

**COUNTY OF LAKE**

**USE PERMIT 00-06  
CA Mine ID# 91-17-0013**

**CLEARLAKE LAVA, INC.  
POINT LAKEVIEW ROCK & REDI-MIX  
Expiration Date: September 14, 2019**

Pursuant to the approval of the Lake County Board of Supervisors on April 17, 2001, there is hereby granted to Clearlake Lava, Inc., P.O. Box 1250 Clearlake Oaks, CA 95423, a Use Permit to allow the operation of a volcanic cinder quarry including crushing, sorting, a concrete batch plant, and the importation of asphalt, concrete, aggregate and fill for on-site processing and recycling on property on Assessor Parcels No. 012-066-03, 12 & 24, in compliance with Chapters 21 and 24 of the Lake County Ordinance Code.

The Lake County Planning Commission has caused to be prepared an Initial Study (IS 00-07) which has determined that the project is within the scope of the Program EIR for the Aggregate Resource Management Element (ARME) and that the Planning Commission has reviewed and considered said Program EIR. The Planning Commission has previously approved Reclamation Plan 89-5 for this surface mining operation.

This Use Permit was formerly UP 89-35 and the conditions in this Use Permit are similar except for amendments that are within the scope of the Program EIR and consistent with the ARME policies.

Approval is subject to the following terms and conditions:

**A. General Conditions:**

1. This use permit has been approved by the Board of Supervisors on March 27, 2001. The use permit shall be valid until September 14, 2019, a period of twenty years from the previous use permit expiration date of September 14, 1999. The Planning Commission may, at its discretion, approve time extensions by the approval of a new use permit at a later date. If the surface mining area is not adequately reclaimed prior to the use permit expiration date, the Reclamation Plan 89-5 shall continue to be in effect after the expiration or revocation of this use permit until the mining area is reclaimed pursuant to the Reclamation Plan.
2. The permit holder shall permit the County of Lake or its representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under the authority of this permit is in accordance with the terms and conditions prescribed herein.
3. The Planning Commission may, after public hearing, modify or revoke this use permit any time during its term if it is determined that the use to which the permit is put is detrimental to the health, safety, comfort and general welfare of the public.
4. Mining activities, including hauling and loading operations, but excluding vehicle and equipment maintenance operations, shall be limited to Monday through Saturday 6:00 A.M. to 6:00 P.M. on a year-round basis. No operations are allowed the following legal holidays – New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas. In the event substantive noise complaints are received, the Community Development Department may require other noise reduction measures consistent with condition E.3 of this permit.

Operations outside of the allowed operating hours shall be limited to emergency situations. The Community Development Department shall be notified on the closest working day immediately preceding or following emergency operations. An emergency is defined for the event requiring immediate services by the permit holder to protect public health, safety, welfare and the environment as determined by the Community Development Director or his designee.

5. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal state or local agency, special district or department, which may retain a regulatory, or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
6. This project shall be constructed and operated in substantial conformance with the project description provided in use permit application UP 89-35, use permit application UP 00-06 and the previously approved reclamation plan, as modified in this permit. This project shall be limited to the lands contained in Assessor Parcel 12-066-03, 12 & 24 as confined within the reclamation plan boundaries. Ingress, egress, processing, stockpiles (except for topsoil), and equipment storage and maintenance is limited to the section of APN 012-066-03 where these activities have historically taken place, the area within the reclamation plan boundaries adjacent to Point Lakeview Road in the north area of the approved Reclamation Plan area as specified in Attachment 1. Ingress, egress, processing, stockpiles (except for topsoil), and equipment storage and maintenance is prohibited on APN 012-066-12 and 24. The Community Development Director may approve minor modifications, which do not result in increased environmental impacts, in writing. More significant modifications may be approved by the minor use permit or major use permit process depending on the scope of such proposed modifications.
7. The permit holder shall pay an annual SMARA monitoring fee as established by the county fee ordinance and Chapter 24 of the county code.
8. This use permit authorizes only one operating entity at a time at this site. Any successor or assignee shall send a letter to the Community Development Director prior to commencement of operations stating that they have read and understood this permit and agree to each and every condition thereof. This use permit is not valid until signed by the mining operator or authorized agent.
9. The importation of recycled asphalt, recycled concrete, aggregate and fill for on-site processing shall be limited to 2500 cubic yards per year. Materials shall be non-hazardous and managed in a manner consistent with the reclamation plan.

**B. Erosion and Sedimentation Control:**

1. Vegetation shall be removed only from areas where active mining is to occur during any one year. Newly cleared areas shall be contiguous to existing cleared areas.
2. Topsoil stockpiled for final site reclamation shall be protected from erosion. Site drainage shall be directed away from these stockpile areas. Prevention of sedimentation from stockpiles and other on-site sources of sediment may require use of silt fences and modification of drainage patterns if determined necessary by the Community Development Department.

3. Stormwater runoff and wastewater from aggregate processing shall be drained to flow into the detention pond pursuant to the approved reclamation plan.

**C. Site Maintenance:**

1. All refuse not including material stored for repair of mining machinery or structures shall be removed and taken to appropriate disposal sites.
2. All waste cement and concrete shall be crushed and either recycled, legally disposed of off-site in an appropriate disposal area, or shall be contained on-site in a ponding area suitable for this type of disposal, which meets all federal, state and local requirements.
3. No materials of any kind shall be deposited beyond the berm along the northwestern edge of the concrete batch plant area.

**D. Traffic Safety and Road Maintenance:**

1. **Within three months of approval of this permit** the permit holder shall enter into an extraordinary use agreement for maintenance of Point Lakeview Road with the Department of Public Works. Said agreement shall cover maintenance and repair of directly verifiable damage of the road between the project site and Hwy. 29. In addition, the agreement shall cover costs above and beyond the normal cost of maintenance for this section of road.
2. Trucks shall avoid using public roads during scheduled school bus hours.
3. Trucks carrying quarry products and other materials to and from the site shall transport it in a manner, which prevents spillage onto roadways. In the event that spillage does occur, it shall be cleaned up immediately.
4. **Within 90 days of approval of this permit**, The applicant shall post a sign at the site egress stating: "HEAVY TRUCK TRAFFIC - NO LEFT TURN EXCEPT TO DELIVER MATERIALS TO NEARBY COMMUNITIES"
5. **Within 90 days of approval of this permit**, Truck crossing signs, warning motorists of trucks entering or leaving the road, shall be placed along both lanes of Point Lakeview Road. The specific locations and design of these signs shall be determined by the Department of Public Works.
- 6A. **Within 90 days of approval of this permit**, The permit holder shall trim roadside vegetation as necessary to insure an adequate and safe sight distance for entering and exiting the operation.
- 6B. The permit holder shall be responsible for the safe operation and proper maintenance of trucks and other vehicles used by employees, subcontractors, or others hauling or purchasing aggregate under contract to the mining company. Safe operation shall include observation of speed limits and all other applicable traffic and vehicle safety and maintenance laws.

**E. Reclamation:**

1. The approved reclamation plan, RP 89-5, consists of the following documents:
  - a) "Reclamation Plan for Roundtop Mountain Quarry – Lake County, California" dated November 27, 1989, and
  - b) "Engineered Soil Plan for Roundtop Mountain Quarry Lake County, California" dated August, 1990.

**Reclamation shall comply with the terms of the plan, unless more restrictive conditions have been included in this use permit or other required permits.**

2. All topsoil to a minimum depth of two feet shall be stockpiled for reclamation use. Cleared vegetation shall be included in the topsoil stockpiles and shall not be burned. Equipment operators shall be informed of topsoil salvage requirements and implement such requirements. Topsoil stockpiles shall be designated with signs and or flagging at the mine. The permit holder shall submit a topographic map with the current stockpile locations delineated **within 90 days of approval of this permit.**
3. Within 30 days of the issuance of this permit, a financial assurance agreement, certificate of deposit, insurance policy, or bond, satisfactory in form and content to the Lake County Counsel, shall be provided and maintained by the permit holder to assure reclamation of this quarry in conformance with the approved reclamation plan (RP 89-5) and this permit. Said financial agreement shall make available \$46,178 for this purpose and shall be payable to the County of Lake and require County approval to terminate. The Community Development Department shall be provided with a written notice of no less than 120 days prior to a cancellation of a financial assurance. Any cancellation without providing the Department a minimum 120 day written notice shall be considered null and void.

Within 120 days of the issuance of this permit, the permit holder shall provide to the Department a revised financial assurance estimate. Cost estimates shall be prepared by a California registered professional engineer and/or other similar licensed and qualified professional retained by the operator and approved by the Community Development Director. In projecting the costs of financial assurances, it shall be assumed, without prejudice or insinuation, that the surface mining operation could be abandoned by the operator and consequently, the County may need to contract with a third party commercial company for reclamation of the site. Within 30 days of approval of the amount of the revised financial assurance the permit holder shall provide to the Department a financial assurance of such amount. The Community Development Department shall be provided with a written notice of no less than 120 days prior to a cancellation of a financial assurance. Any cancellation without providing the Department a minimum 120 day written notice shall be considered null and void.

**F. Noise:**

1. Adjustable backup beepers (when backup beepers are required by law) and manufacturer supplied grade mufflers shall be used on loading and on-site transport equipment.
2. The permit holder shall meet a noise standard of Ldn 55 dBA at residences.

4. The permit holder may be required to submit a supplementary noise control plan to the county for review and approval of the Community Development Department if it is determined by the Department that the conditions contained in this permit have not been sufficient to reduce noise to acceptable levels. Said plan shall provide noise reduction measures in addition to those contained in this permit.
5. Excavation shall be carried out in a manner that maintains a visual barrier of undisturbed material between excavated portions of the quarry and Highway 29 to the south and east. Excavation shall continue from north to south as each level of excavation is completed.
6. The use of explosives shall require prior approval of the Community Development Department and other applicable agencies. The Department may require further noise mitigation measures as a condition of such approval.

**G. Air Quality:**

1. The permit holder shall secure an Authority to Construct and Permit to Operate from the Lake County Air Quality Management District (LCAQMD) prior to commencement of any extraction activities and shall meet all LCAQMD regulations and standards.
2. All conditions of the LCAQMD Authority to Construct and Permit to Operate are herein referenced and made part of this use permit. The permit holder shall minimize vehicular and fugitive dust by use of water or other acceptable dust retardant.
3. Where a non-paved egress leads to a paved public road, the egress road shall be paved for no less than two lengths of the longest haul truck used at the site. The paved section of road shall be maintained in a clean condition. In the event that further mitigation is necessary, a mitigation plan shall be required and implemented.
4. The Community Development Department may require the submittal and implementation of a dust mitigation plan if sensitive receptors adjoin the mine area or if complaints are received.

**H. Water Quality:**

1. The permit holder shall comply with all regulations and permit requirements of the California Regional Water Quality Board, Central Valley region and State Department of Water resources Division of Water rights. No discharge of hazardous materials shall be allowed in ground or surface waters.

**I. Public and Employee Safety:**

1. The permit holder shall conduct all project-related operations in a manner that safeguards employees and the public and shall comply with the State Health and Safety Code.
2. The permit holder shall keep a copy of this use permit on-site during all operating hours.

**J. Archaeological, Historical and Paleontological Resources:**

1. If archaeological, historical or paleontological sites are encountered during excavation, all construction activity shall cease until a qualified professional surveys the site and appropriate mitigation measures can be determined by the Community Development Department and implemented by the permit holder.

**K. Hazardous Materials:**

1. Pursuant to the California Health and Safety Code (Section 25500 et seq.) the permit holder shall submit to the Division of Environmental Health a hazardous materials business plan. The permit holder shall adhere to the approved hazardous materials business plan. The permit holder shall comply with Section 25110 of the California Health and Safety Code related to the safe storage and disposal of all hazardous waste, including waste oil.

**Date of Expiration: September 14, 2019**

Daniel A. Obermeyer  
Community Development Director

By: Kristine Edgmon  
Kristine Edgmon  
Secretary to the Planning Commission

**ACCEPTANCE**

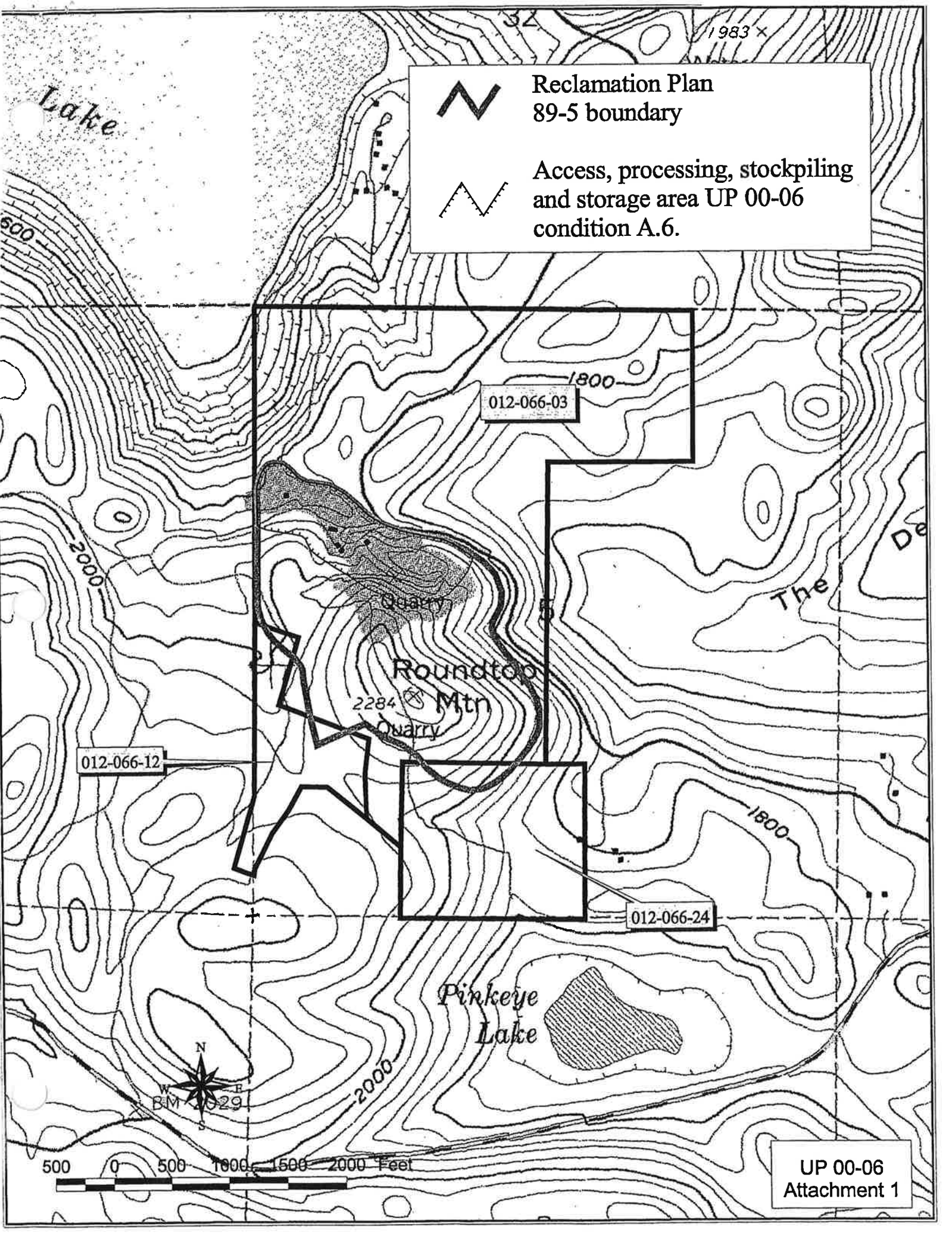
I have read and understand the foregoing Use Permit and agree to each and every term and condition thereof.

Date: 5/1/01

John Shimer  
Signature of Mining Operator or Authorized Agent

JOHN SHIMER  
Printed name of Mining Operator or Authorized Agent





Reclamation Plan  
89-5 boundary



Access, processing, stockpiling  
and storage area UP 00-06  
condition A.6.

012-066-12

012-066-03

012-066-24



500 0 500 1000 1500 2000 Feet

UP 00-06  
Attachment 1

