

COUNTY OF LAKE

USE PERMIT 03-04

DNA River Rock Quarry and Processing Plant

Expires October 9, 2023

Pursuant to the approval of the Lake County Planning Commission on October 9, 2003, there is hereby granted to **DNA River Rock**, a Use Permit to Mine to allow a rock quarry and processing plant with ancillary buildings and equipment on property located at **8350 & 8400 Highway 29, Kelseyville**, being Assessor Parcel Nos. 011-009-87 & 88 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 03-16) 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.

This Use Permit shall be subject to the following conditions:

A. Standard Conditions, Expiration, Revocation

1. This use permit has been approved by the Planning Commission on October 9, 2003. The use permit shall be valid until October 9, 2023. The Commission may, at its discretion, approve time extensions for this surface mining operation 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, activities to implement the Reclamation Plan (RP 03-01) shall continue to be allowed after the expiration or revocation of this use permit until the mining area is reclaimed pursuant to the Reclamation Plan.
2. The Planning Commission may revoke the permit in the future if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort and general welfare of the public or constitutes a nuisance.
3. The permit holder shall permit the County of Lake or 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 authority of this permit is in accordance with the terms and conditions prescribed herein.
4. Minor modifications which do not increase environmental impacts may be approved in writing by the Community Development Director. More significant modifications may be approved by the minor use permit or major use permit process depending on the scope of such proposed modifications as determined by the Community Development Director.
5. This surface mining operation shall be constructed and operated in substantial conformance with the project application and the approved

8. This use 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.
9. A copy of this use permit shall be on site at all times of operation. This copy shall be available to all employees working on-site. The permit holder is responsible for insuring that all project workers are informed of, understand, and agree to abide by these conditions.
10. The importation of recycled asphalt, recycled concrete, aggregate and soil for on-site processing shall be limited to 7500 cubic yards per year. Materials shall be non-hazardous and managed in a manner consistent with the reclamation plan.

B. Traffic

1. Prior to development of the site or operation of the facility, the permit holder shall obtain approval of an encroachment permit from Caltrans for a commercial driveway encroachment to State Highway 29. The driveway shall be paved for no less than two lengths of the longest haul truck used at the site. The paved section of driveway shall be maintained in a clean condition.
2. Trucks carrying aggregate and other materials to and from the site shall transport it in a manner that prevents spillage onto roadways. In the event that spillage does occur, it shall be cleaned up immediately.
3. The permit holder shall be responsible for the safe operation and proper maintenance of trucks 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 other applicable traffic and vehicle safety and maintenance laws.
4. Plan, profile and cross sections shall be prepared by a qualified professional and submitted to the Lake County Community Development Department for review and approval prior to issuance of a grading permit for access road improvements.
5. A grading permit shall be obtained from the Building Division of the Community Development Department prior to access road improvements.

C. Drainage, Erosion & Water Quality

1. Final engineered drainage plans for the project area and haul road shall be submitted to the Lake County Water Resources Division for review and approval of all drainage facilities prior to issuance of development permits. Adequate design features shall be incorporated into the drainage plans to ensure that runoff velocities are maintained to prevent soil erosion.

County Community Development Department prior issuance of a zoning clearance for grading permit.

4. The permit holder shall comply with all regulations and permit requirements of the California Regional Water Quality Board, Central Valley Region. This includes submittal of a "Report of Waste Discharge".
5. Engineered drainage plans and calculations shall be prepared by and submitted to the Water Resources Division prior to issuance of a grading permit for access road improvements. Drainage improvement design should minimize concentration of flow that could aggravate the erosion problem of Manning Flat.
6. Drainage improvements shall include BEST Management practices for control of oils and grease from the processing area and the equipment storage & maintenance building, subject to review and approval by the Water Resources Division. No discharge of hazardous materials shall be allowed in ground or surface waters or on the land. All hazardous materials shall be stored and managed pursuant to condition E.1.

7. Processing and management of wash water shall be conducted in a manner that does not degrade the quality of surface or ground water.
8. Pre- and post construction BMP's shall be maintained for the life of the project.

D. Air Quality & Noise

1. The permit holder shall obtain an Authority to Construct Permit from the Lake County Air Quality Management District (AQMD) and shall meet all AQMD regulations and standards. The operation shall use best available control technology (BACT) to control emissions.
2. All conditions of the AQMD Authority to Construct and Permit to Operate are herein reference 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. Prior to operation of the quarry, the access road shall be surfaced with an aggregate base sufficient to minimize dust and reduce the need for application of water. The Community Development Department may require the submittal and implementation of a dust mitigation plan if substantive complaints are received.
4. Hauling, loading operations, processing, and engine warm-up, and all other noise producing activities, excluding maintenance operations, shall be limited to 6:30 A.M. to 5:30 P.M. seven days per week. Exceptions to these hours of operation may be granted by the Community Development Department for short-term road construction projects requiring night-time delivery of aggregate. Requests for such operations shall be made in writing, to the Community Development Department, for review and

driven equipment shall be fitted with intake and exhaust mufflers that are in good condition.

7. 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.
8. The use of explosives is prohibited.
9. Processing, transport, grading or any other potential dust producing activities involving the use of serpentine aggregate containing greater than 1% asbestos is discouraged. If any aggregate containing greater than 1% asbestos is involved with the surface mining operation, the permit holder shall comply with the requirements of AQMD rule 467.

E. Hazards

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.
2. All vehicles and heavy equipment shall be maintained to prevent the leakage or spillage of hazardous fluids and other pollutants into the environment such as, but not limited to, diesel fuel, motor oil and hydraulic fluid. Any discharge of hazardous fluids or pollutants shall be immediately cleaned up with the contaminated soil stored, transported and disposed of pursuant to applicable county, state and federal regulations.
3. 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.

F. Reclamation & Aesthetics

1. Reclamation of the excavated benches shall occur annually, in the fall, and as specified in the Surface Mining and Reclamation Plan dated May, 2003, and as modified herein. Plantings shall include grasses and native trees and shrubs that will grow to an adequate height to screen the terraces from view of parcels located within the Clearlake Riviera Subdivision and surrounding rural parcels. Plantings shall occur at an adequate density to screen the site, and diseased or dying trees and shrubs shall be replaced as needed on an annual basis throughout the 20-year life of the project. Plant types shall be reviewed and approved by the State Department of Conservation, Office of Mine Reclamation, and the Lake County Community Development Department, prior to commencement of mining operations.
2. This Use Permit to Mine (UP 03-04) and Reclamation plan (RP 03-01)

the Department a minimum 120-day written notice shall be considered null and void.

3. The permit holder shall comply with the terms indicated in Reclamation Plan 03-01, and any other more restrictive conditions that have been included in other required permits.
4. If necessary, reclamation shall include repairs, as directed by the Lake County Community Development Department and the Water Resources Division, resulting from damage caused by any mining activities that were not consistent with this permit or approved reclamation plan.
5. Monitoring of revegetated slopes and benches shall be extended for a minimum of five (5) years after each planting. A minimum of an 80 percent success rate shall be maintained.
6. Final Closure of the quarry shall occur by October 9, 2023. Closure shall include the removal of all buildings and equipment from the site.
7. All structures associated with the quarry operation shall be located within the saddle area, below the ridgeline of the small hill on the western end of the 20-acre project site, as indicated on the approved site plan.

G. Biological & Archaeological Resources

1. This use permit approval shall not become effective, operative, vested or final until the California Department of Fish and Game filing fee required or authorized by Section 711.4 of the Fish and Game Code is submitted by the property owner to the County Clerk. Said fee shall be paid by November 10, 2003. Failure to pay said fee by the specified deadline shall result in this permit automatically becoming null and void.
2. If archaeological or paleontological resources are encountered during excavation of the site, 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.

MARY JANE FAGALDE
COMMUNITY DEVELOPMENT DIRECTOR

By: _____
Kristine Edgmon, Secretary

ACCEPTANCE

I have read and understand the foregoing Use Permit and agree to each and every