. During both observations, I could not determine whether the area was used for breeding or whether the birds were roosting and had bred elsewhere. About 20 tricolored blackbirds were counted in the cattails and an estimate was made of 20 additional tricolored blackbirds in the cattails for a total of approximately 40 tricolored blackbirds. A sand extraction facility that is adjacent to the sedimentation pond, does not appear

to affect the tricolored blackbirds. These tricolored blackbirds were not observed within the pits proposed for widening and deepening.

No other special-status species were observed within the SMP-24 boundaries. The prior disturbance and continuing disturbance would preclude the occurrence of special-status plant species within SMP-24. The quarrying activity along with the previous and continuing disturbance would tend to prevent the occurrence of special-status wildlife from SMP-24. Within the pits east of Alameda Creek that are proposed for consolidation and deepening, no special-status plants or wildlife species were observed and none are expected to occur there because of the absence of habitat. In addition, the constant activity along with the prior and continuing disturbance to the pits that are proposed for consolidation and deepening, preclude the presence of special-status species.

PLANNING CONSIDERATIONS

Special-status species are absent and are not likely to occur in the quarry pits. No special considerations are necessary for this area with respect to the proposed consolidation and pit deepening. The existing small stands of cattails and willows in the quarry pits are not valuable habitat for wildlife because of their small size, the continual disturbance from mining activity, and isolation from the riparian areas of Alameda Creek. No special planning considerations are needed for these habitats.

The stand of dense willows and cottonwoods that grow along a 225-foot length of slope in the large pit northeast of Alameda Creek is valuable habitat for wildlife. If quarrying activity removes this stand, it should be replaced at an appropriate location nearby with willows, cottonwoods, or sycamores (*Platanus racemosa*). The location could be along a suitable reach of Alameda Creek or at the edge of a fully reclaimed storage pond. At this time, the Permittee does not propose to remove any of this vegetation prior to final reclamation, at which future time the area would become flooded with water storage. In the event that removal of this plant life becomes necessary, the following measure is recommended:

- 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.

Apart from the effects described above, the nature and design of the project is such that impacts to anadromous fisheries unique or fragile biotic communities, or agricultural lands would not occur. There is an issue related to surface and groundwater movement within the Alameda Creek streambed, specifically drawdown of the stream by excavation in pits adjacent to the stream, that could relate to sustainability of fisheries; however, this drawdown is discussed further in Section VIII., HYDROLOGIC FACTORS below. The outcome of that discussion is that drawdown on the creek, which occurs in part naturally as a result of the substantial porosity of the streambed and underlying gravels, and in part artificially as a result of retention of water upstream at the Calaveras Reservoir and to a lesser extent as a result of the permitted and

ongoing pumping and occasional discharge of groundwater downstream from quarry operations, would be barely affected by proposed deepening of the pit excavation. These conditions, along with the fact that the stream is often dry by early summer until the winter rains commence, result in no significant effect to any existing stream-related habitat. No other mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?	[ ]	[ ]	[X]	[ ]
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	[ ]	[ ]	[X]	[ ]
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	[ ]	[X]	[ ]	[ ]
d) Disturb any human remains, including those interred outside of formal cemeteries?	[ ]	[X]	[ ]	[ ]

Comments:

Archaeological Discoveries - There are no known cultural resources on the already disturbed site, and the removal of very deep material is fairly certain to not unearth any cultural remains; however, it is possible that archaeological materials could be discovered on some of the levies to be removed. The existing permit has no specific conditions to protect resources of this type; if approved, the quarry operation and deepening should be subject to the following requirements, similar to those adopted for other County Surface Mining Permits:

- 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. With this condition in place, no new impacts to cultural resources would occur.

Paleontological Discoveries. Any time excavation is performed into the earth, especially into materials known to be former sediments, there is the possibility of discovery of the remains of ancient life. Such is the case here. Disturbance is not necessarily an impact, although deliberate or accidental loss of valuable materials could be a significant impact. The following measure, very much like that for cultural materials, would mitigate this potential effect.

- 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.

No other impacts are expected, and no other mitigation would be required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	[ ]	[ ]	[X]	[ ]
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	[ ]	[ ]	[X]	[ ]
ii) Strong seismic ground shaking?	[ ]	[ ]	[X]	[ ]
iii) Seismic-related ground failure, including liquefaction?	[ ]	[ ]	[X]	[ ]
iv) Landslides?	[ ]	[ ]	[X]	[ ]
b) Result in substantial soil erosion or the loss of topsoil?	[ ]	[ ]	[X]	[ ]
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	[ ]	[X]	[ ]	[ ]
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	[ ]	[ ]	[X]	[ ]
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	[ ]	[ ]	[X]	[ ]

Comments:

Slope Failure - Steepness and stability of the slopes in a quarry are frequently an issue, for the purposes of reclamation, erosion and worker safety. The existing quarry pits on the site have some slopes steeper than 2:1, but none greater than 1.1:1 at present. These slopes are neither oversteep, nor do they appear to be presently unstable or erosive under present mining conditions. The most recent mining by the Permittee has resulted in cut slopes of 2:1 as allowed by the existing permit. For this application the Permittee proposes that new internal pit slopes be established at 2:1 and less steep values (cut slopes only, no fill) as mining progresses farther downward and outward, with no significant external slopes. In some pits, the slopes would be temporary during mining only, after which they would be reclaimed as silt ponds, wherein silt would be compacted by natural settling against the slopes; furthermore, the proposed 2:1 slopes meet the requirements of the Alameda County Surface Mining Ordinance as to basic stability requirements.

A report of November 2001 by Treadwell & Rollo Geotechnical Engineers for the Mission Valley Rock quarry provided some slope recommendations for new cut slopes at various depths below grade. The recommendations for stable cut slopes are based on soil and material types, seismic probabilities and prior analyses by other investigators. The recommendations for maximum slopes include fairly steep slopes in the shallower layers down to 100 feet in depth (slopes as great as 1.1:1 would be stable for materials from 30 feet to 100 feet deep), and below 140 feet in depth, slopes should flatten to 2:1 and finally 3:1 at more than 200 feet deep. These recommendations have been presented in a diagram labeled Exhibit 7.

Some slopes proposed by the Permittee are not exactly consistent with the recommendations of this diagram; in some cases, existing and/or proposed slopes are steeper (typically 1.5:1 or 2:1), and in other cases, existing slopes are not as steep. As a mitigation for the potential impact of oversteepened and unstable slopes, this report recommends that:

- **The Permittee shall not excavate new permanent slopes exceeding the elevation-dependent values presented in Exhibit 7, 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 7 shall be cut at slopes steeper than 1.5:1.**

With this measure, no significant impact is anticipated from slope failure.

Other Issues - Beyond that described for slope stability above, seismic and soil hazards are not expected to be a problem on site, nor are the quarry uses expected to result in these classes of problems off site. The only possible issue, soil erosion and subsequent siltation of waterways, is mitigated by the berm and sediment removal system, which would contain on-site flows, prevent flows originating upgradient from flowing across the disturbed area, and the use of sedimentation basins. Maintenance, structure and vegetation of these berms and basins are, and would continue to be, a condition of approval for the quarry. Soils are not an issue; handling of soil for reclamation is already specified for this project under the existing permit, and would be managed the same way for this expansion proposal. Off-site landslide, lateral spreading, subsidence, liquefaction or collapse is not anticipated as a result of this project.

The operation would have a less-than-significant impact on the availability of mineral resources in Alameda County.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	[ ]	[ ]	[X]	[ ]
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	[ ]	[ ]	[X]	[ ]
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[ ]	[ ]	[X]	[ ]
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	[ ]	[ ]	[X]	[ ]
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[X]	[ ]
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[X]	[ ]
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	[ ]	[ ]	[X]	[ ]

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	[ ]	[ ]	[X]	[ ]

Comments: The quarry operations, both existing and proposed, do not utilize or produce hazardous materials, nor do they create hazardous conditions that affect the public at large. No hazardous materials are transported to or from this site. No conditions exist that could release hazardous materials to the environment (for a discussion of asbestos issues, please refer to Section III, AIR QUALITY, above). No activities on the site are within 0.25 mile of a school. The site is not a hazardous materials site. The project would have no effect on any public or private aircraft facilities. The project would have no effect on any emergency response plan or emergency evacuation plan. No mitigation measure is required for any impact under this category.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	[ ]	[ ]	[X]	[ ]
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[ ]	[ ]	[X]	[ ]
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	[ ]	[ ]	[X]	[ ]

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	[ ]	[ ]	[X]	[ ]
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	[ ]	[ ]	[X]	[ ]
f) Otherwise substantially degrade water quality?	[ ]	[ ]	[X]	[ ]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[ ]	[ ]	[X]	[ ]
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	[ ]	[ ]	[X]	[ ]
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[ ]	[ ]	[X]	[ ]
j) Inundation by seiche, tsunami, or mudflow?	[ ]	[ ]	[X]	[ ]

Comments:

Increased Sedimentation - Increased sedimentation is a potential problem for all quarries in which water flows from the quarry toward adjacent lands or into water courses. The erosion of exposed surfaces results in carriage of sediment loads into waterways. The existing quarry has already been established to avoid sedimentation problems by having on site waters drain into the pits, and routing overland flows from upgradient around the disturbed area. The existing configuration has been found to be effective during many rainy seasons, and maintenance of the system, including berms and on-site grades, should continue to be an adequate method for control of erosion and sediment. The presence of this system is already a requirement of the permit, and no revision is necessary.

Surface Water Flows - The rate and direction of flow of surface waters at the site would be altered somewhat by the reconfiguration of the pit areas; however, these changes would all be internal to the quarry area. In the short term (during mining and reclamation), maintenance of berms to prevent erosion and flow-dissipating grading would suffice to maintain clear nondamaging flows from near the site to the stream channel. To maintain sheet flows and prevent erosion after occupation of the site ends, the reclamation plan already requires that, once reclamation is nearly completed (filling and

capping of some pits and satisfactory revegetation), the berms be removed and the site edges be regraded and revegetated to allow natural sheet flows to proceed across the site; it is assumed that most onsite flows would end up in the ponds and some would drain into Alameda Creek. The new reclamation plan would not alter this requirement. This existing condition mitigates the impact of water flow alteration and the possible secondary effects associated with it.

Surface Water Quality - For the disturbed area of the quarry expansion, surface waters typically drain directly into the excavated pits and would not naturally leave the site; excess water from the pits is removed when necessary by pumping, and is placed into either another pit or, if the silt has settled enough for the water to be clear, into Alameda Creek as allowed by the Permittee's discharge permit from the Regional Water Quality Control Board (RWQCB). The RWQCB permit allows water discharge from these pits as long as specific criteria for various contaminants are met. Among these are Total Dissolved Solids (TDS), various metals and salts, turbidity and acidity/alkalinity (pH). The discharges, when being conducted, are monitored weekly by an independent sampling and testing firm, and the results are submitted to the RWQCB for review and recordkeeping. If sampling indicates that excess levels of contaminants are being discharged, the RWQCB investigates to determine the cause of the exceedance, and if it is determined that a violation has occurred, the Permittee is cited and must take steps to eliminate the excess contaminant levels.

The discharge sampling results for the years 1999 through 2001 showed a number of values that exceeded the criteria for pH, TDS and turbidity; however, a letter from Ms. Jenny Chen at the RWQCB to Mr. Gary Dowd at the San Francisco Public Utilities Commission, dated February 19, 2002 (Exhibit 8A) , certifies that no actual exceedances of these values occurred during 2001, and that the values obtained were the result of "either monitoring deficiencies or inappropriate sampling location. Mission Valley Rock has since corrected these deficiencies." In a response to an e-mail letter to Ms. Chen submitted by Planning staff, Ms. Chen also indicates that no violations occurred during the earlier Year 2000 sampling period, and that if the RWQCB were to carefully assess the possibility of a violation, they would need to take into account the background contaminant values of raw surface and groundwater. The latter discourse is included as Exhibit 8B.

To summarize, there is some discharge of settled groundwaters to natural surface waters (i.e. Alameda Creek) from the SMP-24 quarry pits. Water from these pits is pumped into nearby settling pits where it mingles with other groundwater and sediments settle out. This groundwater may be discharged according to the terms of the RWQCB permit. If a violation is found, the Permittee must take steps to ensure that it does not recur. This process would appear to mitigate the potential for excess contaminant levels as determined by the RWQCB permit. The quarry, with the added allowance for deepening of the pits, would be subject to the same process and requirements as the existing pits under SMP-24. No new impact is foreseen, and no new mitigation would be required. A condition of approval may be adopted to require the Permittee to follow this program, or its successor, as deemed appropriate by the RWQCB, but it would not be a mitigation measure.

Effects of Pit Presence on Stream Flow - Stream flow in Alameda Creek through the Sunol Valley is highly affected by many factors, including seasonal rainfall, the presence of large dams on Calaveras and San Antonio Creeks (major tributaries), the diversion of waters from these dams through pipes around the Valley, saturation of the aggregate deposits that underlie the Valley, slurry walls surrounding many of the quarry pits in the Sunol Valley that exclude water from those pits, and the degree of pumping of water and downstream discharge from the quarry pits.

Surface water from Alameda Creek is typically the source for replenishment of groundwater in the Sunol Valley. This groundwater is largely contained in the upper 40 to 50 feet of aggregates in the Sunol Valley; below that, the deeper Livermore Formation aggregates contain enough fine materials so that the deposits do not support much water content. The rate of water absorption into the subsurface aggregate deposits is related to the depth to groundwater; if the groundwater is near the surface, the aggregate would be saturated and little streamwater would infiltrate, resulting in greater sustained flow of Alameda Creek. If depth to groundwater is great and surface aggregate materials are dry, then the stream waters would be absorbed quickly and may even cease to flow as all of the water infiltrates to groundwater. If viable fisheries are present, the loss of flow could result in impacts upon those aquatic populations.

The presence of a quarry pit, as opposed to the unmined aggregate materials that would otherwise remain in the ground, results in additional storage volume for water that could otherwise be infiltrated among the aggregate. If material is removed from the aggregate deposits, the size of the underground storage volume increases by the volume of materials removed. Once this happens, the subsurface water level may tend to remain low, and more water would be absorbed from the stream. The Sunol Valley is presently full of many pits of varying size. All of these pits have contributed historically to lower groundwater levels, although the precise difference in that level as a result of those pits being in place is unknown, and probably has varied with time and location. Presently, the average depth to groundwater is around 25 to 30 feet, and basinwide varies seasonally due to alternating wet and dry periods. As a result, as Alameda Creek flows into the basin, the water is quickly absorbed into underground flow, often a significant distance upstream of any of the quarry pits; this was the case historically as well, even prior to the commencement of mining in the Sunol Valley (Mr. Joe Naras, San Francisco Water Department [SFWD], personal telephone communication, March 26, 2002). Flow along the reach of Alameda Creek adjacent to the quarries is low and often dry in spring, summer and autumn, except during the winter rainy season and even then sometimes only during water discharges from the upstream Calaveras Reservoir Dam. Downstream, at the lower hydrologic end of the basin, stream flow re-emerges and Alameda Creek through Niles Canyon has flowing water; this flow is sometimes augmented by discharges of relatively clean groundwater from the pits into the stream.

Virtually all of the quarry pits of SMP-24 are substantially isolated from the surrounding groundwater by the presence of slurry walls, which are artificial subterranean dams of dense material designed to stop water from entering the pits. Except for an approximately 100-foot-wide "window" in these underground walls where the South Bay Aqueduct needs to cross the slurry wall at a maximum depth of perhaps 30 feet (and therefore near the top of the groundwater horizon), the slurry wall is a substantial barrier to groundwater flow into the pits. Therefore, the groundwater is largely contained in the Alameda Creek channel and associated shallow groundwater aquifer, below which is more dense and only slightly hydrologically transmissive material. In fact, it may be that the presence of the slurry walls around some pits confine water to the streambed that might otherwise recharge the groundwater, resulting in more surface streamflow than would otherwise occur (Mr. Joe Naras, SFWD, personal telephone communication, March 26, 2002). Deepening of any one, or any number, of the SMP-24 pits is unlikely to significantly alter the flow of water across the slurry wall/Livermore formation boundary, and is unlikely to significantly affect streamflow.

For the modest amount of water that does cross these boundaries, to some extent, the water in the basin is conserved because some of the water discharged from working pits is pumped into other pits in the basin, and net loss of basin water for this practice is essentially zero save for evaporation. Otherwise, when there is no onsite location to discharge excess

water from the pits, after the sediment is allowed to settle, the groundwater is discharged to Alameda Creek below the quarry operations, resulting in increases in streamflow, including at times when the flow might otherwise be interrupted by natural dry conditions.

The Permittee has indicated verbally that the operations at this pit would continue similarly to those at present; seepage water would continue to be discharged to settling ponds on the site; once settled, this water would be discharged to Alameda Creek as necessary, as allowed by permit. This represents no change to the existing condition, and no significant effects to surface streamflow or aquatic resources would occur.

Other Issues - The quarry pit deepening is not expected to have any other significant effects on water flow or supply. Pond water would be used for fire and dust control. Potable water is supplied separately for workers on site. Portable toilets are used in place of a septic system. No artificial contaminants are expected to be present on site that could flow from the site during rains. Other than that described above, the hydrologic patterns of the site would only be altered within the pits and operating areas, and no significant streams would be affected. Groundwater recharge aspects of the entire site would be altered by the establishment of some less permeable structures (settled silt zones in some of the reclaimed pits), but the presence of permeable soils surrounding the pit would readily allow waters to flow around the site. No watercourse degradation would occur. Flooding, seiche, tsunami and saltwater intrusion impacts are not applicable. No housing would be placed in any floodplain.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
IX. LAND USE AND PLANNING. Would the project.				
a) Conflict with the general plan designation or zoning?	[ ]	[ ]	[X]	[ ]
b) Conflict with applicable plans or policies adopted by agencies with jurisdiction over the project?	[ ]	[ ]	[X]	[ ]
c) Be incompatible with existing land use in the vicinity?	[ ]	[ ]	[X]	[ ]
d) Disrupt or divide the physical arrangement of an established community?	[ ]	[ ]	[X]	[ ]

Comments: The project and existing quarry pits are consistent with the Large Parcel Agriculture Designation of the East County Area Plan as modified by Alameda County Measure D (see below) (portion of the Alameda County General Plan), as well as with the Alameda County Surface Mining Ordinance. The land use is appropriate for the intended location, contained within an existing active mine and no closer to any sensitive uses than the existing mine. The project would not induce growth.

Alameda County Measure D, passed by the voters of the County in November 2000, places strict limits on where new mine excavations may be conducted. The text of Measure D Policy 144, so far as it applies generally 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 proposed downward expansion is clearly adjacent to the existing quarry site, and is on the same group of adjoining parcels; therefore, Measure D neither prohibits, nor requires voter approval for, this project.

No impact related to land use or planning would occur. No mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	[ ]	[ ]	[X]	[ ]
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	[ ]	[ ]	[X]	[ ]

Comments: The quarry is located in a State-designated Regionally Significant Mineral Resource Area; in this regard, the resource is considered significant, however, the mineral can only be considered valuable in the context of its potential construction use. The quarry would make available additional sand and gravel, resulting in long-term depletion of the resource. Since the use would presumably be for appropriate construction projects (those requiring the use of high-quality aggregate), the resource would be conserved to the extent possible, and this effect would not be significant. No mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	[ ]	[ ]	[X]	[ ]
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	[ ]	[ ]	[X]	[ ]
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[X]	[ ]
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[X]	[ ]
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[X]	[ ]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[X]	[ ]

Comments: The pit deepening that is proposed would be essentially of the same character as the existing operation. Activities and equipment use would remain the same. No airfields of any kind are nearby. No new noise effects would result, and no noise mitigation is warranted.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	[ ]	[ ]	[X]	[ ]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[X]	[ ]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[X]	[ ]

Comments: The project would have no population or housing effects. Growth would not be induced. Housing demands would not change, and housing would not be reduced. No new housing would be required. No impacts would occur, and no mitigation would be necessary.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	[ ]	[ ]	[X]	[ ]
b) Police protection?	[ ]	[ ]	[X]	[ ]
c) Schools?	[ ]	[ ]	[X]	[ ]
d) Parks?	[ ]	[ ]	[X]	[ ]
e) Other public facilities?	[ ]	[ ]	[X]	[ ]

Comments: No additional impacts to public services would be expected. Emergency or evacuation plans are necessary in case of fire and are required by law; since hazardous materials would not be used or accepted, no management plans would be necessary. Facilities would require no alterations. No new schools would be required, and public transportation would be unaffected. No significant impacts would occur, and no mitigation would be necessary.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XIV. RECREATION: Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[ ]	[ ]	[X]	[ ]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	[ ]	[ ]	[X]	[ ]

Comments: The project neither places new demand on existing recreational facilities, nor proposes to create any new recreational facilities, although some of the remaining ponds at the time of final reclamation could be developed for recreation. No significant impact would occur, and no mitigation would be required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XV. TRANSPORTATION AND TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[ ]	[ ]	[X]	[ ]

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[X]	[ ]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[ ]	[ ]	[X]	[ ]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[ ]	[X]	[ ]
e) Result in inadequate emergency access?	[ ]	[ ]	[X]	[ ]
f) Result in inadequate parking capacity?	[ ]	[ ]	[X]	[ ]
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[ ]	[ ]	[X]	[ ]

Comments: Traffic congestion has not been a problem associated with past or current operation of the quarry. Because the plant is not proposed for expansion, no change in traffic levels associated with the plant is expected. On average, 400 two-way truck trips (800 total) are made to and from the plant daily. A maximum day in October 1989 resulted in 1,200 two-way trips; a minimum day in December 1987 resulted in 52 two-way trips. Trips are assumed to be distributed equally between the north and south, but for market reasons may be directed more in one direction than another on any given day.

When distributed throughout the region, the average number of truck trips from the Permittee's processing plant represents about 0.2 percent of the total daily trips. Trips through congested areas by trucks necessarily increases congestion due to the slower acceleration and hill climbing, and reduced maneuvering capability of the trucks. However, the small proportion of the total and the projected constant production and trip levels from the quarry indicate that no significant impact can be attributed to the operations of the project site, and in particular to the proposed pit deepening. Traffic generated by the quarry would remain virtually unchanged.

In all other respects, no changes would occur to traffic patterns or roadways. Emergency access would not be altered. No impacts would result, and no mitigation is required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[ ]	[ ]	[X]	[ ]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[ ]	[ ]	[X]	[ ]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	[ ]	[ ]	[X]	[ ]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[ ]	[ ]	[X]	[ ]
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[ ]	[ ]	[X]	[ ]
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[ ]	[ ]	[X]	[ ]
g) Comply with federal, state, and local statutes and regulations related to solid waste?	[ ]	[ ]	[X]	[ ]

Comments: Public facilities in the area include access roads, the Alameda Creek streambed, and various utility lines for water transport and electric service. Some of these cross the quarry site, and should be protected. While the 2:1 proposed slopes in the pits should have no effect on ground stability near the critical utilities, the Permittee should work with the agencies having jurisdiction over the respective utilities to ensure that mining plans will not encroach upon the right-of-way

for these utilities. In any case, effects may be minimized by simple avoidance of the features. A mitigation measure is included below for this potential effect.

No significant public utility impacts would occur as a result of the proposed expansion. Portable toilets and self-contained water are provided on site. Fire protection water is always available from the quarry pit, which is expected to be generally inundated to some level. Electrical and communication demands would remain as they currently are. Solid waste disposal would remain minimal. No new plant facilities would be required. Storm water drainage, inspected and found to be adequate in the past except as described above, is expected to remain adequate for the proposed project. No impacts would result, and no mitigation would be required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XVII. ENERGY. Would the project result in:				
a) Substantial increase in demand, especially during peak periods, upon existing sources of energy?	[ ]	[ ]	[X]	[ ]
b) Requirement for the development or extension of new sources of energy?	[ ]	[ ]	[X]	[ ]

Comments: Some fuel energy would be used, but not in a wasteful manner. Demand for energy would not increase, and no new sources of energy would need to be developed. No new impacts are anticipated, and no new mitigation measures would be required.

	Potentially Significant impact	Less Than Significant w/Mitigation	Less Than Significant or No Impact	Impact Cannot be Determined
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[ ]	[ ]	[X]	[ ]
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	[ ]	[ ]	[X]	[ ]
c) Does the project have impacts that are individually limited, but cumulatively considerable? (Accumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	[ ]	[ ]	[X]	[ ]
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[ ]	[X]	[ ]

Comments: If the mitigation measures specified above in the applicable issue sections are enacted, then none of the mandatory findings specified would indicate significant impacts. No long-term environmental goals would be compromised by the proposed project. No cumulative effects would result, and no substantial adverse effects on humans would result.

E. MITIGATION MEASURES INCLUDED IN THE PROJECT & AGREED TO BY PROJECT SPONSOR

IMPACT 1. The overall quarry operation could create a new source of substantial light which would adversely affect nighttime views in the area if new fixtures are installed to replace existing fixtures.

Mitigation Measure 1: For new lighting installation:

(a) Permittee shall 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.

Monitoring: This measure is partly self-monitoring; however, in the concurrent Periodic Review being conducted for this quarry permit, additional requirements for the Permittee to develop and submit a lighting plan that covers these requirements and specifies good lighting equipment are being developed.

IMPACT 2. The project could result in limited general effects upon biological habitat, specifically a 225-foot band of willow and cottonwood vegetation in a specific pit..

Mitigation Measure 2: 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, to be written by a qualified specialist. 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 includes:

- review of the mitigation plan by the Planning Director to ascertain that it has been written and would properly mitigates the effects by substantial planting according to the recommendations of a qualified specialist; and
- 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.

IMPACT 3. Archaeological resources could be lost during the course of deepening and pit consolidation.

Mitigation Measure 3: 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.**

IMPACT 4. Paleontological resources could be lost during the course of deepening and pit consolidation.

Mitigation Measure 4: 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.**

Monitoring: These two mitigation measures are, to a large extent, a self-monitoring program. It is not practical or cost effective to have a County or third-party observer on the site at all times to monitor for rare significant discoveries of this type of material. It is recommended that the Permittee submit a brief statement at the time of the annual report that certifies that no archaeological or paleontological materials have been found in the past year on this site, unless some resources have been found, in which case the mitigation outlined above should be followed.

IMPACT 5: Oversteepened and unstable slopes could result if slopes are cut at angles greater than values that would be considered safe for the material in place.

Mitigation Measure 5: The Permittee shall not excavate new permanent slopes exceeding the elevation-dependent values presented in Exhibit 7, 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 7 shall be cut at slopes steeper than 1.5:1.

Monitoring of this measure shall consist of standard annual inspections by the Grading Inspector and verification that no new slopes are being cut steeper than those shown on either Exhibit 7 or the approved mining and reclamation plan, whichever is the more restrictive. In the event that a new permanent slope is cut more steeply than permitted, Permittee shall be directed to take immediate specific steps to engineer the slope, either through fill-and-buttress techniques or recontouring on already permitted quarry lands, to such a standard that the slope may be determined to be stable by a qualified professional.

F. AGREEMENT BY PROJECT PERMITTEE FOR MITIGATION MEASURES SET FORTH IN THE INITIAL STUDY FOR SURFACE MINING PERMIT SMP-24, AMENDMENT FOR EXPANSION OF THE EXISTING QUARRY PITS THROUGH DEEPENING.

The undersigned, as a qualified representative of the Mission Valley Rock Company (Permittee), does hereby agree on behalf of Permittee to accept and abide by the mitigation measures set forth in the Initial Study (July 3, 2002) for the Amendment to Alameda County Surface Mining Permit and Reclamation Plan SMP-24, to allow expansion of the existing onsite pits by deepening, and revision of the applicable reclamation plan for SMP-24 to reflect this amendment.

W. Howard — William Howard
Signature — Print Name

VP — 6-28-02
Title — Date

F. AGREEMENT BY PROJECT PERMITTEE FOR MITIGATION MEASURES SET FORTH IN THE INITIAL STUDY FOR SURFACE MINING PERMIT SMP-24, AMENDMENT FOR EXPANSION OF THE EXISTING QUARRY PITS THROUGH DEEPENING.

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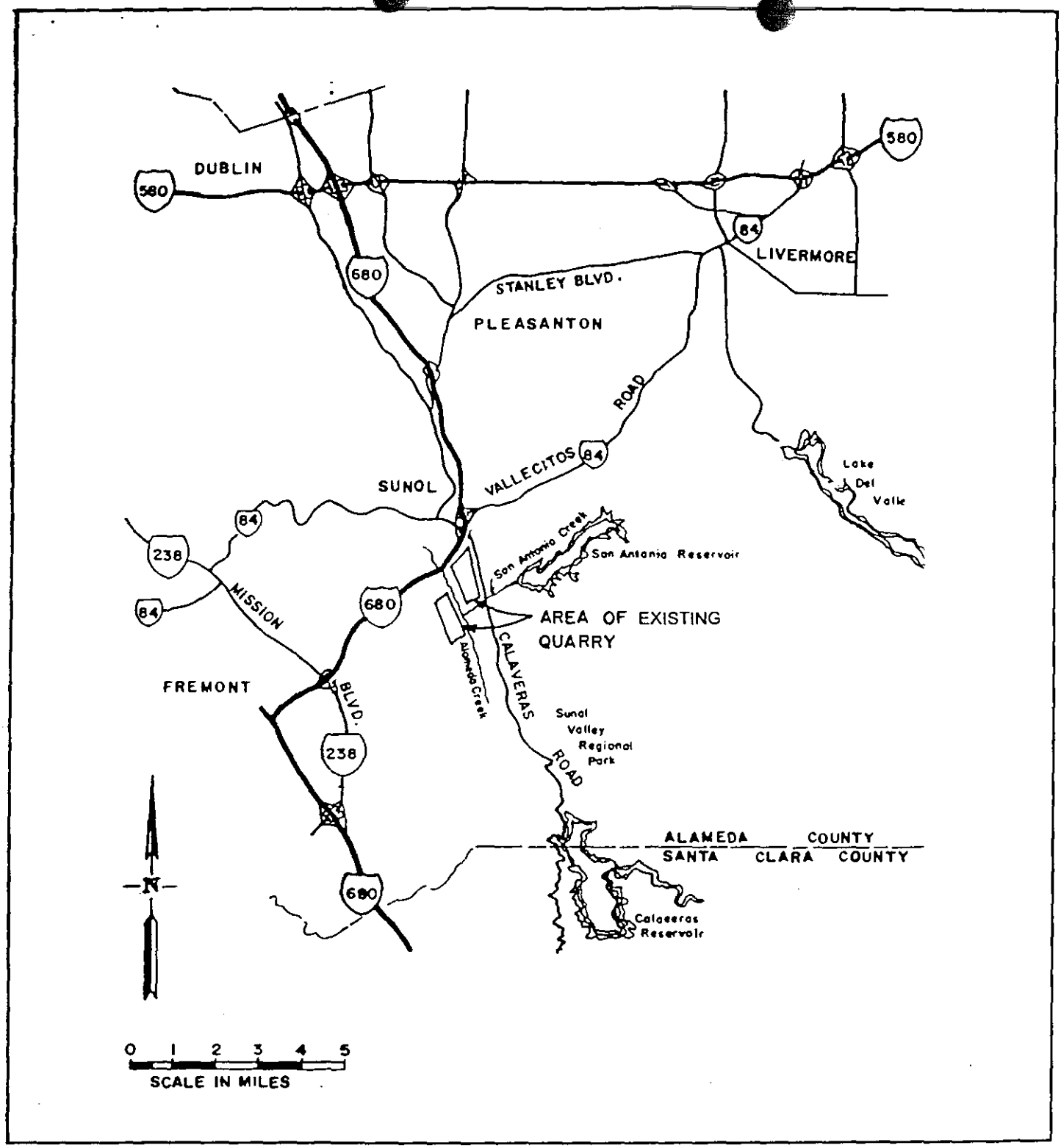
_____	_____
Signature	Print Name
_____	_____
Title	Date

EXHIBIT 1: Figure 1 - Vicinity Map for SMP-24



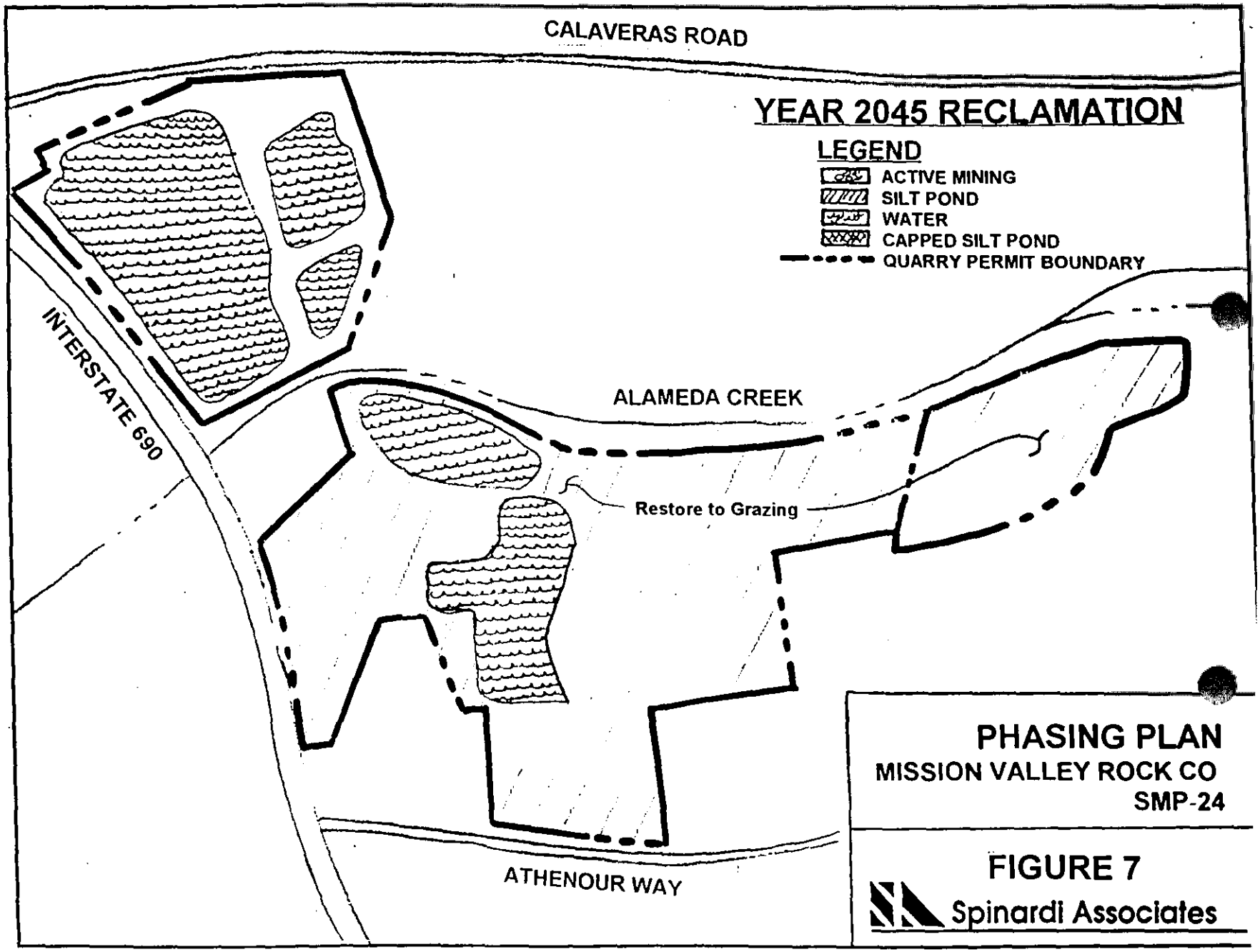
VICINITY MAP-SMP 24

AREA OF EXISTING QUARRY

Alameda County Community Development Agency-Planning Department

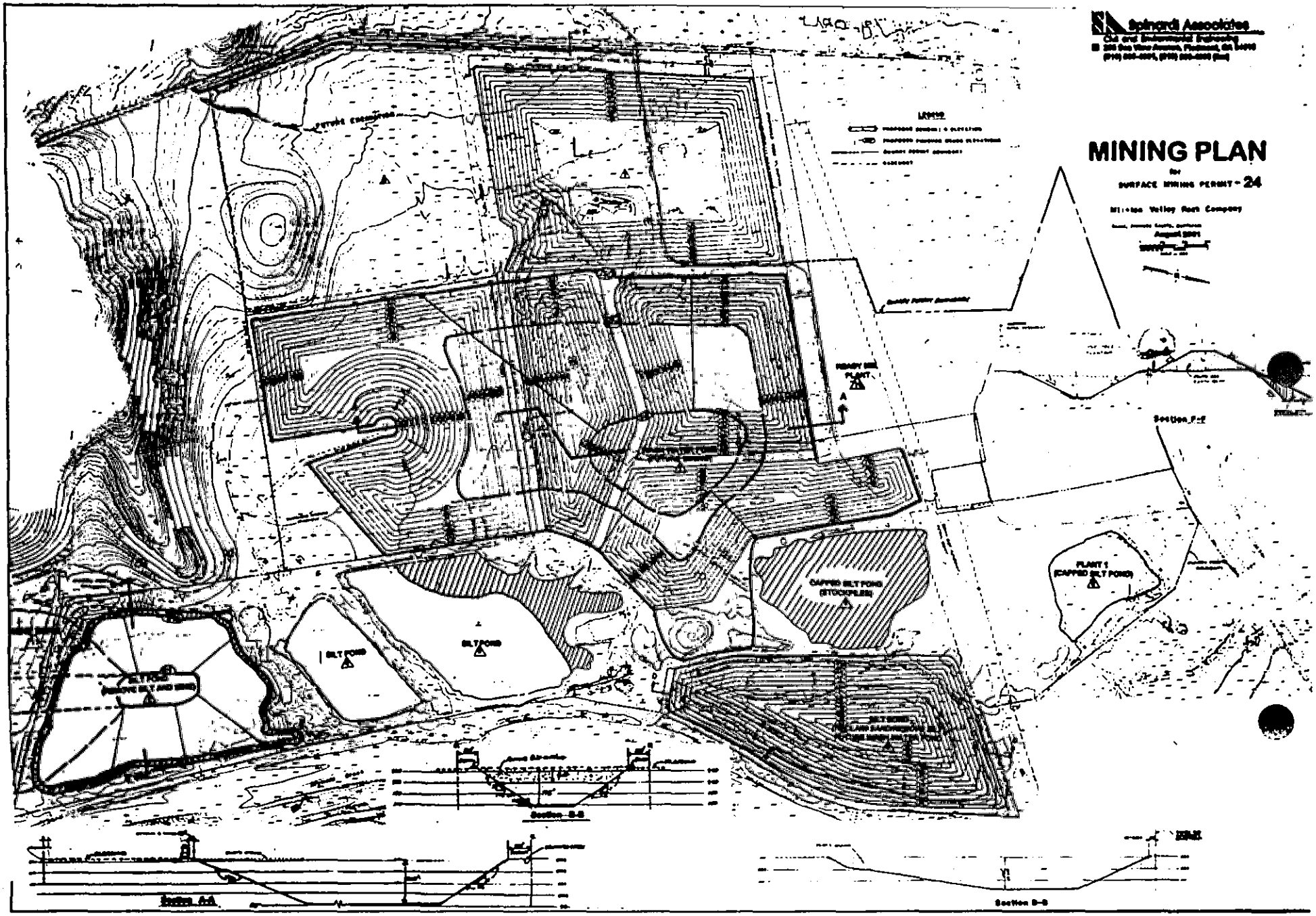
FIGURE 1

MVR 00662


CALAVERAS ROAD
YEAR 2045 RECLAMATION
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
INTERSTATE 680
ALAMEDA CREEK
Restore to Grazing
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 7
Spinardi Associates

MVR 00663

EXHIBIT 2A & B: Mining Plans for all Quarry Pits, with Deepening Proposal, SMP-24, Mission Valley Rock



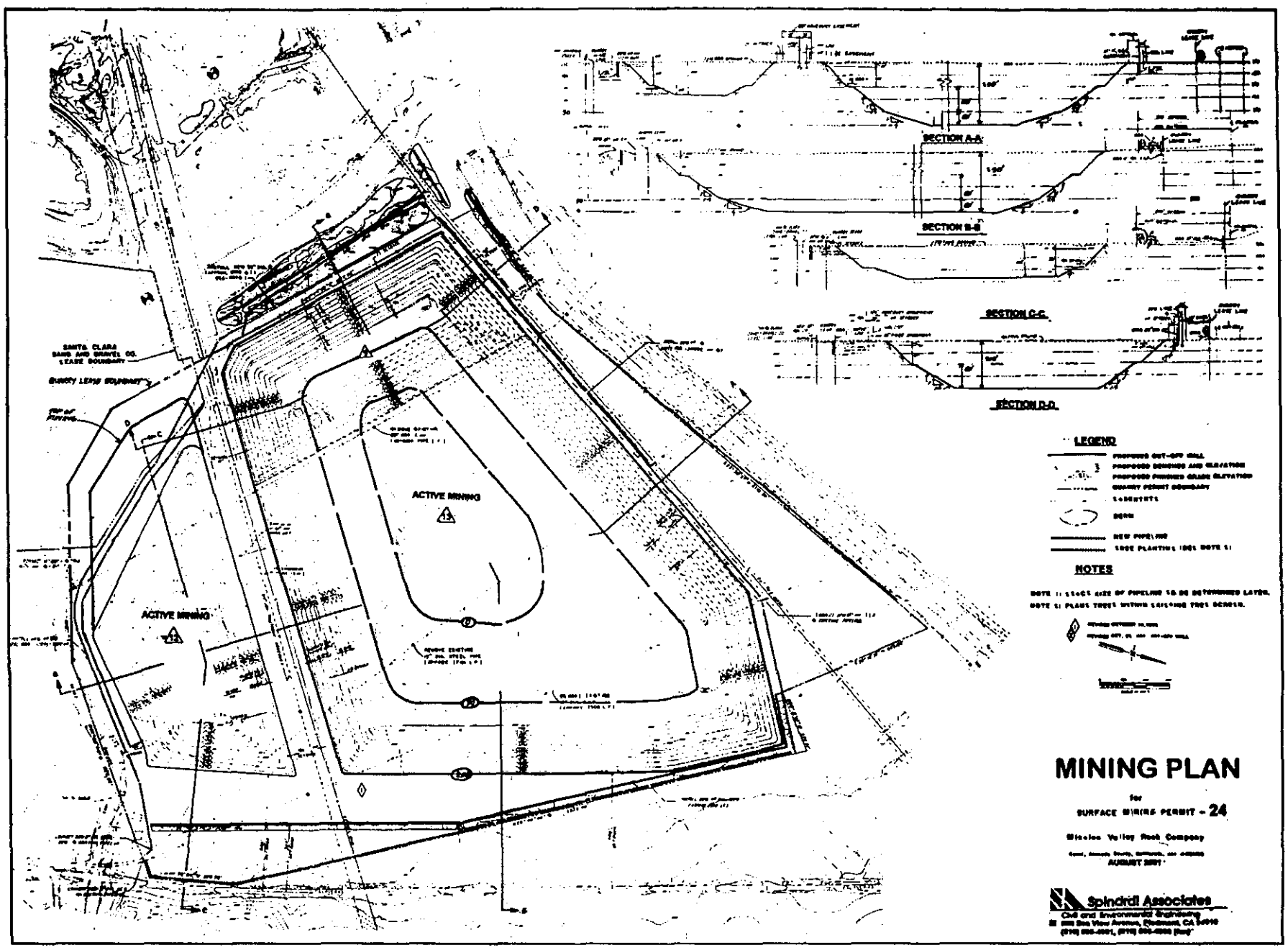
MVR 00665

MINING PLAN-SMP 24

QUARRY PITS WEST OF ALAMEDA CREEK

Alameda County Community Development Agency-Planning Department

FIGURE 2A



MINING PLAN-SMP 24

QUARRY PITS EAST OF ALAMEDA CREEK

Alameda County Community Development Agency-Planning Department

FIGURE 2B

MVR 00666

EXHIBIT 3: Mining and Reclamation Phasing Plan, SMP-24, Mission Valley Rock

PHASING PLAN

MISSION VALLEY ROCK COMPANY
SMP-24

AUGUST 2001

This Phasing Plan is an update of theoriginal Phasing Plan submitted with the project application for SMP-24 in 1985.

FIGURE 1: YEAR 2001 (CURRENT): Existing conditions.

FIGURE 2: YEAR 2006 - Mining completed at E/W pits and returned to water storage. Continue mining at E/W Nursery Pits. Mine Silt Pond 1 for pond sand. Construct berms at pond 3 and at SMP-33; continue mining center and convert north side to a silt pond.

FIGURE 3: YEAR 2010 - Complete mining at E/W Nursery pits and return to water storage. Continue to mine Pond 1 for pond sand. Remove silt at Pond 3 and mine. SMP-33 pits used for silt ponds.

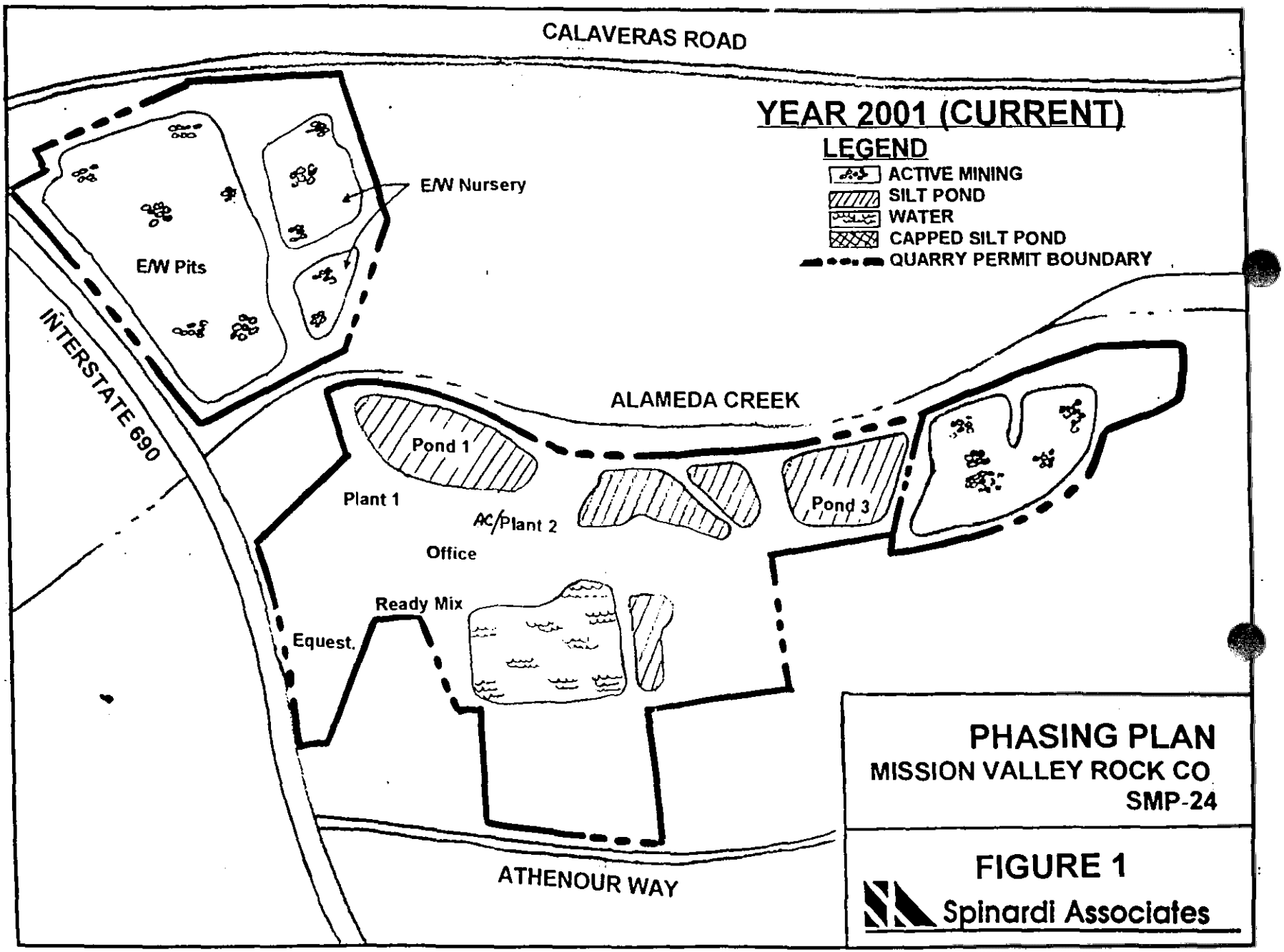
FIGURE 4: YEAR 2015 - Complete mining Pond 1 for sand and return to water storage. Pond 3 and SMP-33 pits used for silt ponds. Begin mining south side of main Wash Water Pond.

FIGURE 5: YEAR 2020-2030 - South side of main Wash Water Pond used for silt pond.

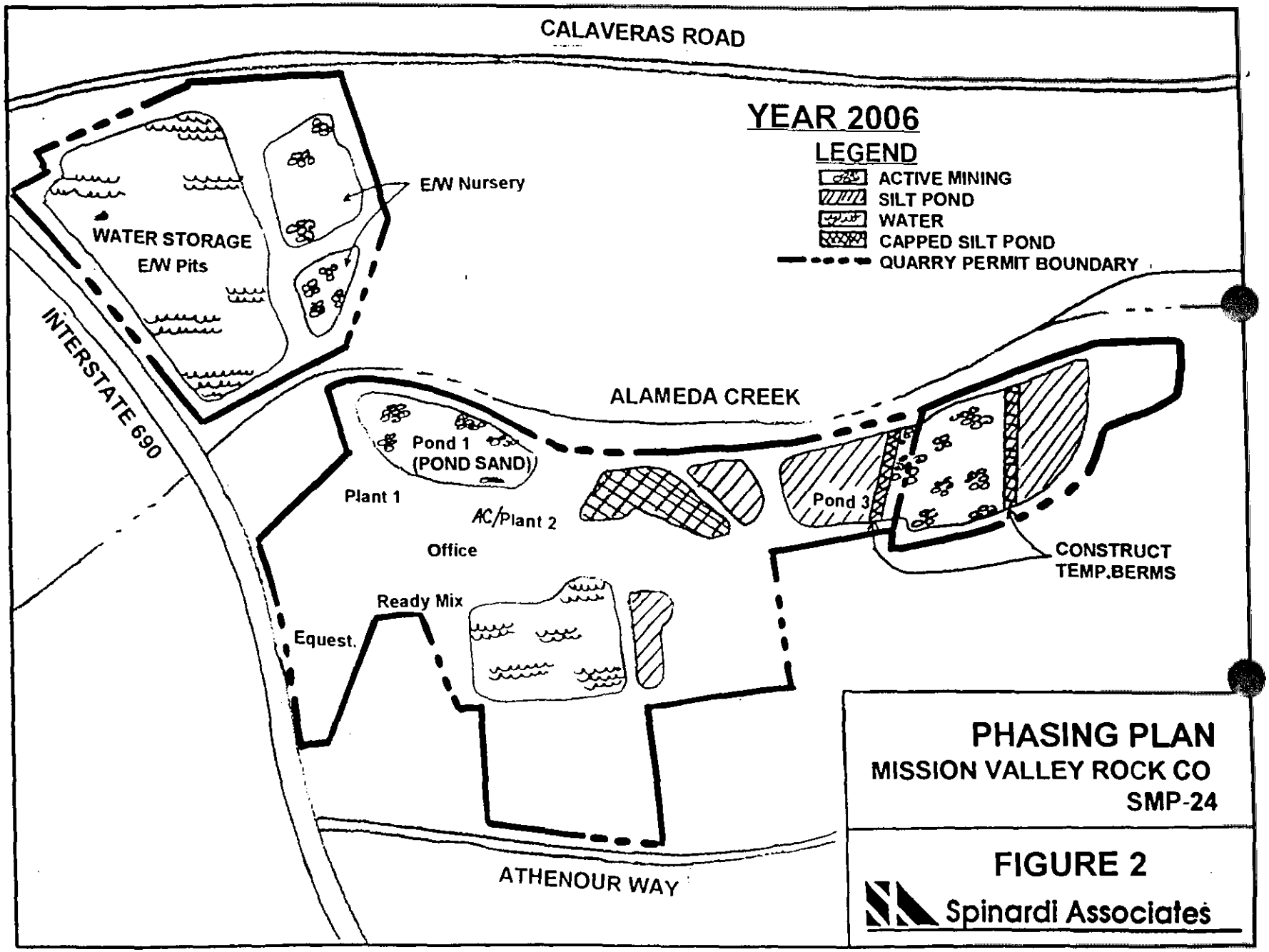
FIGURE 6: YEAR 2035 - Mine Wash Water Pond and area under Office, Ready Mix Plant and AC/Plant 2. Cap Pond 3 and SMP-33 silt ponds.

FIGURE 7: YEAR 2045 (RECLAMATION) - Restore land to original condition for grazing.

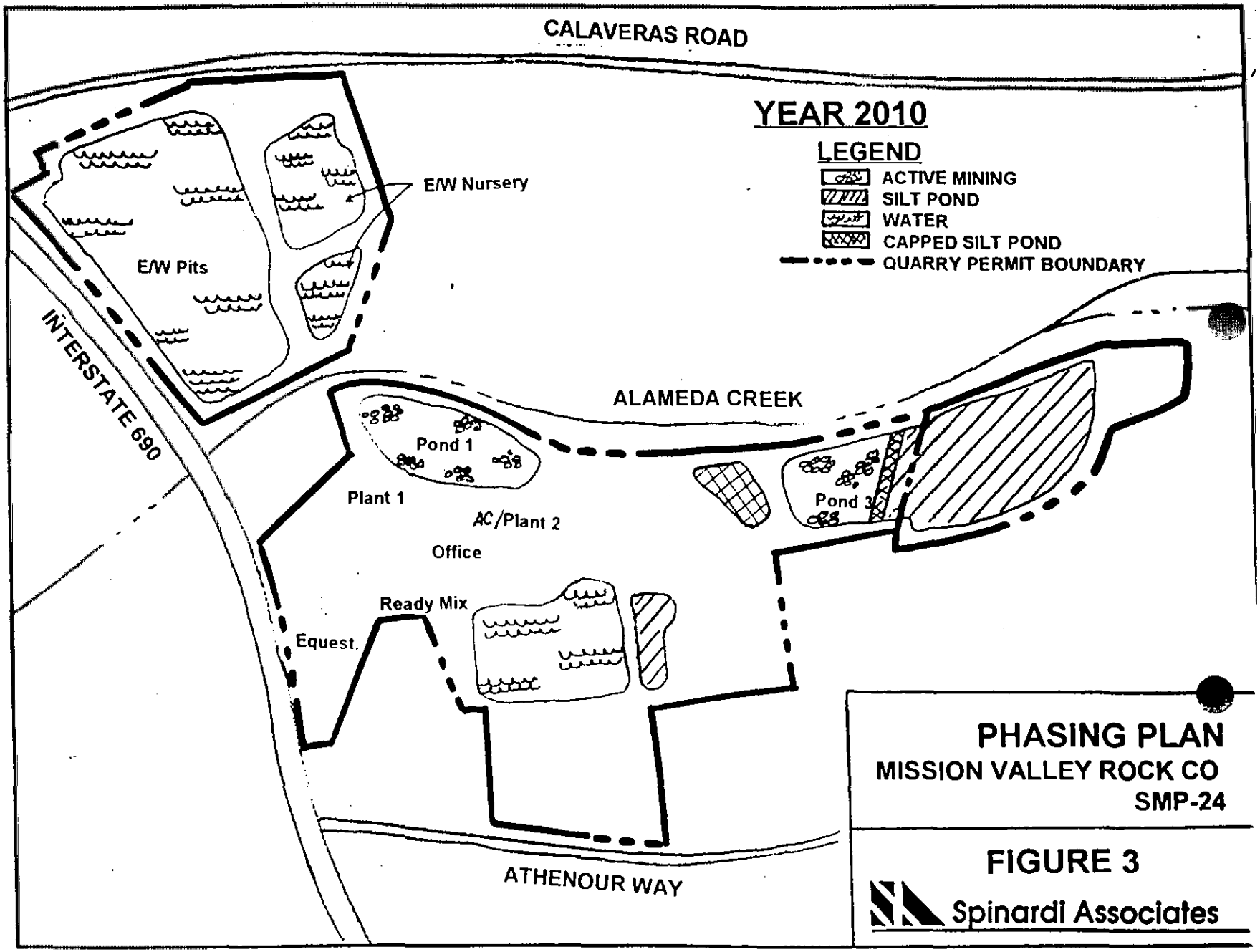
Spinardi Associates
Civil and Environmental Engineering


CALAVERAS ROAD
YEAR 2001 (CURRENT)
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
E/W Nursery
E/W Pits
INTERSTATE 690
ALAMEDA CREEK
Pond 1
Plant 1
AC/Plant 2
Office
Pond 3
Ready Mix
Equest.
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 1
Spinardi Associates

MVR 00669


CALAVERAS ROAD
YEAR 2006
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
E/W Nursery
WATER STORAGE
E/W Pits
INTERSTATE 690
ALAMEDA CREEK
Pond 1
(POND SAND)
Plant 1
AC/Plant 2
Office
Pond 3
CONSTRUCT
TEMP.BERMS
Ready Mix
Equest.
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 2
Spinardi Associates

MVR 00670

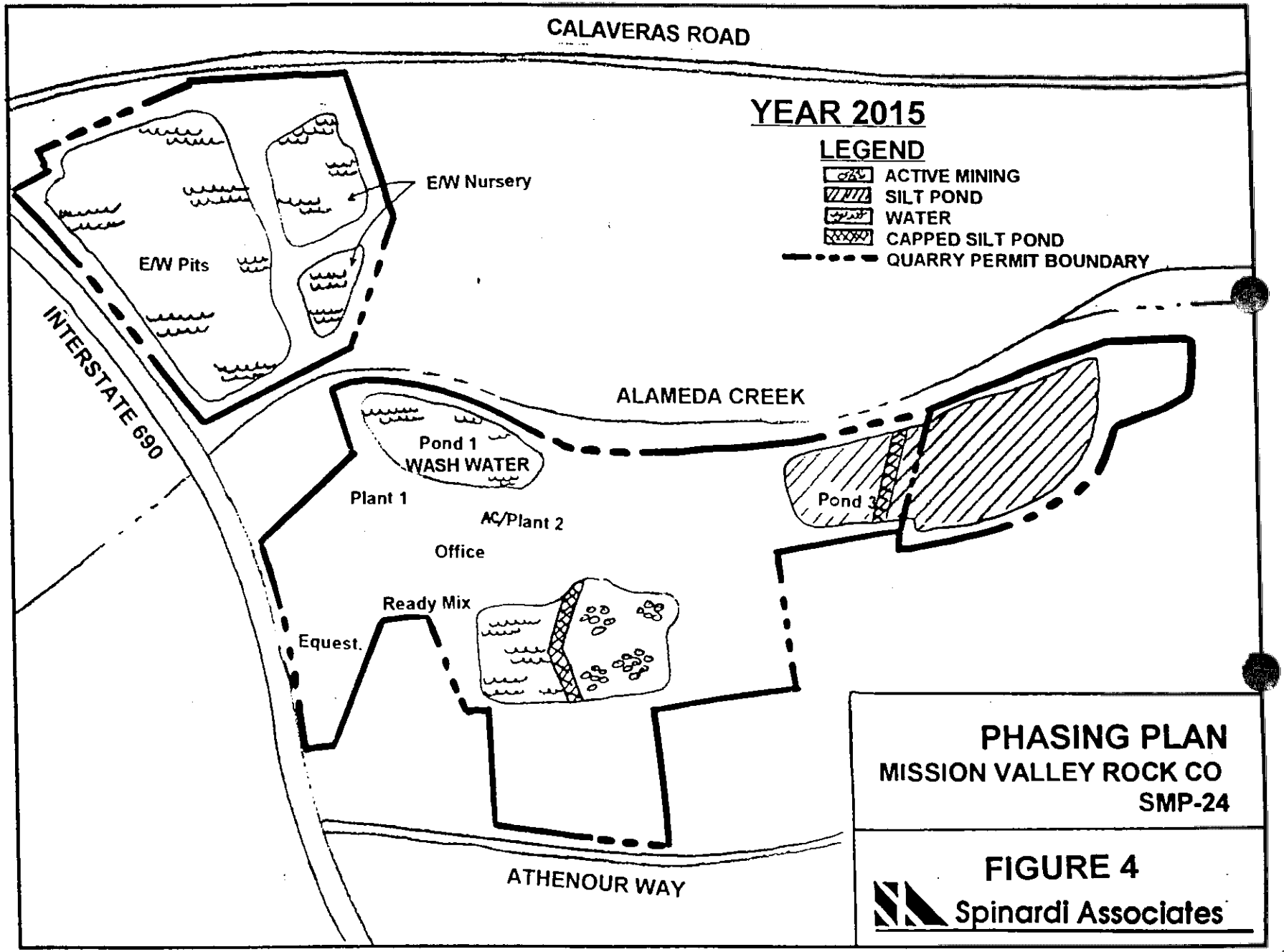


PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24

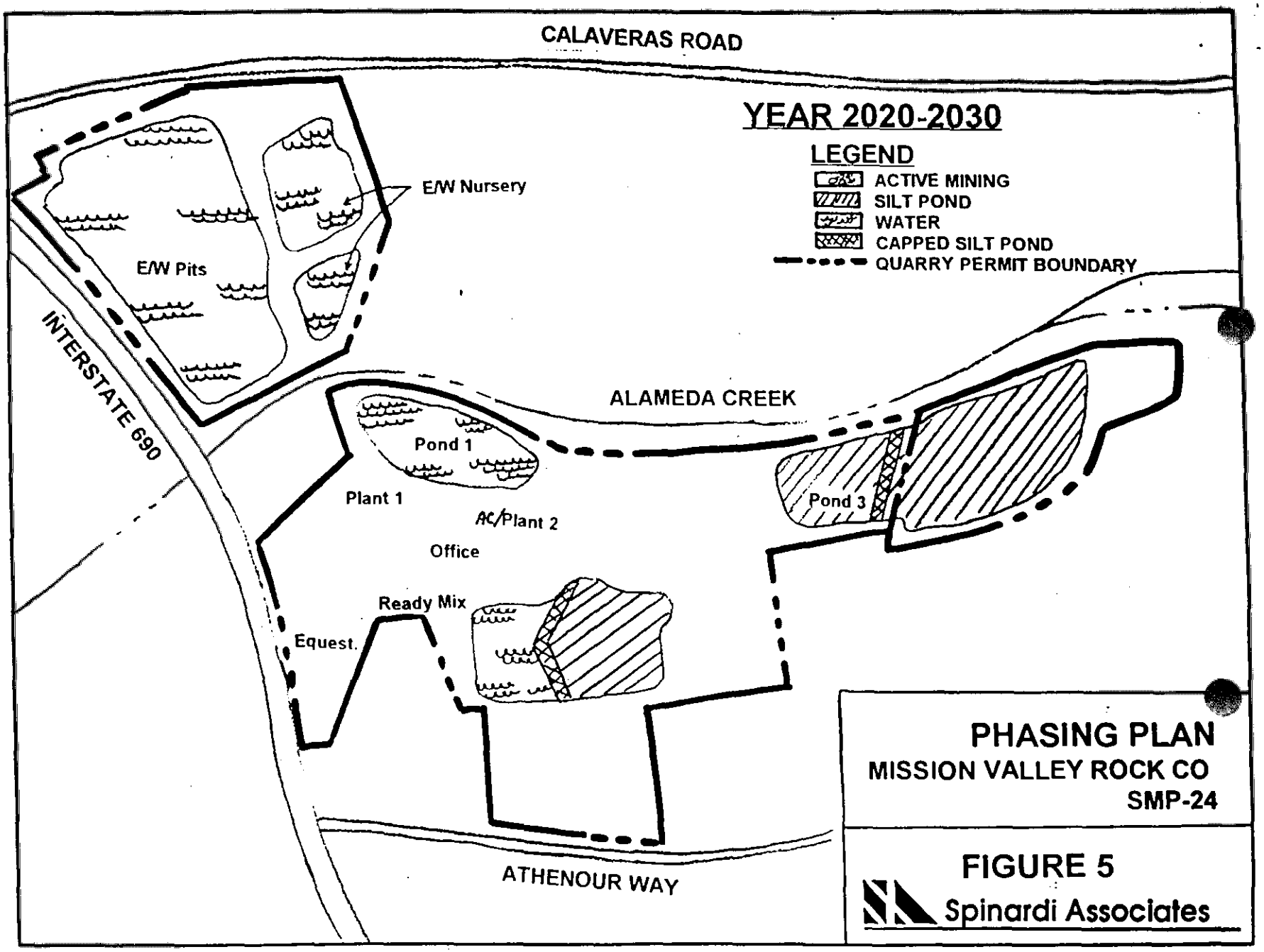
FIGURE 3

Spinardi Associates

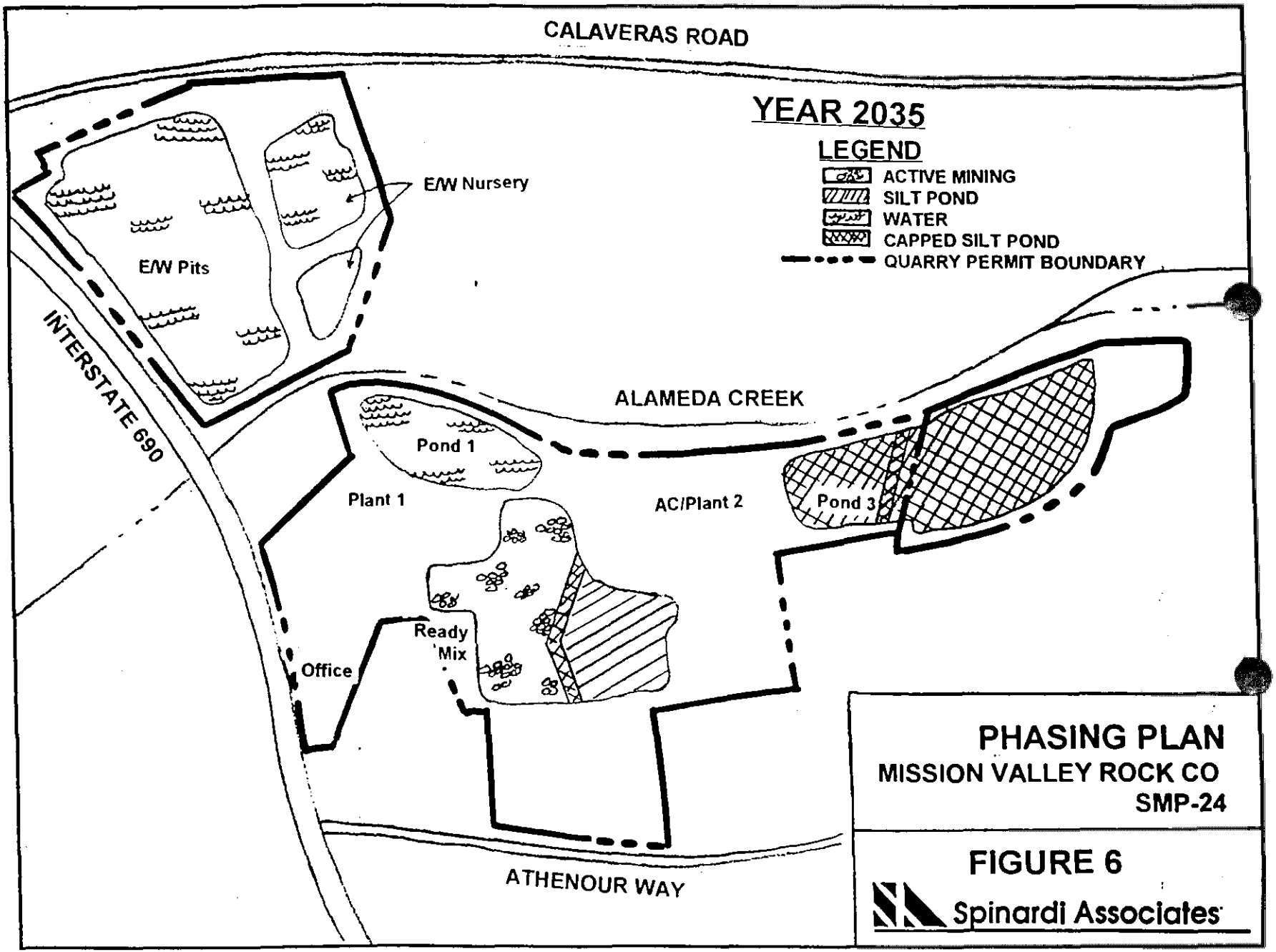
MVR 00671


CALAVERAS ROAD
YEAR 2015
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
E/W Nursery
E/W Pits
INTERSTATE 690
ALAMEDA CREEK
Pond 1
WASH WATER
Plant 1
AC/Plant 2
Office
Ready Mix
Equest.
Pond 3
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 4
Spinardi Associates

MVR 00672


CALAVERAS ROAD
YEAR 2020-2030
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
E/W Nursery
E/W Pits
INTERSTATE 690
ALAMEDA CREEK
Pond 1
Plant 1
AC/Plant 2
Office
Ready Mix
Equest.
Pond 3
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 5
Spinardi Associates

MVR 00673


CALAVERAS ROAD
YEAR 2035
LEGEND
ACTIVE MINING
SILT POND
WATER
CAPPED SILT POND
QUARRY PERMIT BOUNDARY
E/W Nursery
E/W Pits
INTERSTATE 690
ALAMEDA CREEK
Pond 1
Plant 1
AC/Plant 2
Pond 3
Ready Mix
Office
ATHENOUR WAY
PHASING PLAN
MISSION VALLEY ROCK CO
SMP-24
FIGURE 6
Spinardi Associates

MVR 00674

EXHIBIT 4: Asbestos Identification by Polarized Light Microscopy for Mission Valley Rock, Job No. C-2445-92 (Letter Report), Robert M. Kumagai, Asbestest Incorporated,, September 22, 1992.

ASBESTEST, INCORPORATED

1550 Dell Avenue, Suite E • Campbell, California 95008 • Tel. (408) 374-3362 • Fax (408) 374-7269

MICRO-CHEM LABORATORIES
1550 DELL AVE., E
CAMPBELL, CA 95008

Date SEPT. 22, 1992

Job No. A-10147-92

PROJECT: MISSION VALLEY ROCK
JOB NO. C-2445-92

ASBESTOS IDENTIFICATION BY
POLARIZED LIGHT MICROSCOPY

Sample Identification	Fibrous Asbestos Minerals, %	Other Fibrous Materials, %	Non-Fibrous Materials or Minerals, %
CRUSHED BASE ROCK	NONE DETECTED	NONE	MISCELLANEOUS PARTICLES, 100%

The materials were examined by polarized light microscopy according to Environmental Protection Agency methods. In California, positive test results indicate the sample contained 0.1% or more asbestos, as per California Code of Regulations, "Title 8, Section 341.6 et seg." Reported asbestos percentages were estimated based on comparison to reference samples provided by the EPA.

Respectfully Submitted,
ASBESTEST, INC.

Robert M. Kumagai
Microscopist

EXHIBIT 5: Title 17 CCR Section 93106, Asbestos Airborne Toxic Control Measure for Surfacing Applications.

(a) **Effective Date.** No later than November 13, 2001, each air pollution control and air quality management district must: (1) Implement and enforce the requirements of this section, or
(2) Propose their own asbestos airborne toxic control measure as provided in Health and Safety Code section 39666(d).

(b) Applicability.
This section shall apply to any person who produces, sells, supplies, offers for sale or supply, uses, applies, or transports any of the following materials:
(1) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); or
(2) Aggregate material extracted from property that is NOT located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:
(A) Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;
(B) Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater, as determined using an approved asbestos bulk test method; or
(C) Determined by the owner/operator of a facility to be ultramafic rock, or serpentine, or material that has an asbestos content of 0.25 percent or greater.
(3) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsection (b)(1) or (b)(2).

(c) Prohibition On the Use, Sale, and Supply of Restricted Aggregate Material.
Unless one of the exemptions in subsection (f) applies, no person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subdivision (i)(20)) for surfacing, unless it has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent.

(d) Requirements to Provide Notice with Restricted Material.
(1) Requirements for Producers of Restricted Material for Surfacing Applications: Any producer who sells, supplies, or offers for sale or supply restricted material for surfacing that has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent must provide to the recipient of the restricted material a written receipt that contains the following information:
(A) The amount of restricted material that was sold or supplied;
(B) The date that the restricted material was sold or supplied;
(C) The dates that the restricted material was sampled and tested, or verification that the material is exempt under subsection (f)(7); and
(D) A statement that the asbestos content of the restricted material is less than 0.25 percent.
(2) Requirements for Persons – Other than Producers – Who Sell or Supply Restricted Material for Surfacing Applications: Any person, other than a producer, who sells, supplies, or offers for sale or supply restricted material for surfacing must provide to the recipient of the material a written receipt which specifies the following information:
(A) The amount of restricted material that was sold or supplied;
(B) The date that the restricted material was sold or supplied; and
(C) A statement that the asbestos content of the restricted material is less than 0.25 percent.

(3) Requirements for the Sale or Supply of Restricted Materials for Non-Surfacing Applications: Any person who sells, supplies, or offers for sale or supply restricted material for non-surfacing applications must provide with each sale or supply a written receipt containing the following
statement:

"WARNING!
This material may contain asbestos.

It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances. Extreme care should be taken when handling this material to minimize the generation of dust."

(e.) Recordkeeping and Reporting Requirements.
(1) Recordkeeping Requirements for Persons Who Use Restricted Material for Surfacing: Any person who uses or applies restricted material for surfacing must retain any written receipt or other record verifying that the material has an asbestos content of less than 0.25 percent for a minimum period of seven years from the date of use or application.
(2) Recordkeeping Requirements for Persons Who Transport Restricted Material: Any person who transports restricted material must maintain a copy of all receipts or records required by subsection (d) with the material at all times during transit and application.
(3) Recordkeeping Requirements for Persons Who Sell or Supply Restricted Material: Any person who sells, supplies, or offers restricted material for sale or supply must retain copies of all receipts or records required by subsection (d) for a minimum period of seven years from the date of sale
or supply.
(4) Reporting Requirements for Persons Who Use, Sell, or Supply Restricted Material: Any person who uses restricted material for surfacing, sells, supplies, or offers restricted material for sale or supply must provide receipts and test results to the APCO for review upon request.

(f) Exemptions.
(1) *Sand and Gravel Operations*: The requirements of subsections (c), (d), and (e) shall not apply to aggregate material extracted from a sand and gravel operation. A "sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.
(2) *Roads Located at Quarries or Mines*: The requirements of subsection (c) shall not apply to roads at quarries or mines that are located in a geographic ultramafic rock unit, an ultramafic rock deposit, or a serpentine deposit, provided that the aggregate material was obtained on site from
the quarry or mine property.
(3) *Maintenance Operations on Existing Roads*: The requirements of subsections (c), (d), and (e) shall not apply to maintenance operations on any existing road surface if no additional restricted material is applied to the road surface.
(4) *Emergency Road Repairs*: The APCO may issue a temporary exemption from the requirements of subsections (c), (d), and (e) to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency, and that the use of aggregate material other than restricted material is not feasible for this repair. The APCO shall specify the time during which such exemption shall be effective; however, no exemption shall remain in effect longer than 90 days.
(5) *Asphalt and Concrete Materials*: The requirements of subsections (c), (d), and (e) shall not apply to restricted material that is an integral part of the production of asphalt concrete, portland cement concrete or other similarly cemented materials; or construction of an asphalt or a portland cement concrete surface as long as all of the restricted material is incorporated into or completely covered by the asphalt or portland cement concrete.
(6) *Landfill Operations*: The use and application requirements of subsection (c) shall not apply to landfill operations, except for the surfacing of public-access roads used by vehicular traffic.

(7) *Geologic Evaluation*: The APCO may provide an exemption from subsections (c), (d), and (e) for aggregate material extracted from within a geographic ultramafic rock unit if a registered geologist has conducted a geologic evaluation of the property from which the aggregate material is obtained and determined that serpentine or ultramafic rock is not likely to be found on the property. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the APCO for his or her consideration.

(A) At a minimum, the geologic evaluation must include:

1. A general description of the property and the proposed use;

2. A detailed site characterization, which may include:

i. A physical site inspection;

ii. Offsite geologic evaluation of adjacent property;

iii. Evaluation of existing geological maps and studies of the site and surrounding area;

iv. Development of geologic maps of the site and vicinity;

v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization;

vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where extensive vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;

3. A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;

4. A description of the sampling procedures used;

5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;

6. An archive of collected rock samples for third party examination; and

7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.

(B) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.

(C) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(D) *Expiration of the Geologic Exemption*: If the owner/operator discovers any ultramafic rock or serpentine on the property after the exemption is granted, then:

1. The owner/operator must comply with the requirements of subsections (c), (d), and (e) immediately following the discovery; and

2. The owner/operator must report the discovery of ultramafic rock or serpentine to the APCO within 24 hours; and

3. The exemption under subsection (f)(7) shall expire and cease to be effective.

(8) *Limited Access Surfaces*: The APCO may provide an exemption from the requirements of subsection (c) for the use of restricted material on limited access surfaces, if the owner/operator can demonstrate that:

(A) No alternative aggregate materials are reasonably available; and

(B) The surface is not located in an area zoned or identified in a land use plan for residential, recreational, or commercial use.

(C) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.

(D) If the request for an exemption is denied, the APCO shall provide written reasons for the denial. "Limited access surface" means any surface not subject to vehicular travel or pedestrian access that has an incline of twenty (20) percent or greater.

(9) *Surfacing Applications in Remote Locations:*

(A) The APCO may provide an exemption from the requirements of subsection (c) if the owner/operator can demonstrate that:

1. The surface is located in a remote location (as defined in subsection (i)(19)); and

2. No alternative aggregate materials are reasonably available; and

3. All aggregate material used for surfacing has been tested according to an approved asbestos bulk test method and determined to have an asbestos content of one (1.0) percent or less; except that the APCO may allow the use of restricted material with an asbestos content

up to five (5.0) percent if the owner/operator can demonstrate that restricted material with an asbestos content of one (1.0) percent or less is not reasonably available.

(B) Before providing this exemption, the APCO shall:

1.Consider the following information: county land use plans, the current use of the surrounding land, and the current and anticipated zoning designations;

2. Provide public notice and solicit comments for a 30-day period;

3. Require that any surface exempted pursuant to this subsection be posted with a permanent sign alerting the public to potential asbestos exposures; and

4. Require that any exemption shall be valid for no longer than three years; but if the owner/operator cannot demonstrate that all the criteria listed in subdivision (f)(9)(A) are met at
the time of reapplication, the exemption shall not be renewed.

(C) The APCO may grant an exemption when the distance from the road or other surface to the nearest receptor is less than one mile if ALL of the following criteria are met:

1. The criteria listed above in subsections (f)(9)(A)2. and 3., and subsection (f)(9)(B) must be met:

2. Any receptor located within one mile from the road or other surface must **NOT** be any of the following:

i. A permanent resident (i.e., a person that resides at the receptor point for six months or more in a year), or

ii. A permanent business (i.e., business that operates at the receptor point for six months or more in a year), or

iii. A school or daycare center;

3. The road or other surface must be located on private property;

4. The entrance points to the road or other surface from any public thoroughfare must be gated and posted with a sign as required in subsection (f)(9)(B)3.;

5. The applicant for the exemption must provide to the APCO an estimate of the average traffic volume on the road or other surface and the methodology used to make the estimate; and

6. Whenever the traffic volume exceeds or is anticipated to exceed 20 vehicle passes per day, the owner/operator must;

i. Treat the road or other surface with a dust control method that is at least 70 percent effective; and

ii. Maintain records of the application and type of the dust control method for a minimum period of seven years; and

iii. Provide the records of the applications of the dust control method to the APCO upon request.

(D) The APCO shall respond to any application for an exemption within 90 days of the receipt of the application.

(E) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(10) *Roads Located at Construction Sites*: The requirements of subsections (c), (d), and (e) shall not apply to restricted material used for the construction of temporary road surfaces located at on-going construction sites where vehicle traffic is limited to construction personnel and equipment. This exemption does not apply to the use of restricted material for temporary roads for public use.

(11) *Riprap*: The requirements of subsection (c) (d), and (e) shall not apply to restricted material used for riprap. "Riprap" means the material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

(g) Requirements to Perform a Geologic Evaluation or Asbestos Testing.

Pursuant to the requirements of Health and Safety Code section 41511, the APCO or the Executive Officer of the ARB may require an owner/operator to perform:

(1) A geologic evaluation for the presence of ultramafic rock or serpentine on any property from which aggregate material is extracted; or

(2) Testing for the asbestos content of any aggregate material sold, supplied, offered for sale or supply, or used for surfacing.

(h) Applicable Test Methods.

(1) *Ultramafic Rock*: The ultramafic rock composition of any material shall be determined using a standard analysis technique including, but not limited to, color index assessment, microscopic examination, petrographic analysis or rock thin sections, or chemical analysis techniques, such as X-ray fluorescence spectrometry or inductively coupled plasma analysis.

(2) *Asbestos Testing*: ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board shall be used to determine compliance with this section. For the purposes of determining compliance with this section, references in ARB Test Method 435 to "serpentine aggregate" shall mean "aggregate material."

(3) *Averaging of Test Results*: If ARB Test Method 435 or an alternative approved asbestos bulk test method has been used to perform two or more tests on any one volume of aggregate material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the aggregate material.

(4) Sampling Frequency: For the purposes of this section, the sampling frequency required for determining the asbestos content of any aggregate material shall be no less than one composite sample per 1000 tons of aggregate material processed, as specified in ARB Test Method 435, unless the APCO approves an alternative sampling frequency as follows: (A) The APCO may approve an alternative sampling frequency after reviewing and verifying the authenticity of the following information, which shall be provided by the owner/operator of the quarry:

1. An established history of analytical test results demonstrating that no aggregate material sampled and tested in accordance with an approved asbestos bulk test method had an asbestos content that was 0.25 percent or greater;
2. The established history of analytical test results must include:

i. Test results from ten percent of the expected total yield over the life of the quarry, as stated in any permit issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.; or

ii. Test results that cover at least two years of production of surfacing material; this production amount must be verified with sales receipts and testing results as required in subsection (e)(3);

3. A geologic evaluation of the quarry that has been conducted in accordance with the provisions in subsection (f)(7);
4. Any permits issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.;
5. Sales receipts retained by the quarry pursuant to subsections (d) and (e)(3).

(B) The APCO shall not approve any alternate sampling frequency that requires less than one test per 100,000 tons of aggregate material processed for surfacing.

(C) If any of the aggregate material tested is determined to have an asbestos content of 0.25 percent or greater using an alternative sampling frequency approved by the APCO, the owner/operator must:

1. Resume the sampling frequency specified in ARB Test Method 435 immediately after receiving the test results; and
2. Report the detection of asbestos and provide a copy of the analytical test results to the APCO within 48 hours after receiving the test results.

(i) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Aggregate" means a mixture of mineral fragments, sand, gravel, cobbles, rocks, stones, or similar minerals that may or may not be crushed or screened. "Aggregate" does not include elemental metals, gemstones, petroleum products, organic materials, or mineral ore to be processed offsite of the property from which it was extracted.

(2) "Alluvial deposit" means any deposit of sediments laid down by running water including, but not limited to, streams and rivers.

(3) "APCO" means the executive officer, air pollution control officer; or the designee of the executive officer or air pollution control officer of any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code;

(4) "Approved asbestos bulk test method" means ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board.

(5) "ARB" means the California Air Resources Board.

(6) "ARB Test Method 435" means the test method specified in title 17, California Code of Regulations, section 94147.

(7) "Asbestos" means asbestiforms of the following minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

(8) "Decoration/landscaping" means the application or use of aggregate materials for aesthetic purposes.

(9) "Geographic ultramafic rock unit" means a geographic area that is designated as an ultramafic rock unit or ultrabasic rock unit, including the unit boundary line, on any of the maps referenced in Appendix A.

(10) "Geologic evaluation" means an evaluation of a property, as specified in subsection (f)(7), to determine the presence of various rock types, including ultramafic rock, serpentinite, or other metamorphic derivatives of ultramafic rock.

(11) "Limited access surface" means any surface not subject to vehicular travel or pedestrian access that has an incline greater than twenty (20) percent.

(12) "Non-surfacing applications" means any application of aggregate material that will not remain a part of the uppermost layer, such as fill, base rock, or drain rock.

(13) "Owner/operator" or "person" includes, but is not limited to:

(A) An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;

(B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or

(C) A project proponent and any of its contractors or subcontractors.

(14) "Producer" means any person that extracts and processes aggregate material from the ground.

(15) "Property" means any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.

(16) "Quarry" means a facility or operation that obtains stone from the earth by means of cutting, digging, excavating, or blasting.

(17) "Receipt" means any written acknowledgement that a specified amount of restricted material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

(18) "Registered geologist" means an individual that is currently licensed as a geologist with the State of California, Department of Consumer Affairs, Board of Geology and Geophysicists.

(19) "Remote location" means any location that is at least one (1.0) mile from the location of a receptor. "Receptor" includes, but is not limited to, any hospital, school, day care center, work site, business, residence, and permanent campground. The distance to the nearest receptor is to be
measured from the outermost limit of the area to be disturbed or road surface, whichever is closer.

(20) "Restricted material" means any of the following:

(A) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); and

(B) Aggregate material extracted from property that is NOT located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:

1. Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;

2. Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater; or

3. Determined by the owner/operator of a facility to be ultramafic rock, serpentine, or aggregate material that has an asbestos content of 0.25 percent or greater.

(C) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsections (i)(20)(A) or (i)(20)(B), or any combination thereof, shall also be considered "restricted material."

(21) "Riprap" means material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

(22) "Road surface" means the traveled way of a road and any shoulder which extends up to ten (10) feet from the edge of the traveled way.

(23) "Sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.

(24) "Serpentine" means any form of the following hydrous magnesium silicate minerals: antigorite, lizardite, and chrysotile.
(25) "Serpentinite" means a rock consisting almost entirely of serpentine, although small amounts of other minerals such as magnetite, chromite, talc, brucite, and tremolite-actinolite may also be present. "Serpentinite" is a metamorphic derivative of the ultramafic rocks, peridotite, pyroxenite, or dunite.
(26) "Surfacing" means the act of providing or creating a temporary or permanent covering for a surface used for pedestrians, motor vehicles, non-motor vehicles, decoration, landscaping, soil stabilization, or erosion control. Examples of surfaces include, but are not limited to, roads, road
shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds. For the purposes of this section, "surfacing" does not include creating a covering composed of asphalt concrete or portland cement concrete.
(27) "Ultrabasic rock" means ultramafic rock.
(28) "Ultramafic rock" means an igneous rock composed of 90 percent or greater of one or a combination of the following iron/magnesium-rich, dark-colored silicate minerals: olivine, pyroxene, or more rarely amphibole. For the purposes of this section, "ultramafic rock" includes the following
rock types: dunite, pyroxenite, and peridotite; and their metamorphic derivatives.
NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

APPENDIX A
California Department of Conservation
Division of Mines and Geology
AVAILABLE GEOLOGIC MAPS FOR CALIFORNIA

GEOLOGIC ATLASES OF CALIFORNIA Scale 1:250,000
GEOLOGIC ATLAS OF CALIFORNIA: ALTURAS
Compiled by Gay, T.E. and others, 1958
GEOLOGIC ATLAS OF CALIFORNIA: BAKERSFIELD
Compiled by Smith, A.R., 1964 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: DEATH VALLEY
Compiled by Streitz, R.L. and Stinson, M.C., 1974 (reprinted 1991)
GEOLOGIC ATLAS OF CALIFORNIA: FRESNO
Compiled by Matthews, R.A. and Burnett, J.L, 1965 (reprinted 1991)
GEOLOGIC ATLAS OF CALIFORNIA: LONG BEACH
Compiled by Jennings, C.W., 1962 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: LOS ANGELES
Compiled by Jennings, C.W. and Strand, R.G., 1969 (reprinted 1991)
GEOLOGIC ATLAS OF CALIFORNIA: MARIPOSA
Compiled by Strand, R.G., 1967 (reprinted 1991)
GEOLOGIC ATLAS OF CALIFORNIA: NEEDLES
Compiled by Bishop, C.C., 1963 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: REDDING
Compiled by Strand, R.G., 1962
GEOLOGIC ATLAS OF CALIFORNIA: SALTON SEA
Compiled by Jennings, C.W., 1967 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: SAN LUIS OBISPO
Compiled by Jennings, C.W., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN DIEGO - EL CENTRO
Compiled by Strand, R.G., 1962 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: SANTA ANA
Compiled by Rogers, T.H., (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: SANTA CRUZ
Compiled by Jennings, C.W. and Strand, R.G., 1958 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: SANTA MARIA
Compiled by Jennings, C.W., 1959 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: UKIAH
Compiled by Jennings, C.W. and Strand, R.G., 1960 (reprinted 1992)
GEOLOGIC ATLAS OF CALIFORNIA: WALKER LAKE
Compiled by Koenig, J.B., 1963 (reprinted 1992)

REGIONAL GEOLOGIC MAP SERIES Scale 1:250,000
GEOLOGIC MAP OF THE SACRAMENTO QUADRANGLE
(set of four sheets)
Compiled by Wagner, D.L. and others, 1981
GEOLOGIC MAP OF THE SANTA ROSA QUADRANGLE
(set of five sheets)
Compiled by Wagner and D.L., Bortugno, E.J. (reprinted 1999)
GEOLOGIC MAP OF THE SAN BERNARDINO QUADRANGLE
(set of five sheets)
Compiled by Bortugno, E.J., and Spittler, T.E. (reprinted 1998)
GEOLOGIC MAP OF THE WEED QUADRANGLE
(set of four sheets)
By Wagner, D.L. and Saucedo, G.J., 1987
GEOLOGIC MAP OF THE SAN FRANCISCO-SAN JOSE QUADRANGLE
(set of five sheets)
By Wagner, D.L., Bortugno, E.J. and McJunkin, R.D., 1990
Color-coded faults

LOCAL GEOLOGIC MAPS
AREAS MORE LIKELY TO CONTAIN NATURALLY-OCCURRING ASBESTOS IN WESTERN EL DORADO COUNTY, CALIFORNIA
By Ron Churchill, March 2000
Scale 1:100,000
SERPINTINITE SURVEY OF LAKE COUNTY, CALIFORNIA – MAP A, ULTRAMAFIC, ULTRABASIC, AND SERPENTINE ROCK AND SOILS OF LAKE COUNTY,
Adopted: March 2, 1992
Scale: 1:100,000

EXHIBIT 6: Biological Reconnaissance of SMP-24 and the Pits Proposed for Consolidating and Deepening, Mr. Clinton Kellner, Ph.D., EDAW Associates, June 27, 2002

June 27, 2002

Bruce Jensen
Planning Department
399 Elmhurst Street
Hayward, CA, 94544

Subject: Biological Reconnaissance of SMP-24 and the Pits Proposed for Consolidating and Deepening

Dear Bruce:

This letter reports on the reconnaissance survey of the SMP-24 area within the Mission Valley Rock quarry in Sunol, Alameda County. This survey focused on the pits east of Alameda Creek that will be consolidated and deepened

INTRODUCTION

Site Location and Project Description

The reconnaissance survey took place over the entire SMP 24 area of the Mission Valley Rock Quarry in Sunol. Particular attention was directed to those pits that are east of Alameda Creek because of the proposal to enlarge the pits by consolidating them and deepening them. This proposed work would entail removing the partitions or walls that are located between the quarry pits and deepening the resulting new pit.

Study Methods

We examined information on file with the California Natural Diversity Database (CNDDB 2002) to determine the potential presence of rare, threatened, and endangered species in the project vicinity. This information is available for each USGS quadrangle. The methods entailed reviewing information on the La Costa Valley quadrangle, on which the project site occurs, and the following adjacent quadrangles of Altamont, Dublin, Livermore, Hayward, Niles, Mendenhall Springs, Calaveras Reservoir, and Mt. Day.

The survey methodology involved walking down to the bottom of each of the pits that will be consolidated. The edges of the pits were sampled for aquatic species with a hand held dip net. The top of the partitions were walked to survey for any special-status biological resources. Plant and animal species that were observed during field work were recorded in field notes. Sedimentation basins, areas between the basins, and the working area of the Mission Valley Rock quarry were likewise surveyed. The site survey was conducted on June 4, 2002 with a follow-up survey on June 25, 2002.

EXISTING CONDITIONS

The project site consists of non-native grassland, ruderal vegetation, and patches of willow trees.

Vegetation

The general vegetation of the quarry pits consists of sparse patches of non-native grassland and ruderal vegetation with small patches of willows growing at the edge of the water in the pits. The non-native grassland is dominated by ripgut brome (*Bromus diandrus*) and red brome (*Bromus madritensis* ssp. *rubens*). Rabbit's foot grass (*Polypogon monspeliensis*) grows in moist areas of the quarry pit and at the water's edge. The ruderal vegetation is dominated by yellow sweetclover (*Melilotis* sp.), and short-pod mustard (*Hirschfeldia incana*). Other ruderal species present include Italian thistle (*Carduus pycnocephalus*) and sow thistle (*Sonchus* sp.). Individual plants of mulefat (*Baccharis salicifolia*), sandbar willow (*Salix exigua*), arroyo willow (*Salix lasiolepis*), and red willow (*Salix lasiandra*) occur at the edge of the ponds at the bottom of the quarry pits. The willows may also grow in small stands of 4 or 5 trees. The willow trees are often associated with small stands of cattails (*Typha* sp.) that grow at the edges of the ponds.

The vegetation of the slopes of the quarry pits consists of a sparse growth of ruderal plants including short-pod mustard, Italian thistle, horse weed (*Conyza canadensis*), and coyote brush (*Baccharis pilularis*). Some of the quarry pits support a row of willow trees and or a row of cattails on their slopes where water seeps into the pits. The band of cattails averages 5 feet wide and is often associated with watercress (*Rorippa nasturtium-aquaticum*).

The willow trees are usually less than 12 feet tall and 4 inches in diameter but in one instance the willow trees of a 450-foot row were approximately 8 inches in diameter and 35 to 40 feet tall. A few cottonwood trees (*Populus fremontii*) also grew with the willows. The foliage of some of these trees was sparse and some of the trees had died. Nevertheless, a 225-foot portion of this row consisted of trees with a full canopy of dense foliage. These trees grow at a maximum spacing of 10 feet apart.

The vegetation of the silt ponds was similar to that of the pits - small clumps of cattails and willows. The areas separating the silt ponds consisted of ruderal vegetation - similar to the vegetation between the quarry pits.

Wildlife

Wildlife values on the site are generally low because of the constant disturbance to the quarry pits from mining activity. Black-tailed deer (*Odocoileus hemionus*) were observed in Alameda Creek and within the quarry pits. Black-tailed hare (*Lepus californicus*) would also be expected to occur in the quarry pits. Birds that are observed in the quarry pits include Brewer's and redwing blackbirds (*Agelaius phoeniceus*) in the cattails and willow trees, song sparrows (*Melospiza melodia*) in the willow trees, and Savannah sparrows (*Passerculus sandwichensis*) in the ruderal vegetation.

Bullfrogs (*Rana catesbiana*) occur at the edge of some of the quarry ponds and sedimentation basins near cattail and willow trees. Fence lizards (*Sceloporus occidentalis*) occur on the slopes of the quarry

and areas of relative bare ground with sufficient cover of rocks. Snakes may occur incidentally in the quarry pits and sedimentation basins but the quarry would not be considered habitat. Likewise skunks (*Mehpitis mephitis*) and raccoon (*Procyon lotor*) may also occasionally forage within the quarry but it would not be considered habitat.

Special-Status Species

Status

The following account discusses the different categories of status that are attributed to particular species.

An endangered species is considered in danger of extinction throughout all or a significant portion of its range. A threatened species is likely to become endangered within the foreseeable future. In addition to threatened and endangered species that are legally protected under the state and federal Endangered Species Acts, there are a number of informal lists of special-status species. Species on informal lists do not have legal protection under the state or federal Endangered Species Acts, but may be of concern to resource agencies and the interested public. Informal lists serve as an early warning watch for species which may, in the course of events, become threatened or endangered.

Prior to formal listing as threatened or endangered by U.S. Fish and Wildlife Service (USFWS), species of concern are placed on an informal "candidate" list. Once USFWS has determined that a species should be elevated from the candidate status to formal listing, it becomes a "proposed" species through an announcement in the Federal Register prior to final elevation to formal status.

Informal lists maintained by the USFWS include a candidate species list. Informal lists maintained by the California Department of Fish and Game (CDFG) include the Bird Species of Special Concern in California (Remsen 1978), Mammalian Species of Special Concern in California (Williams 1986), and Amphibian and Reptile Species of Special Concern in California (Jennings and Hays 1994). The DFG identifies Species of Special Concern as those whose populations are declining and are being monitored to determine if they warrant future listing.

The California Native Plant Society (CNPS) has developed lists of rare and endangered plants in California (CNPS 2001). Their List 1A represents species considered to be extinct. List 1B represents plants considered threatened or endangered in California and elsewhere. List 2 represents plants that are threatened or endangered in California but more common elsewhere. List 3 represents plants potentially endangered, but additional information on rarity, endangerment, and taxonomy is needed. List 4 represents species with a limited distribution, but not presently endangered.

Species

The following discussion mentions the special-status species that occur in the Sunol area. These species are not likely to occur within the quarry pits because of the continual disturbance to their habitats and disruption to their activities.

Special-status plant species that occur in the Sunol area and surrounding USGS quadrangles include large-flowered fiddleneck (*Amsinckia grandiflora*), caper-fruited tropidocarpum (*Tropidocarpum*

capparideum), Mt. Diablo b[redacted]wheat (*Eriogonum truncatum*), big-scale b[redacted]lsamroot (*Balsamorhiza macrolepis* var. *macrolepis*), Congdon's spikeweed (*Centromadia parryi* ssp. *congdonii*), diamond petaled poppy (*Eschscholzia rhombipetala*), Diablo helianthella (*Helianthella castanea*), fragrant fritillary (*Fritillaria liliacea*), maple-leaved checkerbloom (*Sidalcea malachroides*), most beautiful jewel-flower (*Streptanthus albidus* ssp. *peramoenus*), alkali milk vetch (*Astragalus tener* var. *tener*), heartscale (*Atriplex cordulata*), brittlescale (*Atriplex depressa*), San Joaquin saltbush (*Atriplex joaquiniana*), hispid bird's beak (*Cordylanthus mollis* ssp. *hispidus*), palmate-bracted bird's beak (*Cordylanthus palmatus*), Livermore tarplant (*Deinandra bacigalupii*), round-leaved filaree (*Erodium macrophyllum*), robust monardella (*Monardella villosa* ssp. *robusta*), and hairless popcorn flower (*Plagiobothrys glaber*).

Special-status animal species that occur in the vicinity of Sunol include California tiger salamander (*Ambystoma californense*), California red-legged frog (*Rana aurora draytonii*), foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Clemmys marmorata*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), coast horned lizard (*Phrynosoma coronatum frontale*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris actia*), tricolored blackbird (*Agelaius tricolor*), Berkeley kangaroo rat (*Dipodomys heermani berkeleyensis*), golden eagle (*Aguila chrysaetos*), Cooper's hawk (*Accipiter cooperi*), sharp-shinned hawk (*Accipiter striatus*), black-shouldered kite (*Elanus caeruleus*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus anatum*), and yellow warbler (*Dendroica petechia brewesteri*). Species that are not expected on the site because of the absence of vernal pools or natural ponds are the longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and the curved-foot hygrotus diving beetle (*Hygrotus curvipes*). Townsend's big-eared bat (*Corynorhinus townsendii townsendii*) is not expected on the site because of the absence of roosting habitat.

In addition to these species, rookeries of various species of herons including great blue heron (*Ardea herodias*), black-crowned night heron (*Nycticorax nycticorax*) great egret (*Casmerodius albus*), and snowy egret (*Egretta thula*) are also sensitive resources.

Survey Results

Tricolored blackbirds were observed in two stands of cattails of one of the sedimentation basins just west of Alameda Creek. The tricolored blackbirds are a California Species of Special Concern. They are not federally- or state-listed. The sedimentation basin is not part of the current project to widen and deepen the quarry pits. The tricolored blackbirds were observed on June 4 and June 25, 2002. During both observations, I could not determine whether the area was used for breeding or whether the birds were roosting and had bred elsewhere. About 20 tricolored blackbirds were counted in the cattails and an estimate was made of 20 additional tricolored blackbirds in the cattails for a total of approximately 40 tricolored blackbirds. A sand extraction facility that is adjacent to the sedimentation pond, does not appear to affect the tricolored blackbirds. These tricolored blackbirds were not observed within the pits proposed for widening and deepening.

No other special-status species were observed within the SMP-24 boundaries. The prior disturbance and continuing disturbance would preclude the occurrence of special-status plant species within SMP-

24. The quarrying activity along with the previous and continuing disturbance would tend to prevent the occurrence of special-status wildlife from SMP-24.

Within the pits east of Alameda Creek that are proposed for consolidation and deepening, no special-status plants or wildlife species were observed and none are expected to occur there because of the absence of habitat. In addition, the constant activity along with the prior and continuing disturbance to the pits that are proposed for consolidation and deepening, preclude the presence of special-status species.

PLANNING CONSIDERATIONS

These recommendations pertain to the proposed consolidation and deepening of the quarry pits east of Alameda Creek. Because special-status species are absent and are not likely to occur there with the continuing disturbance, no special considerations are necessary.

The existing small stands of cattails and willows in the quarry pits are not valuable habitat for wildlife because of their small size, the continual disturbance from mining activity, and isolation from the riparian areas of Alameda Creek. No special planning considerations are needed for these habitats.

The stand of dense willows and cottonwoods that grow along a 225-foot length of slope is valuable habitat for wildlife. If quarrying activity removes this stand, it should be replaced with willows, cottonwoods, or sycamores (*Platanus racemosa*) along a suitable reach of Alameda Creek.

If you have any questions, please contact me.

Sincerely,

Clinton Kellner Ph.D.

Enclosure: References

REFERENCES

California Natural Diversity Data Base (CNDDB) 2002. Special Status Species occurrences report for the following U.S.G.S. quads: La Costa Valley, Altamont, Dublin, Livermore, Hayward, Niles, Mendenhall Springs, Calaveras Reservoir, and Mt. Day. California Department of Fish and Game, Natural Resources Division, Sacramento, CA.

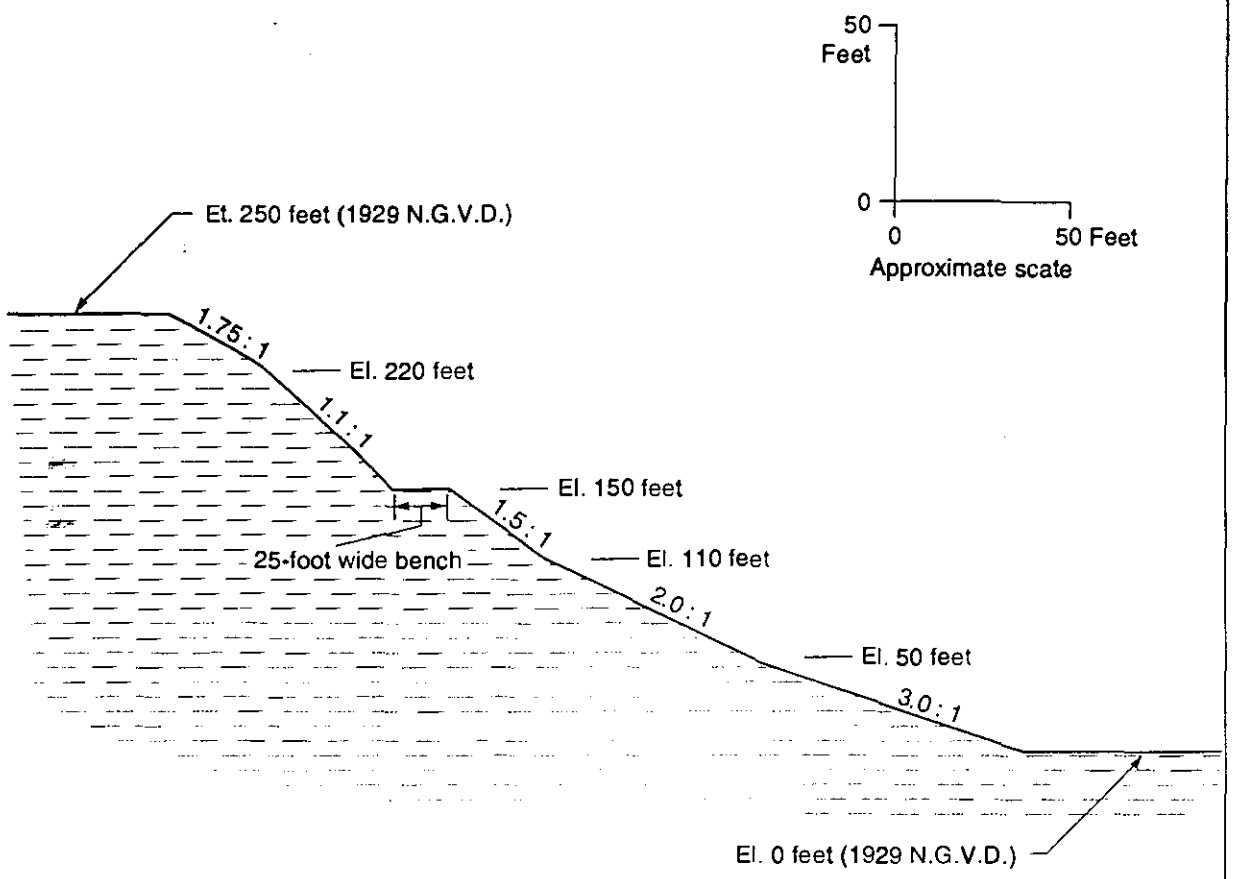
California Native Plant Society (CNPS). 2001. Inventory of Rare and Endangered Plants of California. Rare Plant Scientific Advisory Committee, David P. Timor, Convening Editor. California Native Plant Society Special Publication No. 1 (6th Edition), Sacramento, CA.

Jennings, M.R., M.P. Hayes, and Washington Park Zoo. 1994. Amphibian and Reptile Species of Special Concern in California. The Resources Agency, California Department of Fish and Game. 255 pp.

Remsen, J. V. 1978. Bird Species of Special Concern in California. The Resources Agency, California Department of Fish and Game, Sacramento. 54 pp.

Williams, D. F. 1986. Mammalian Species of Special Concern in California. The Resources Agency, California Department of Fish and Game, Sacramento. 112 pp.

EXHIBIT 7: Recommended Slopes, SMP-24, Treadwell & Rollo, November 14, 2001



TYPICAL PROPOSED SECTION VIEW

RECOMMENDED SLOPES	
DEPTH (feet)	SLOPE (H:V)
0' to 30'	1.75 : 1
30' to 100'	1.1 : 1
25 - foot wide bench at a depth of 100 feet	
100' to 140'	1.5 : 1
140' to 200'	2.0 : 1
200' to 250'	3.0 : 1

Notes: 1. The above slope inclinations produce a static factor of safety = 1.43 and a psuedo static factor of safety (with a seismic coefficent of 0.125) = 1.05.

2. Slope inclinations from Elevation 250 feet to Elevation 110 feet from report by Harding Lawson Associates dated 11 August 1987 and as stipulated in the orginal permit.

MtSSION VALLEY ROCK COMPANY Sunol, California	**RECOMMENDED SLOPES** **SMP-24**
Treadwell&Rollo	Date 11/14/01 | Project No. 1030.12 | Figure 1

MVR 00694

EXHIBIT 8A &B:

Letter to Mr. Gary Dowd regarding exceedances of permit limitations on NPDES Permit No. 0030066, by Ms. Jenny Chen, California Regional Water Quality Control Board, February 19, 2002;

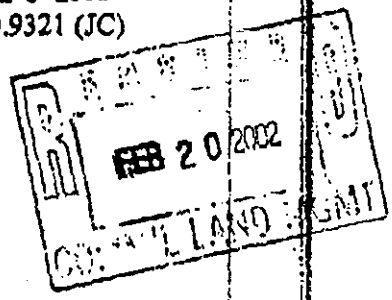
and

Letter to Bruce Jensen regarding exceedances of permit limitations on NPDES Permit No. 0030066, by Ms. Jenny Chen, California Regional Water Quality Control Board, February 26, 2002.

California Regional Water Quality Control Board
San Francisco Bay Region

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Date: FEB 19 2002
File No. 2199.9321 (JC)



Mr. Gary Dowd
Director
San Francisco Utility Commission
Land Bureau
1155 Market Street
San Francisco, CA 94103

Dear Mr. Dowd

Subject: **Mission Valley Rock Company**
Sunol, CA 94586
NPDES No. CA 0030066
Order No. 97-037

After reviewing the Self-Monitoring Reports from Mission Valley Rock Company, I have found no violations of their permit limitations. There were several exceedances of pH, total suspended solids and total dissolved solids limitations of their permit during the year 2001. However, according to our investigation, these exceedances were caused by either monitoring deficiencies or inappropriate sampling location. Mission Valley Rock has since corrected these deficiencies.

Should you have any questions regarding this matter, please contact Ms. Jenny Chen at (510) 622-2405 or by e-mail at jc@rb2.swrcb.ca.gov.

Sincerely,

Jenny Chen

Jenny Chen
Water Resources Control Engineer

Exhibit 8B:

From: Jenny Chen [Jc@rb2.swrcb.ca.gov]
Sent: Tuesday, February 26, 2002 12:36 PM
To: bjensen3@co.alameda.ca.us
Cc: Lila Tang
Subject: Re: Mission Valley Rock Company Self-Monitoring Reports

1. To answer the first half of your question 1, I have found no violations till January 2002. To answer the second half of your question 1, the purpose of self-monitoring of discharger's effluent and receiving water is (1) to document compliance with the permit requirements, (2) to facilitate self-policing by the discharger in the prevention and abatement of pollution arising from the waste discharge, (3) to help us to develop the permit limits in the future permit.

When the monitoring result exceeds the permit limit, we need to investigate to determine the cause of the exceedance, then determine if it's a violation. If we determine that it is a violation, we'll determine the type of enforcement action that is appropriate to this violation.

For the case of Mission Valley Rock, we determined that those exceedance in 2001 were not violations. But, it does not mean they will not violate the permit condition in the future.

2. To answer your question 2, what I said in my 2/19/02 letter is that I didn't find any violations till the date of the letter. Mission Valley may be doing, or have done something that is not in compliance permit requirements, or they may be doing better than what permit asks for, but it's just I don't know yet.

3. To answer your question 3, if those exceedances were not due to monitoring deficiencies or inappropriate sampling location, it may consider as violation, but I believe more investigation is needed (e.g. total dissolved solids exceedance, it may due to high TDS concentration in the ground water that seeps into their quarry pit, and this high TDS water will eventually recharge back into the ground), at least in this case, before making the determination.

4. To answer your question 4, For background levels affecting the discharge, we need to separate into two issues: background of receiving water, and background of soil and rock in the mining area.

For background of receiving water, the permit says pH shall not vary more than 0.5 pH unit from the normal ambient condition. Similar limits are set for turbidity in the permit for receiving water limitations. The permit requires the discharger to take a sample 50 feet upstream and 50 downstream of its discharge point at the same time they take their effluent samples. The monitoring results from upstream and down stream stations count as background condition.

For background of soil and rock in the mining area (e.g. the high pH in the soil causes Mission Valley's effluent high in pH), Mission Valley is responsible for this high pH because if Mission Valley didn't conduct the excavation, the alkalinity in the soil would still stay in the ground without discharging to the stream.

5. To answer your question 5, I've checked back to January 2000, Mission Valley has be submitting monitoring reports as required with occasional delay of a few days. I started my job here at the Regional Board in February last year, I only checked one year beyond my starting date. When they say they had no discharge, or there is no flow in the Alameda Creek at the time of the sampling, I had to take their words for it because I cannot prove that there was a discharge on that particular date.

Please call me if you have further questions, it takes less time to talk than write.

Jenny Chen
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>>> "Jensen, Bruce, CDA" <bjensen3@co.alameda.ca.us> 02/22/02 02:49PM >>>
Hello, Jenny - I am the Planner for Alameda County that generally looks after the surface mines in the County. Recently, I saw several numbers that appeared to come from some of these self-monitoring efforts, and I was wondering about a few things that, perhaps, you could help to clear up for me.

Although Alameda County is not directly involved jurisdictionally on these matters, we are interested in whether the mining companies are in compliance with the requirements of other agencies; this compliance is often a condition of approval for the surface mining permits.

The numbers I saw were from the past four years or so. I saw about 18 different values purported to have exceeded various water quality *standards* including pH, TDS and turbidity. I also have seen a recent letter from you dated February 19, 2002, that suggests that these numbers are not properly called violations but "exceedances." The letter also explains that the exceedances were not caused by actual water quality problems, but with deficiencies in monitoring (equipment/techniques?) and sampling locations. I have also seen evidence of one episode of an actual violation, which I understand was the predecessor to the self-monitoring program that Mission Valley Rock presently uses.

(1) Am I correct in surmising that these are not violations per se, but simply the results of monitoring that enable the Permittee and the RWQCB to keep track of, and correct problems with, storm runoff or other discharge?

(2) Is it reasonable to sat that, based on the 2/19/2002 letter and records of Mission Valley Rock and the RWQCB, that Mission Valley Rock is in compliance with applicable water quality standards or other benchmarks?

(3) If an actual "exceedance" were recorded properly, would one or more events of this type constitute a "violation" of some kind?

(4) Is it possible that the background levels of the measured characteristics, before being affected by the quarry operation itself and in the natural environment, might themselves exceed the value ranges considered acceptable by the RWQCB? With pH, for example, we know that the soils and rocks in the Sunol region tend to be of relatively high alkalinity, and a higher than average pH might be expected to occur naturally. Similarly, in winter Alameda Creek often flows with very high turbidity, the water color a rich chocolate brown, due to upstream erosion; if the natural background is so high, is it reasonable to expect the water flowing off the quarry site (or, pumped from natural groundwater), to be much less turbid? In this case, wouldn't any less turbid water discharged placed into the creek water be, in fact, a benefit to the creek at that time, regardless of the level of turbidity of the discharged water?

(5) Is there any reason to believe that Mission Valley Rock has not been conducting the monitoring and subsequent deficiency correction in a timely and appropriate manner?

I'm not trying to put you or the quarry on the spot with these questions; we simply have a potentially controversial situation with one of MVRs smaller pits that requires us to provide our Planning Commission with accurate characterizations of water quality issues. I would appreciate any assistance you can provide on this matter. Thanks very much for your help.

Very truly yours,

Bruce H. Jensen
Senior Planner,
Alameda County Community Development Agency
(510) 670-6527