

RESOLUTION NO. 2013-52

**A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
APPROVING THE SAN RAFAEL ROCK QUARRY
SURFACE MINING AND QUARRYING PERMIT #Q-72-03, AMENDMENT #2
(CA Mine #91-21-0008)**

**1000 POINT SAN PEDRO ROAD, SAN RAFAEL
ASSESSOR'S PARCELS 184-010-52 ET AL.**

SECTION 1: SURFACE MINING AND QUARRY PERMIT AMENDMENT #2 FINDINGS

- I. WHEREAS on October 27, 2009, the Marin County Board of Supervisors adopted Resolution No. 2009-126 which certified the Combined Final EIR for the San Rafael Rock Quarry Amended Surface Mining and Quarry Permit and Amended Reclamation Plan projects as adequate for purposes of taking an action on the San Rafael Rock Quarry application; and
- II. WHEREAS on September 28, 2010, the Marin County Board of Supervisors adopted Resolution 2010-93 approving the San Rafael Rock Quarry Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 and Amended Reclamation Plan; and
- III. WHEREAS on June 18, 2013, prior notice of a public hearing was sent to property owners within two thousand five hundred feet of the perimeter of land affected and also posted on the County web site, and subsequently, a second public notice was sent to the same property owners on July 1, 2013 noticing the rescheduled hearing date; and
- IV. WHEREAS on July 16, 2013, the Marin County Board of Supervisors conducted a public hearing to consider the San Rafael Rock Quarry Surface Mining and Quarry Permit Amendment #2 and accepted public testimony; and
- V. WHEREAS, prior to taking action, the Marin County Board of Supervisors has reviewed and considered, among other items: (1) information, data and technical reports provided by the San Rafael Rock Quarry for the Surface Mining and Quarrying Permit amendment; (2) the staff report; (3) California Environmental Quality Act (CEQA) and the Notice of Exemption; and (4) all oral and written public testimony received and the administrative record.

**SECTION 2: RESOLUTION APPROVING THE SAN RAFAEL ROCK QUARRY AMENDED
SURFACE MINING AND QUARRY PERMIT, SUBJECT TO CONDITIONS OF
APPROVAL**

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts a resolution which approves the San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment #2, subject to the Conditions of Approval contained in "Exhibit A" of this resolution. "Exhibit A" is attached to this resolution and incorporated herein by reference.

Exhibit A
San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment No 2 Changes

- b. On site processing of aggregate materials obtained from on site including, rock crushing, sorting, screening, conveying and storage/stockpiling, and off site asphalt concrete grindings from only Marin County construction projects. Quarry grindings stockpiles shall not exceed 38,200 tons.
 - c. Barge loading operations for materials obtained on site including conveyor and direct truck loading of barges, and barge unloading of dredged San Francisco Bay sand from barges for asphalt production.
 - d. The operation of an asphalt concrete batch plant using on-site aggregate materials and off-site Marin County sourced asphalt grindings, and production of asphaltic concrete.
 - e. Access to and from the site by truck, and the loading of commercial and inter-facility trucks on site with rock, asphalt and processed aggregate materials quarried from the site.
 - f. Maintenance activities including repair, replacement and failure preventative measures on facilities, fixed plant, vehicles, vessels, and stationary and mobile equipment operating at the site.
 - g. Structures, facilities, equipment and other accessory uses and appurtenances including, but not limited to rock crushers, conveyor belts, asphalt batch plant, barging facilities, water supply ponds, water recycling ponds, scale house, truck wash racks, above ground fuel tanks, air pollution control equipment, administration offices, maintenance buildings and sheds as shown in the 2006 existing conditions aerial topography and map dated December 19, 2006, on record at the Marin County Department of Public Works. This is the last County required aerial map submittal prior to publishing the Notice of Preparation for the amended quarry permit EIR.
 - h. Reclamation, revegetation, reclamation monitoring, and biological studies at the quarry site per the approved reclamation plan and this Permit.
2. Mining shall not occur in the Northwest Quadrant. Mining shall not occur in the Northeast Quadrant except to the extent that rock is encountered when establishing the Quarry Bowl bench at the edge of the future flooded San Francisco Bay inlet. In no event shall mining occur beyond 100 feet north of the boundary line between the Northeast Quadrant and the Southeast Quadrant. Mining shall not occur on the non-land (on the bay side of the San Francisco Bay shoreline) portions of the Quarry lands. Quarrying on South Hill shall not be beyond what was described in the 1982 Amended Reclamation Plan.
3. The Permittee shall not import onto the Quarry property gravel or concrete for recycling, or dredged non-sand material.
4. Pond fines, if produced in the future, shall not be placed in the Northeast or Northwest Quadrants.

Exhibit A (continued)
San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment No 2 Changes

requirements of the approved reclamation plan have been met, including revegetation maintenance and monitoring, long term financial arrangements for harbor water quality maintenance are established, and the final financial assurance required by SMARA is returned to the Permittee.

29. All conditions of this Permit shall remain in effect until the Reclamation Plan is deemed "complete" by the County or the State, even though the operational aspects of mining have been terminated. A valid financial assurance (FA) shall be maintained on file until the County determines that all reclamation has been successfully carried out in compliance with the reclamation plan and Permit conditions.

30. The San Rafael Rock Quarry Combined EIR certified on October 27, 2009, analyzed potential impacts and the environment through year 2024. The term of the amended reclamation plan approval will be through December 31, 2024.

a. This permit may continue to be valid beyond 2024 insofar as quarrying and mining operations have ceased, and final Phase 4 reclamation is in progress per the approved reclamation plan and is substantially complete. Such activities may include vegetation management, marsh management, erosion and sediment control, historic structure preservation, and harbor and water quality management. However, continued quarry operations beyond 2024 would be considered a substantial extension of the termination date of mining operations as set out in the approved reclamation plan. In order for quarry operations, including but not limited to, crushing, trucking product, asphalt plant operation and barging, to continue beyond 2024, an application to amend the reclamation plan termination date, including continued mining operations if so desired, shall be filed at least 3 years before the termination date of the amended reclamation plan (no later than December 31, 2021).

b. In the event that asphalt grindings importation continue beyond October 1, 2015, importation of asphalt grindings from Marin County construction projects shall cease at least 1 year prior to termination of surface mining operation, or upon the end of the asphalt concrete batch plant use, whichever occurs first.

31. Three years prior to the end of quarrying operations, Permittee shall submit a development plan for subsequent use of the quarry property.

a. Neither approval of this permit nor approval of the amended reclamation plan constitute approval of post reclamation land uses, regardless of the generalized land uses depicted in submittals, reclamation plans or the Combined FEIR. Pursuant to the Surface Mining and Reclamation Act (SMARA), the purpose of a reclamation plan is to assure that adverse environmental effects are prevented or minimize and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses. The proposed mix of land uses and intensities shall be reviewed and considered by the appropriate jurisdiction in the future, at the time a development plan is filed by the property owner as part of the required land use and environmental review entitlements process.

Exhibit A (continued)
San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment No 2 Changes

d. Within 24 hours after the suspension is lifted, or the emergency declaration by the authorized local, state, or federal agency is no longer in effect, the Permittee shall send written notice to the Marin County Director of Public Works, and post on its website, the total hours of operation and number of truck-trips that occurred during the suspension.

34. Reclamation grading activities shall be limited to an 8-10 week period during each dry season, but shall not commence prior to April 15 nor active grading extend beyond October 15th. Erosion control measures may continue to be implemented after October 15th. *(Mitigation Measure R4.6-5a)*

a. Each year by May 1 and not later than 30 days prior to the commencement of reclamation activities, the Permittee shall inform by mail all residences on Marin Bay Park Court, Heritage Drive, and San Marino Drive, and the public at large by web site posting, of the start date, nature of the work and expected duration of the 8-10 week period during which reclamation grading activities will occur that calendar year. *(Mitigation Measure R4.6-3d)*

35. *Lighting:* Permittee shall restrict and minimize lighting for night operations. Where lighting is necessary, Permittee shall utilize light shades, directional lighting, and other measures so as to minimize off site glare at residences adjacent to property.

Trucking

36. The Permittee shall limit daily truck traffic hauling asphalt grindings to the Quarry or aggregate, asphaltic concrete, rock and other quarry product from the Quarry to 250 one-way truck trips per day (125 in and 125 out). *(Mitigation Measures P4.6-6a & P4.2-7a)*

a. The Permittee shall keep daily written records of truck trips in and from site and shall provide said records to the Department of Public Works upon request. Records shall include date, load weight or bill of lading, and time of departure, as well as daily number of inter-facility trucks and destination of non inter-facility trucks. Records of truck trips shall include in-bound trucks not used for rock and aggregate transport, e.g. asphalt batch plant oil, asphalt grindings (including documentation of Marin County project origin) and diesel loads. Records shall be kept a minimum of one year and an annual calendar year tabulation shall be provided in an Annual Report.

37. All loaded trucks shall be required to pass over a material shakedown area before exiting the Quarry.

38. All trucks leaving the Quarry shall be washed down, including the undercarriage, prior to entering Point San Pedro Road (except trucks transporting asphalt). The wash down and adjoining areas shall be paved to minimize tracking of dust and dirt. Point San Pedro Road shall be swept by a sweeper truck two times per day by the Quarry, except on rain days, when sweeping is not required. Sweeping is subject to the approval of the City of San Rafael within City jurisdiction.

Exhibit A (continued)
San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment No 2 Changes

This condition applies as well to Phase 4 reclamation for any loaded trucks. *(Mitigation Measure R4.2-1c, R4.2-1d, R4.2-2a & P4.2-6a)*

39. The access road leading between the scale house and Point San Pedro Road shall be paved.
40. The Permittee shall require all inter-facility trucks (those trucks transporting material from or to the Quarry to other facilities under ownership or control of the Permittee, its parent company or subsidiaries) to cover or tarp the load in order to prevent or reduce dust emissions.
41. Any material shipment from the Quarry to Dutra's currently proposed Haystack Landing facility in Petaluma shall be by barge only, provided that the facility is approved by the County of Sonoma with a barge unloading component and the barge unloading component is constructed.
42. Within 12 months of Permit approval the Permittee shall require that all trucks leaving or arriving at the Quarry loaded with aggregate or asphalt materials shall have their loads covered by tarp or other means to prevent fugitive dust. Upon Permit approval, the Permittee shall notify their customers and post this requirement on a web site. Permittee shall incorporate this requirement in all applicable third party contracts or agreements. Aggregate materials shall have the same meaning as California Vehicle Section 23114.
43. The Permittee shall provide a pull out area onsite after exiting the truck scales for truckers to check their load and/or tarp their load.
44. Trucks leaving the Quarry shall be metered by the Permittee at a minimum of 2 minute intervals during peak traffic periods. The peaks periods shall be approximately 2 hours long in the a.m. peak, and 1 hour long in the noon time and p.m. peaks, as determined by the Public Works Director.
45. Permittee shall install and maintain a conspicuous sign onsite near all exits from the Quarry that states the following: "TRUCKS SHALL NOT USE NORTH SAN PEDRO ROAD." Such prohibition shall not apply in the event of temporary closure or blockage of Point San Pedro Road. In such case, Permittee shall immediately notify the Department of Public Works of trucks from the Quarry using North San Pedro Road.
46. Permittee shall be responsible for cleaning up material spills on Point San Pedro Road from loaded trucks leaving the Quarry.
47. The Permittee shall routinely advise in writing, but no less than once per calendar year, and shall train all Quarry employees, Permittee leased truck operators and inter-facility truck drivers of the following trucking 'rules of the road'. The Permittee shall implement a progressive discipline policy on violating the