

~~PROPOSED~~ AMENDED
USE PERMIT CONDITIONS OF APPROVAL
FOR
JACKSON VALLEY QUARRY EXPANSION

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APPLICANT: George Reed, Inc. (Contacts: Ed Berlier / ~~Tom Ferrell~~ Jeff Welch)

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ADDRESS: P.O. Box 4760
Modesto, CA 95352-4760

PHONE: (209) 523-0734 / (209) 521-9771

APN(S): 005-230-007-000 and 005-230-016-000

USE PERMIT NO.: UP-06;9-2 *NOTE:* Upon issuance this Use Permit supersedes and voids UP 89;5-5.

RECLAMATION PLAN NO.: RP-06-1

PROJECT DESCRIPTION & LOCATION: A Use Permit Amendment and Reclamation Plan for a hard rock aggregate quarry in an "X," Special Use District on approximately 159 acres. The proposal is to expand the existing Jackson Valley Quarry site from its currently permitted 73.63 acre site to include an additional 85.73 acres to the east for the mining of approximately 50 million tons of aggregate material over a 35 year period. The maximum depth of mining is proposed to be approximately 75 feet below mean sea level (MSL). The quarry is located on the south side of Hwy. 88 just east of the most westerly junction of Hwy 88 and Jackson Valley Rd. in the Buena Vista/Tone area. **The project is amended to extend the hours of operation for operational and reclamation activities (excavation, processing, load-out, and hauling) to 24 hours per day Monday through Friday (12:00 a.m. Monday through 11:59 p.m. Friday).**

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PLANNING COMMISSION APPROVAL DATE: June 11, 2013

BOARD OF SUPERVISORS APPROVAL DATE (ON APPEAL): July 30, 2013

PLANNING COMMISSION APPROVAL DATE of AMENDMENT for EXPANDED HOURS OF OPERATION:

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1. *No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the operator/permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
2. The issuance of this Use Permit is expressly conditioned upon the operator's/permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

3. This Use Permit shall not become valid, nor shall the use commence until such time as an acceptable Reclamation Plan has been approved, the appropriate financial assurance mechanism has been provided in accordance with the approved cost estimate, all applicable fees pursuant to these conditions have been paid, and the operator / permittee is either found to be in compliance with or has agreed, in writing, to a program of mitigation measure and compliance monitoring acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT. (former COA 3 modified)
4. The project shall be substantially the same as approved. Phasing of the project shall be per approved plans and Reclamation Plan (See Section 2.5 of the Reclamation Plan). Any substantial changes will require an amendment to this Use Permit. (former COA 24 modified) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
5. The operator/permittee shall obtain and maintain in effect at all times during project construction, operations, and reclamation a certificate of insurance evidencing operator's/permittee's coverage for general liability and property damage with limits not less than \$5,000,000 (five million dollars) per occurrence insuring against incidents arising out of mining operations. If operator/permittee maintains higher limits than the minimums shown above, the County requires and shall be entitled to coverage for the higher limits maintained by the operator/permittee. Certificate(s) shall list County of Amador as an additionally insured on said policy. General Liability and Property coverage shall be provided in the form of an endorsement to the operator/permittee's insurance. (former COA 29 revised) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT BY VERIFYING WITH RISK MANAGEMENT.
6. Operator/permittee shall pay to Amador County an in-lieu fee equal to the amount of sales tax avoided by operator / permittee by utilizing material from its quarry itself or selling it to person or entities with a re-sale license. (former COA 44)

MITIGATION MONITORING

7. An independent registered professional(s) licensed by the State of California, authorized to do the work described, and acceptable to the County, shall be hired by the operator/permittee to monitor, on an ongoing basis, the compliance with conditions of approval, mitigation measures, and Reclamation Plan requirements, and prepare a study and report to the Amador County Planning Department with regard to such compliance. The first report shall be completed and submitted to the County within six months of the commencement of operations within the expansion area. A report shall be completed every three years thereafter. **NOTE: The County shall be notified in writing by the operator/permittee immediately upon the commencement of operations in the expansion area.**

The results of the sub-surface water-testing required by COA 30 shall be included in this monitoring report. (portion of former COA 35)

The independent registered professional(s) also shall conduct an unnoticed 24-hour noise test at the property lines to determine compliance with the noise conditions contained herein (COA 46 a. – d. below). Results of this testing shall be included in this monitoring report (former COA 30 revised).

Failure to file reports in a timely manner shall be cause for the initiation of Use Permit revocation proceedings.

THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

RECLAMATION PLAN & FINANCIAL ASSURANCE:

8. The operator/permittee shall comply with all requirements of the State Surface Mining and Reclamation Act (SMARA) and Amador County Code Chapter 7.36 Surface Mining and Reclamation. Reclamation of the site shall be in conformance with the approved Reclamation Plan. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
9. Annual inspections of the quarry excavation area shall be conducted by the County in accordance with Amador County Code 7.36.170 and Public Resources Code 2774 (b) to determine whether the operation is in conformance with SMARA (Surface Mining and Reclamation Act of 1975). A copy shall be forwarded to the State Mines and Geology Board in accordance with Section 3504(a) of the California Administrative Code. Said report shall be considered as operator/permittee and County compliance with AB 1380 (1988) and AB 3551 (1991). Reports shall be on forms acceptable to the State Division of Mines and Geology. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
10. The operator/permittee shall provide and continually maintain the appropriate financial assurances as required by Section 2770 and 2773.1 of the State Surface Mining and Reclamation Act (SMARA) as specified by the County. (former COA 31 updated) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
11. On the fifth anniversary of issuance of the Amended Use Permit, and every five years thereafter until reserves have been depleted and / or the mine reclaimed, the operator shall submit for the review and approval of the Planning Director:
 - a. a narrative and, where feasible, figures, outlining the most viable use(s) of the site based upon the anticipated progression of mining for the next (future) five years;
 - b. a cost estimate to implement that most viable use identified in the narrative in a. above;
 - c. a financial assurance mechanism (such as a surety bond), for the amount indicated by the updated cost estimate, which may equal or exceed, but which may never be less than, the financial assurance cost estimate (FACE) produced in accordance with SMARA Section 2773.1(a) (3); and
 - d. an updated visual screening landscape and vegetation plan for the berm and revegetation required in Conditions # 48 and 68.THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

PRODUCTION LEVELS:

12. The maximum total production at the Quarry shall not exceed 50,000,000 (fifty million) tons of rock over the 35-year duration. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
13. The extraction and hauling of material from the Project site shall be limited to the maximum tonnages during the specified time periods, as follows:
 - From the date of issuance of the amended use permit (Year 1) through the full sixth year from the date of issuance (Year 6): 1.2 million tons per year;

- From Year 7 (seventh year from the date of issuance) through Year 12 (twelfth year from the date of issuance): 1.6 million tons per year;
- From Year 13 (thirteenth year from the date of issuance) through the term of the use permit: 2.0 million tons per year.

THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT. (former COA 3 modified)

OTHER PERMITS:

14. The operator / permittee shall continuously maintain necessary permits, plans and measures to comply with the regulations of all applicable State (former COA 21 modified), Federal, and County regulatory agencies as required, including, but not limited to:
- a. Amador County Building Department: Building Permits, as necessary, for any additional structures at the Quarry site. (former COA 6 modified)
 - b. Amador County Environmental Health Department (ACEHD)
 - c. Amador County Air District (AAD): Authority to Construct, Permit to Operate (former COA 13 modified)
 - d. Central Valley Regional Water Quality Control Board (CVRWQCB): Storm Water Pollution Prevention Plan (SWPPP), Water Quality Management Plan (WQMP), Waste Discharge Requirement (WDR) (former COA 5)

THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT IN CONJUNCTION WITH THE ABOVE MENTIONED DEPARTMENTS/AGENCIES.

HOURS OF OPERATION:

15. Hours of operation for **excavation, material processing, load-out, and hauling** ~~other than maintenance and repair work~~, shall be limited to the hours of **12:00 a.m. Monday through 11:59 p.m. Friday**. ~~6:00 a.m. and 6:00 p.m. Days of operation, other than maintenance and repair work, shall be limited to Monday through Friday. Maintenance and repair work of a low noise level may be made outside the foregoing working hours and days of operations.~~ The noise level for maintenance and repair work conducted outside normal working hours and days shall not exceed 45 dBA at the property line. The above limitations on working hours and days may, in case of emergency, be temporarily waived by the Chairman of the Board of Supervisors, or his/her designee, until such time as the matter may be heard by the Board of Supervisors for a final determination. (former COA 25 modified) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

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BLASTING:

16. Blasting shall be limited to a maximum of eighty (80) blasts per year, Monday through Friday, between the hours of 11:30 a.m. and 2:30 p.m., unless conditions or circumstances require delay of the blast after 2:30 p.m. Blasting materials shall be kept in magazines approved by the Technical Advisory Committee or will be transported to the Quarry for each day of blasting, as needed, by a licensed and permitted explosives delivery contractor and transferred directly into the drill holes. (former COA 18 [portion of] and 26 reworded) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

17. The operator/permittee shall provide a minimum 24-hour notice via email and phone call, to all neighbors within a one-mile radius of the quarry's property lines unless said resident(s) opt-out of the notification process, of the expected 3-hour blast window on the blasting day (i.e., 11:30 a.m. – 2:30 p.m.). If a blast must be delayed, the operator/permittee shall provide notice of the blast delay to those neighbors within a one-mile radius by email and phone call during the normal blast window, and provide the most likely window of time the delayed blast will occur. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT. (portion of former COA 18 modified)
18. All feasible measures to reduce noise and vibration effects of blasting shall be utilized, including, but not limited to the following: electronic detonator instead of Primacord; milli-second delays; appropriate stemming of charges; avoidance of blasting during adverse weather conditions; management of charge size consistent with particular stage of quarry development. (former COA 18) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
19. Three additional seismographs in addition to the one currently in place on the south side of the highway across from 3871 SR 88 (Givich property), shall be installed to monitor blasting vibrations as the quarry expands eastward. One seismograph shall be installed approximately at the eastern edge of the estimated five year expansion area, or as otherwise advised by the blasting technician. This seismograph will continue to be moved eastward as expansion progresses and located as advised by the blasting technician. One seismograph shall be located at 4100 Jackson Valley Rd. (Lambert property) and one seismograph at 4121 Jackson Valley Rd. (May property) in locations determined by the blasting technician to provide the most accurate reading of blast vibrations. These seismographs shall be installed prior to the first blast in the expansion area or within 30 days of issuance of the amended use permit, whichever occurs first.

Seismograph readings from the seismographs shall be included in the six month report (per Condition 7), and shall be made available to the landowners at that time. Included in the report shall be material stating the maximum blast vibration allowable per the industry regulations and a brief explanation of the seismograph readings in relation to those industry standards. Readings shall continue in perpetuity, unless the property owners send written notification to the County indicating they no longer desire to participate. These readings shall be maintained with each blast record, and shall be made available to the property owners every six months.

After the first 3 year monitoring report (per Condition 7), the operator/permittee shall include in subsequent 3 year monitoring reports only the seismograph readings from those blasts with a powder factor greater than 1.4 lbs/yd³, along with notification of any changes in regulation regarding blast vibrations in regard to structures, etc. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

20. To mitigate any potential impact of blasting on the Pacific Gas & Electric (PG&E) natural gas line located along SR 88, the maximum allowable peak particle velocity (PPV) resulting from blasting is 4 inches/second as measured by the seismograph closest to the gas line. Operator/permittee shall notify PG&E and the Planning Department whenever blasting will occur within 500 feet of the gas line so PG&E can review the situation. Any requirements and/or recommendations resulting from PG&E's review shall be provided to the County by PG&E. The operator/permittee shall adhere to all requirements/recommendations resulting from PG&E's review. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT IN CONSULTATION WITH PG&E.

SAFETY AND SECURITY:

21. Fencing shall be installed along the perimeter of the Quarry to prevent public access and appropriate “no trespassing” signage shall be posted around the perimeter of the Quarry boundary. (former COA 7) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

22. Prior to issuance of the Amended Use Permit operator/permittee shall mail to each land owner within a one-mile radius of the exterior boundary of the project site as listed on the County’s most current tax roll, a list of quarry contacts and phone numbers for the following issues:
 - a. Quarry operations site contact (local phone number and email address) for regular daytime operations (Monday – Friday, 6:00 AM – 6:00 PM) regarding such things as dust, noise, traffic (i.e., quarry truck traffic going eastbound on Jackson Valley Rd.), etc.
 - b. Quarry operations contact (mobile phone number and email) for evening and weekend hours for trespassing, suspicious activity, working outside of approved business hours, Saturday maintenance activity exceeding allowed noise limits, etc.
 - c. Administrative contacts (email addresses and phone numbers) during regular business hours (Monday – Friday, 8:00 AM – 5:00 PM) concerning fulfillment of mitigation measures, conditions of approval, etc. or if there is not an adequate response from other contacts.

The contact list shall be updated every 3 (three) years (to coincide with the monitoring report required pursuant to Condition 7, above) and any time there are changes in personnel and/or contact information listed on contact list and re-sent to all land owners within the one-mile radius.

LIGHTING:

23. Artificial illumination of any area within the Quarry site shall be of a non-glare nature and shall be shielded to the extent feasible to prevent glare from affecting neighboring parcels of land with a direct line of sight of the Quarry. (former COA 8) THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

OPERATIONAL CONDITIONS

24. Operator/permittee shall make all reasonable efforts to hire local residents. (former COA 41)

Water Quality / Storm Water Runoff / Erosion Control

25. All requirements of the California Regional Water Quality Control Board (“Regional Board” hereinafter), including but not limited to a comprehensive erosion and drainage control plan and submittal of a report of waste discharge, shall be adhered to at all times. All water used in any part of operator’s/permittee’s quarrying or processing of quarried materials, wastewater, and precipitation runoff polluted by contact with any materials used in quarrying, processing of quarried material, storage of any waste, ore, or other materials, and the hauling associated with the project shall be contained to the satisfaction of the Regional Board. (former COA 5)

26. In addition to the requirements set forth by the Regional Board, to the extent the provisions of this condition are not inconsistent therewith, the operator/permittee shall install and/or maintain a drainage containment system so that the storm water runoff from the site and from quarry operations shall be directed into a settling basin so that sediment contained in such water may be removed by ponding, recycling, infiltration, or evaporation to prevent said contamination or

pollution from leaving operator's/permittee's property or entering the groundwater. Settling basins shall be sized so an adequate volume of runoff can be retained without causing the ponds to overflow (i.e., for a 100-year storm). (former COAs 9 and 36)

27. Operator / permittee shall ensure that areas of the site which are not surfaced with crushed rock or more substantial paving, except for the active quarry area and stockpile areas, are revegetated annually, if necessary, to reduce erosion potential. Native species appropriate to the topography, soil characteristics and climate of the property shall be utilized in conjunction with natural recruitment to ensure a good survival rate of materials used in revegetating. (former COA 1, slightly revised)
28. All revegetation required pursuant to these conditions shall be accomplished by operator/permittee prior to October 15 of each year. (former COA 33 updated)
29. The operator/permittee shall provide a positive storm water disposal system per Section 17.90.120 of the Amador County Code, including rights-of-way, channels, swales and appurtenant structures as needed to provide adequate drainage facilities to Jackson Creek. (former COA 32)
30. The operator/permittee shall file, and have approved, an industrial stormwater permit with the Regional Water Quality Control Board. The operator/permittee shall pay the cost of annual sub-surface water-testing (i.e. three water wells in the immediate area), conducted in accordance with the memorandum of April 7, 1983 (Weatherby Associates). (portion of former COA 35)

THE AMADOR COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (# 25 - 30).

Dust Suppression

31. Wet suppression shall be used to reduce, to the extent feasible, air pollution resulting from the crushing / screening operation and quarrying activity. The installation of the apparatus to be used for said dust control, and the operation thereof, shall meet the requirements of the ACAPCD and all other applicable federal, state and local requirements. (former COA 15)
32. Storage piles of quarry rock, sand, gravel and/ or banked overburden shall be stabilized with water spray, crusting agents, revegetation, or other method as approved by the APCD. Dust from haul truck movements and interior roads shall be controlled to the extent feasible through surface wetting, surface stabilization by chemical means, sealants, or paving, together with regular maintenance and cleaning, or as may be required by the conditions hereof and otherwise approved by APCD. (former COA 16)

THE AMADOR COUNTY AIR DISTRICT SHALL MONITOR THESE REQUIREMENTS (#'s 31 and 32).

TRAFFIC AND CIRCULATION

33. **Widen the westbound State Route 12 approach at State Route 88:** The operator / permittee shall place into an escrow account, for each of the first six years following issuance of the Amended Use Permit 15%, and for the seventh year following issuance of the Amended Use Permit 10%, of the operator's/permittee's required Fair Share contribution (calculated to be 2.7% of the total needed improvements) for the benefit of San Joaquin County/COG (or other

agency as determined) toward the required improvement. At the time that such funds are required for construction of the improvement, the funds will be tendered from the escrow account to the San Joaquin County/COG (or other agency as determined). If the improvement will be constructed before seven years has expired from the issuance of the Amended Use Permit, the operator/permittee shall tender its full Fair Share (2.7%) contribution to San Joaquin County/COG (or other agency as determined) toward the required improvement within 60 days of written notice that such funds are actually required for construction. As an alternative to payment of the Fair Share (2.7%) contribution, the operator/permittee may upon San Joaquin County/COG concurrence, construct a portion of the improvement with equal value to the Fair Share (2.7%) contribution. **(Mitigation Measure 3.2.3a)**

34. **a. Install traffic signals and improvements at State Route 88 and Jackson Valley Road (West):** Operator/Permittee shall annually provide the County Department of Transportation and Public Works with the traffic volumes for this section of SR 88. Upon traffic volumes on SR 88 reaching 80% of AM peak hour cumulative volume (80% of 1,142 trips) or of mid-day peak hour cumulative volume (80% of 1,310 trips), County shall, at the expense of the operator/permittee, cause delay monitoring for Level of Service (LOS) on Jackson Valley Rd. (South leg) and SR 88 to be conducted. If conditions are worse than LOS C for the northbound Jackson Valley Road approach at this intersection, the operator/permittee shall meter truck traffic outbound from the quarry to the level such that LOS C is not exceeded. If operator/permittee cannot meter truck traffic to attain LOS C or better, operator/permittee shall fully fund the installation of a traffic signal of which 59% shall be their fair share. Operator/Permittee may enter into an agreement with Amador County for possible reimbursement of construction cost in excess of the project's proportionate share (RTP Policy 1B-15). **(Mitigation Measure 3.2.3b);** and

b. Install traffic signals at State Route 88 and Buena Vista Road: Payment of Regional and Local traffic impact fees is the mitigation for this impact (MM 3.2.3c). The operator/permittee shall make payments to Amador County for funding of the calculated traffic impact fees over five years following the issuance of the Amended Use Permit. The first payment of 20% of the total traffic impact fees is due prior to approval of the Amended Use Permit. The remaining 80% of the traffic impact fees shall be paid, 20% per year over the next four years with the payments being made to Amador County Public Works on the anniversary date of the issuance of the Amended Conditional Use Permit. **(Mitigation Measure 3.2.3c)**

Traffic Mitigation Fees in accordance with County Ordinance No. 7.84 and applicable to the "Industrial/Mining" uses are calculated as Project generated trip ends (273) multiplied by the unit cost per trip end for both the Regional and Local traffic impact fees. The current fee schedule is \$456/trip end for Regional Fees and \$375/trip end for Local fees.

$$TIMF = (Fee) \times [(273 \text{ Trips}) / (1.5 \text{ Trips per Fee})]$$

35. **Install traffic signal at the intersection of State Route 88 and State Route 104:** Prior to issuance of the Amended Use Permit, the operator/permittee shall pay to the Amador County Department of Transportation and Public Works a Fair Share Contribution of 0.9% of the signalization costs of improvement to the State Route 88/Jackson Valley Road (East) Intersection. **(Mitigation Measure 3.2.3d)**
36. **Construct an eastbound right-turn lane at the intersection of State Route 88 and Jackson Valley Road (West), in accordance with Caltrans standards.** The operator/permittee shall begin the permitting and construction design/bid process for the required improvement upon

issuance of the Amended Use Permit. Construction is to be initiated within one year of issuance of the Amended Use Permit (unless delayed by conditions beyond the control of the operator / permittee). The operator/permittee shall work diligently through the design, approval and construction process with Caltrans while keeping Amador County apprised of the progress with monthly progress reports. **(Mitigation Measure 3.2.5)**

37. **Reconstruct Jackson Valley Road (West) from the quarry access northwest to State Route 88, in accordance with Amador County standards.** The operator/permittee shall submit, within 12 months of the issuance of the Amended Use Permit, improvement plans for the reconstruction of Jackson Valley Road to a minimum Caltrans standard traffic index (TI) of 11.0. Operator/permittee shall diligently pursue plan approval from Amador County and Caltrans. Construction of improvements shall begin when production exceeds 500,000 tons in one year or 4 years from the issuance of the Amended Conditional Use Permit, whichever occurs first. Construction is to be completed within one year. **(Mitigation Measure 3.2.6a)**
38. Prior to issuance of the Amended Use Permit, the operator/permittee shall enter into a new long-term road maintenance agreement with Amador County to maintain Jackson Valley Road (West) between the Quarry access and SR 88. **(Mitigation Measure 3.2.6b)**
39. The only approved access to the site is from Jackson Valley Road at the existing driveway encroachment. (former COA 23)

THE AMADOR COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (#'s 33 - 39).

40. Any speed limits, traffic control regulations, and load limits as established from time to time by the Board of Supervisors of the County of Amador, and all applicable provision of the California Vehicle Code and the California Streets and Highway Code, shall be obeyed at all times by persons operating haul trucks to and from the Quarry site. The operator/permittee shall carry public liability insurance covering its Quarry operations as set forth herein (COA 5, above). If necessary, a special truck speed limit shall be mandated along Jackson Valley Road between the Quarry and State Highway 88. (former COA 2)
41. All parking and vehicle staging shall be contained on-site. There shall be no Project truck parking along Jackson Valley Road.
42. Project truck traffic shall be routed westerly along Jackson Valley Road from the Quarry access to State Highway 88 since Jackson Valley Road east of the site is posted with a legal load limit. (former COA 28)
43. Each load carried by a transport truck shall be weighed prior to travel on a public thoroughfare to ensure that all loads conform to applicable State requirements. (former COA 37 modified)

THE AMADOR COUNTY SHERIFF AND/OR CALIFORNIA HIGHWAY PATROL SHALL MONITOR THESE REQUIREMENTS (#'s 40 - 43).

NOISE

44. The operator/permittee shall ensure project activities adhere to/comply with the following operational conditions: **(Mitigation Measures 3.4.1.a , 3.4.1b, 3.4.1c)**
- a. Site preparation activities shall be limited to the daytime hours of 8AM – 5PM, Monday through Friday.
 - b. All equipment, fixed or mobile shall be outfitted with properly operating and maintained exhaust and intake mufflers, consistent with manufacturers’ standards.
 - c. Impact tools (e.g. jackhammers, pavement breakers, rock drills), shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible. Quieter tools, such as the use of drills, rather than impact tools, shall be used whenever feasible.
 - d. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or other measures to the extent feasible.
 - e. Prior to issuance of the Amended Use Permit signs shall be posted at the Quarry site entrance and in the area of the quarry expansion for the purpose of informing all quarry workers, contractors, subcontractors, their employees and agents, materials haulers of the basic requirements of Conditions 44 a. through d. above.
 - f. Prior to issuance of the Amended Use Permit signs shall be posted at the Quarry site that include permitted days and hours for site preparation and for Quarry operations, a day and evening contact number for the Quarry site, and a contact number in the event of problems.
 - g. An onsite complaint and enforcement manager shall respond to and track complaints and questions related to noise.

44a. To reduce potential impacts associated with noise to a state of compliance with the project thresholds of significance, the following noise mitigation measures are required for excavation, material processing, load-out, and hauling when these activities occur outside the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday, the operator shall:

1. **Suspend acoustic curtains around the processing plant crushers and screen decks;**
2. **Ensure that all processing area conveyors are properly lubricated at all times;**
3. **Limit excavation activities to 6:00 a.m. to 6:00 p.m. Monday through Friday until the excavation equipment has progressed 20 feet below existing grade to be shielded by surrounding topography.**
4. **Following implementation of COAs 44a(1) through (3), noise monitoring shall be performed by a qualified consultant 3 months and 6 months from commencement of nighttime operations and shall occur while processing plant crushers are in operation to confirm effectiveness of the mitigation measures and compliance with the applicable noise standards.**
5. **Limit the maximum number of nighttime truck loads to 45 (90 one-way trips) in any nighttime hour and 385 (770 one-way trips) per night (10:00 p.m. to 6:00 a.m.) to ensure compliance with the County’s 60 dB Ldn exterior noise standard.**

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45. The operator/permittee shall construct along that portion of the northern property line of the Quarry site an approximately seven (7) foot high earthen noise and visual attenuation berm necessary to block the line of site from the nearest residence to the north to the noise sources and to the traveling public. This berm may be developed from overburden or aggregate material and shall be landscaped for erosion control. The location of this berm shall be approximately as shown on Sheets 2 and 3 of the Reclamation Plan. This berm shall remain in perpetuity, unless otherwise advised by the County upon reclamation. **(Mitigation Measure 3.4.2 and project description)**

46. The operator/permittee shall adhere to the following:

a. On-site equipment shall be outfitted at all times with noise attenuation devices. Haul trucks shall not exceed the standards for maximum permitted noise established in Article 2.5 of Chapter 5 of Division 12 of the California Vehicle Code. (former COA 17)

b. The following noise standards shall not be exceeded at the property lines (former COA 19):

<u>Time Period</u>	<u>Noise Standard</u>
6 AM – 6 PM	65 decibels (A-weighting)
6 PM – 6 AM	60 decibels (A-weighting)

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c. The above standards shall not be exceeded except by the following A-weighting allowed decibels for the duration of time set forth below:

<u>Cumulative Duration of the Intrusive Sound (cumulative period of minutes / hour)</u>	<u>Allowance Decibels (A-weighting)</u>
a. 30 minutes / hour	0
b. 15 minutes / hour	+5
c. 5 minutes / hour	+10
d. 1 minute / hour	+15
e. Level not to be exceed at any time	+20 (i.e. 85 decibels)

Said noise level requirements shall be cumulative and apply to all equipment on the project site (except blasting), including, but not limited to, the crushing/screening equipment, trucks and other equipment that may be owned by the operator/permittee or any other person. The use of loud sound signals shall be avoided in favor of visual (flashing light) warnings except for those loud signals required by safety laws for the protection of personnel.

d. Upon the request of Amador County, the operator/permittee shall provide for the measurement of decibels at the Quarry property lines. (former COA 20)

e. If these off-site noise standards cannot be maintained, operator/permittee shall employ muffling, noise attenuation berms, noise deflection walls, or enclose equipment within (temporary) structures. (former COA 39)

47. The operator/permittee shall not allow the use of jake brakes on Jackson Valley Road by trucks entering or exiting the Quarry site. Operator/permittee shall ensure that signs remain on the

Quarry site and on Jackson Valley Road, at a location conspicuous to truck traffic, stating that “the use of jake brakes is prohibited on Jackson Valley Road”. (former COA 42)

48. The operator/permittee shall install low berms (minimum five feet in height) and trees in low topographic areas (designated on Figure 7, attached) along the Project’s eastern property line to aid in screening eastward-blowing dust and aid in the deflection of potential noise from the eastward expansion of the Quarry operations to 4121 Jackson Valley Road (May property). Berms shall be constructed when overburden material becomes available with the first eastward expansion of the Quarry. Priority for berm construction shall be as indicated on Figure 7, with the intent to deflect dust and noise from the initial expansion and continue in successive expansions. The first berm shall be constructed within three months of commencing overburden removal within the expansion area. The two additional berms shall be constructed with each successive annual expansion of the Quarry eastward. All berms shall be constructed no later than 3 years from the commencement of operations within the expansion area.

Trees shall be planted on the berms within three months of completion of each of the berms and shall be a maximum 24-inch box size, of a mix of at least two evergreen specie native to the area, such as: Coulter pine (*Pinus coulteri*), Jeffrey pine (*Pinus jeffreyi*), Incense cedar (*Calacedrus decurrens*), and Interior live oak (*Quercus wislizenii*).

The operator/permittee shall maintain the trees until established (a maximum of 7 years from each initial planting) and shall replace any which die within that 7-year period.

THE PLANNING DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (#’s 44 - 48).

49. Quarry and rock processing employees shall not be exposed to noise levels higher than those established by California OSHA and the Federal Mine Safety and Health Administration (MSHA). (former COA 38) THE AMADOR COUNTY ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

BIOLOGICAL RESOURCES

50. In the spring just prior to initiation of surface disturbing activities for each new area of the quarry expansion, a qualified biologist shall conduct preconstruction surveys for Hoover’s calycadenia (*Calycadenia hooverii*) and any other state or federal special status plant species. If no sensitive species are found, then no further action is needed. If special-status plant species are found, the operator/permittee shall consult with the appropriate agencies (United States Fish and Wildlife Service [USFWS] if a federally-listed specie; California Department of Fish and Wildlife [CDFW] if a State-listed specie) to provide minimization and avoidance measures commensurate with the standards provided in application protocols for the affected species. Where project disturbance will impact special status plant species habitat and avoidance is impractical, offsite habitat shall be preserved at a 1:1 ratio unless a different ratio is authorized by USFWS and/or CDFW protocol and/or site specific circumstances justify a different ratio. The preservation and avoidance measures shall include, at a minimum, appropriate buffer areas clearly marked during mining activities, monitoring by a qualified botanist, and the development and implementation of a replanting plan (collection of seeds, revegetation, and management and monitoring of the habitat to ensure success) for any individuals of the species that cannot be avoided. (**Mitigation Measures 3.6.1.a**)

51. If feasible, conduct all tree and shrub removal and ground-disturbing activities for any phase of the Quarry operation during the tree-nesting raptor and other listed/protected nesting bird non-breeding season, generally October through February.

Prior to initiation of surface disturbing activities for each new area of the quarry, if activities are expected to occur during the breeding season of tree-nesting raptors and other listed/protected (i.e., Migratory Bird Treaty Act) nesting birds (generally from March through September), pre-construction surveys for tree-nesting raptors and other listed/protected nesting birds shall be conducted. The surveys shall be conducted by a qualified biologist in suitable nesting habitat within 1000 feet of the disturbance area for tree nesting raptors and other listed/protected nesting birds prior to project activities that will occur between March 15 and September 15 of any given year.

If active nests are recorded, the operator/permittee shall consult with the appropriate Federal (USFWS) or State (CADFW) agency to determine and implement appropriate avoidance and mitigation measures. Said measures may include, but are not limited to, buffers (typically 500 feet) and monitoring. (**Mitigation Measures 3.6.1.b**)

52. Where avoidance is not feasible or practicable, the project proponent shall provide at a ratio of no less than 1:1 blue oak tree replacement onsite or off-site.

On site mitigation may not represent more than one-half of the required mitigation {PRC 21083.4 (b) (2) (C)}. All trees and shrubs planted shall be purchased from a locally adapted genetic stock obtained within 50 miles and 1,000 feet in elevation of the project site. To help ensure habitat establishment and success, planting densities shall not exceed 450 trees for each acre planted. The maintenance and monitoring plan shall include cages for each seedling, identify a weed control schedule, and outline a watering regimen for the plantings.

Mitigation shall commence within one year of the loss of trees due to project operations. Mitigation is required only as areas are affected by immediate clearing or mine operations, not for those areas affected by anticipated activity over the entirety of the 25-year mining operation. The requirement to maintain trees planted for mitigation purposes terminates seven years after the trees are planted. {PRC 21083.4 (b) (2) (B)}

AND

As an alternative to on- or direct offsite mitigation, the project proponent may contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision Fish and Game Code §1363(a), for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. (**Mitigation Measure 3.6.2**)

53. To ensure that there is no net loss of wetland and associated riparian habitat and no significant impact to potential jurisdictional features, the project proponent shall compensate for impacted wetlands and associated riparian habitat at a ratio no less than 1:1. Compensation shall take the form of wetland preservation or creation in accordance with U.S. Army Corps of Engineers (Corps) and CDFG mitigation requirements, as required under project permits. Preservation and creation may occur on-site (through a conservation agreement) or off-site (through purchasing credits at a Corps approved mitigation bank), or as otherwise permitted or required by governing agencies. (**Mitigation Measure 3.6.3**)

THE PLANNING DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (#s 50 - 53).

GEOLOGY, SOILS AND SEISMICITY

54. On an annual basis, and following any major seismic events, a California registered geotechnical engineer shall inspect the quarry slopes to assess bedrock fracture and joint conditions. The inspection shall require continued mapping and movement monitoring of mining slopes (if any) to assess slope stability. If a slope condition presents a risk to mine safety or the potential for erosion/siltation, remediation measures shall be implemented upon recommendation by the geotechnical engineer. Engineering recommendations for slope repair or stabilization shall be incorporated into the quarry operations.

If it is proven that annual inspections are not necessary through accumulated data from the Geotechnical Engineer's reporting (including data that indicates no substantive changes in slope stability are occurring such as a continued "factor of safety" rating of 1.0, or greater, is maintained), the frequency of inspections may be reduced with the Geotechnical Engineer's recommendation and County concurrence. **(Mitigation Measure 3.7.2)** THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

PUBLIC SERVICES, UTILITIES AND RECREATION

55. The operator/permittee shall ensure, through the enforcement of contractual obligations, the following operational procedures:
- a. Construction areas, staging areas, welding areas or areas slated for other development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. These areas shall be kept clear of combustible materials in order to maintain a fire break.
 - b. Any construction or mining equipment, including, but not limited to, vehicles and heavy equipment that normally includes a spark arrestor shall be equipped with an arrestor in good working order. **(Mitigation measure 3.8.1a)**
56. The operator/permittee shall consult with the Jackson Valley Fire Protection District (JVFPD) to:
- a. Create fire-safe landscaping (if any is proposed) near structures prior to its installation; and
 - b. Develop an emergency response and evacuation plan for the Quarry prior to commencing land clearing activities within the expansion area. **(Mitigation Measure 3.8.1b)** THE PLANNING DEPARTMENT IN COORDINATION WITH THE JACKSON VALLEY FIRE PROTECTION DISTRICT WILL MONITOR THESE REQUIREMENTS (#'s 55 and 56).
57. The operator/permittee shall comply with all health regulations contained in Title 14 (Water and Sewage) of the Amador County Code and all relevant state law. Use of chemical toilets (portable sanitary facilities) is permitted as long as proof of a contract with an acceptable pumping service is on file with the Amador County Environmental Health Department. (former COA 10 modified) THE AMADOR COUNTY ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

58. The operator/permittee shall provide potable water for use by employees at the project site in accordance with previous approvals by the Amador County Environmental Health Department. Any desired changes to the provision of potable water shall be approved by the Amador County Environmental Health Department prior to such change and shall be otherwise subject to all health regulations contained in Title 14 Water and Sewage) of the Amador County Code and applicable state laws. (revision to former COA 11) THE AMADOR COUNTY ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
59. Nonpotable water for processing shall to be obtained from the Jackson Valley Irrigation District. Any water line extension(s) to the quarry site shall be made available to adjacent landowners, if they so desire, through a method acceptable to all concerned parties. If any other source of water is to be utilized, the source must receive review and approval of the Amador County Planning Commission or the Board of Supervisors. (minor revision to former COA 12) THE AMADOR COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.

CULTURAL RESOURCES

60. During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/ permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities. **(Mitigation Measure 3.9.2)**
61. In the event of discovery or recognition of any human remains anywhere within the Quarry area, the operator / permittee shall comply with the following protocol:
- 1) Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is contacted, per Section 7050.5 of the California Health and Safety Code, who shall
 - a. Determine if an investigation of cause of death is required;
 - b. Determine if the remains are most likely that of Native American origin, and if so suspected:
 - i. The operator/permittee shall comply with state laws relating to the disposition of Native American burials under the jurisdiction of the Native American Heritage Commission (PRC Section 5097).
 - ii. The descendants of the deceased Native Americans shall make a recommendation to the operator / permittee for the means of handling the remains and any associated grave goods as provide in Public Resources Code (PRC) Section 5097.98
 - c. If the NAHC is unable to identify a descendant, or the descendant fails to make a recommendation within 24 hours after being contacted by the NAHC operations may continue. **(Mitigation Measure 3.9.3)**

THE PLANNING DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (#'s 60 and 61).

HAZARDS AND HAZARDOUS MATERIALS

62. If contaminated soil and/or groundwater or suspected contaminated soil and/or groundwater are encountered during any ground-disturbing activities, such activities shall be halted in the area and the type and extent of the contamination shall be identified.

A qualified professional, in consultation with the overseeing regulatory agency (Central Valley Regional Water Quality Control Board [RWQCB], Department of Toxic Substances [DTSC], and/or Amador County Environmental Health Department [ACEHD]) shall develop a remediation plan and determine the appropriate handling and disposal method of any contaminated soil and/or groundwater. If required, a remediation plan shall be implemented. **(Mitigation Measure 3.10.1)**

63. All hazardous materials shall be transported, stored and handled in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the Caltrans, the Central Valley RWQCB, the Amador Fire Protection District, the Jackson Valley Fire Protection District, and the Certified Unified Program Agency (CUPA).

The operator/permittee immediately shall control the source of any leak or spill and contain such spill or leak utilizing the appropriate containment and countermeasures as outlined in the site's SPCCP. If required by the overseeing regulatory agency, contaminated media shall be collected and disposed of at an offsite facility approved to handle such media. The operator/permittee shall adhere to all precautions required by the CVRWQCB-issued NPDES construction activity storm water permits to ensure that no hazardous materials enter nearby waterways. **(Mitigation Measure 3.10.2)**

64. The operator/permittee shall install an oil sponge or similar type of grease trap at any discharge point within the quarry site, or provide containment at storage areas in accordance the overseeing regulatory agency and the site's WDRs and SWPPP. (former COA 34 modified to reflect current regulations)
65. Operator/permittee shall comply with all applicable Air District regulations related to the handling and storage of petroleum products. (revised to cover former COA 14) THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
66. An independent registered professional shall conduct testing for naturally-occurring asbestos (NOA) on the Quarry rock within the expansion area within three months of commencement of operations in the expansion area. These tests shall be in conformance with current State protocols as determined and directed by the Amador Air District. Results of this initial testing shall be included in the six-month report (per Condition 7). Additional testing for NOA shall be conducted no less frequently than once per year. Results of testing shall be included in the 3-year monitoring report (per Condition 7). THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
67. Operator/permittee shall maintain substantial compliance with the requirement of the CUPA. (revised to cover former COAs 4 and 14)

THE AMADOR COUNTY ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (# 62 – 64 and 67).

AESTHETICS

68. In addition to the noise and visual attenuation berm required in COA 48, above, the operator/permittee shall plant and maintain the trees along the property lines to screen the quarry operation from Highway 88 and Jackson Valley Road. (former COA 43 expanded to include expansion area) To the extent feasible, and in accordance with Condition 52 above (Mitigation Measure 3.6.2), commencing within the first year of surface disturbance of the Expansion area and over the course of mining operations the operator/permittee shall:
- a. Revegetate the site with blue oaks in a manner that will help to screen the mine area from view from Jackson Valley Road and Highway 88. The first area of oak mitigation shall be located nearest the southeastern corner of the site, generally along and between the 250' and 275' contour lines and along Jackson Valley Road where such trees will not be damaged by future surface disturbance (please refer to cross-section C-C' of the Amended Conditional Use Permit application).
 - b. Revegetate the northeastern corner of the site along Highway 88 and along or on top of the noise attenuation berm once that berm has been completed and the trees will not be damaged by surface disturbance in the area due to mining activities (please refer to Sheet 3 of 3 of the Reclamation Plan and cross-section C-C' of the Amended Conditional Use Permit application).
 - c. In accordance with Figure 6, attached, (Visual Simulation of the Quarry as viewed from eastbound SR 88), the operator/permittee shall prior to the first 3 year monitoring report, plant trees along the western property line of the Quarry. Trees shall be a maximum 24-inch box size, of a mix of at least two evergreen species native to the area, such as: Coulter pine (*Pinus coulteri*), Jeffrey pine (*Pinus jeffreyi*), Incense cedar (*Calocedrus decurrens*), and Interior live oak (*Quercus wislizenii*), or other specie as determined appropriate by the Planning Director, the combination of which shall provide a maximum screening effect for the full development of the Quarry.
 - d. Prior to the first 3 year monitoring report, the operator/permittee shall plant along the exterior edge of the ultimate disturbed areas, as shown on Sheet 2 of 3 of the Reclamation Plan and which may be viewed from Jackson Valley Road, additional native species of perennial flowers and shrubs among the groupings of rock which will remain undisturbed as an aid in early revegetation and to continue the more natural, undisturbed look of the area.
69. The operator/permittee shall plant trees at 4100 Jackson Valley Road (Lambert property) on the east side of the front paddock (west side of the driveway) in a line running roughly north-south to Jackson Valley Road (as indicated in Figure 8, attached). In addition, 2-3 trees shall be planted along the north side of the paddock in an approximately east-west line, or as otherwise directed by the landowners (as indicated on attached layout diagram). The trees shall be a 24-inch box size Coast Redwood (*Sequoia sempervirens*) or any other fast-growing evergreen tree species non-toxic to horses, appropriate for the climate, and as approved by the landowners. The trees shall be planted no less than 20 (twenty) feet apart, or at a greater distance if so dictated by the tree species. A maximum of fifteen (15) trees shall be planted.

The operator/permittee shall install an irrigation system for these trees. This shall be accomplished by extending a 2-inch water supply line from the existing line in the landowner's

front yard along the west side of the east driveway fence to the last pasture water line at the entrance of the driveway, connecting the new line to the existing 4 parallel pasture lines. The existing 4 parallel pasture irrigation lines shall be capped off on the east side (pasture side) of the east driveway fence. A new 2-inch water line with an appropriate number of sprinkler risers to provide adequate irrigation to the driveway irrigation zone (i.e., the trees and both sides of the driveway) shall be installed and the two new lines would be cross-connected utilizing the 4 existing pasture lines (now capped off) with the result being to separate the driveway irrigation zone from the pasture zone to allow for separate watering schedules (see attached layout diagram for reference). The trees shall be planted and the irrigation system installed within three months of the issuance of the amended use permit. The foregoing proposed irrigation plan may be altered, prior to installation, with the agreement of both parties (i.e., George Reed, Inc. and the homeowners of 4100 Jackson Valley Road) in the event an alternative design is developed which accomplishes the goal of providing a separate irrigation zone for the driveway strip and adequate irrigation for the grass within the strip and the trees to be planted on the west side of the driveway.

70. In accordance with the Reclamation Plan, as revised pursuant to these conditions, the operator/permittee shall distribute topsoil and revegetate the site as quickly as feasible upon cessation of mining and the depletion of the reserve. Revegetation species shall be consistent with the majority pre-mining habitats of California annual grassland and blue oak/foothill pine woodlands as indicated in the Reclamation Plan and noted in the final EIR certified for this Amended Conditional Use Permit. If on-site oak mitigation has not yet been completed, or is needed due to failure of oaks previously planted for mitigation, the operator/permittee may plant additional oaks as part of the allowed maximum on-site mitigation and revegetation. Trees shall be located to provide the greatest visual screening of the quarry from off-site views.
71. Operator/Permittee shall periodically remove revegetation appurtenances (e.g., staking, cages, fencing, irrigation, etc.) upon the successful establishment of the vegetation and, at or prior to, final reclamation to return the site to a visually natural state.

THE PLANNING DEPARTMENT SHALL MONITOR THESE REQUIREMENTS (#'s 68 – 71).