



COUNTY OF LAKE
MINOR MODIFICATION OF USE PERMIT; MMU 09-07
DNA RIDGE ROCK

Permit Expires If Not Used By April 6, 2013

Pursuant to the approval of the Lake County Zoning Administrator on **April 6, 2011**, there is hereby granted to **Epidendio Construction, Inc.** a minor modification to a previously approved use permit to mine to allow **excess soils from excavation projects throughout the County to be deposited in the man-made erosion gullies of the west side of Manning Flat** on property located at **8350 & 8400 South State Hwy. 29, Lower Lake, CA**, being Assessor Parcel Numbers **011-069-12 & 13**, with the following findings:

A. General Conditions:

1. This permit authorizes the filling of the large gully on the west side of Manning Flat as indicated in the project description and site plan submitted to the Community Development Department on September 28, 2009 and modified on September 20, 2010. Minor modifications not resulting in increased environmental impacts may be approved in writing by the Community Development Department.
2. Fill placement, spreading and other project work shall be within the approved project boundaries and within the approved parcel boundaries as depicted on Exhibits A & B attached hereto. All imported fill material shall be placed within the gully and the area impacted shall be seeded and covered with straw, and all other BMP's in place by October 15, the end of each annual grading season. No importation of fill shall occur between October 15 and April 15 of any given year. This period may be adjusted depending on weather conditions, subject to the review and approval of the Community Development Director.
3. The issuance of 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.
4. The project design shall incorporate Best Management Practices (BMP's) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants, consistent with County and State storm water drainage regulations. BMP's include scheduling of activities, erosion and sediment control, operation and maintenance procedures. The reference BMP's shall be consistent with the "Caltrans Stormwater Quality Handbooks – Construction Site Best Management Practices Manual (Sections 3 and 4 – Soil Stabilization and Sediment Control)."
5. The permit holder shall submit a detailed Operations and Maintenance Plan for review and approval by the Community Development Department in consultation with the National Resources Conservation Service prior to the issuance of the grading permit. This plan shall clearly identify emergency response and contingency plans for needed repairs.

B. Air Quality & Transportation:

1. The applicant shall minimize vehicular and fugitive dust during fill placement by use of water, paving or other acceptable dust palliatives. Impacted areas shall be revegetated or covered to reduce wind-induced dust. If substantive air quality complaints are received, the permit holder shall submit a dust mitigation plan for approval by the Lake County Air Quality Management District and the Community Development Department.
2. Serpentine rock or asbestos-containing soils shall not be transported to, placed at, used as fill, or surfacing or compaction, or otherwise allowed to be brought to the site from any other parcel within or without the County.
3. Vehicles and equipment shall be well maintained, in good running order and in compliance with State emission requirements.

4. The permit holder shall minimize vehicular track-out from this site onto Highway 29 to minimize fugitive dust. If track-out or dust complaints are received, a dust mitigation plan shall be reviewed and approved by the Lake County Air Quality Management District.
- C. **Noise:**
1. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00 am and 7:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels.
 2. If substantive noise complaints are received due to activities authorized by this permit, the permit holder shall be responsible for submitting and implementing a noise mitigation plan. This plan shall be reviewed and approved by the Community Development Department.
- D. **Biological & Cultural 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 Community Development Department unless a No Effect Determination is granted. Said fee shall be paid within 30 days of approval. Failure to pay said fee, or receive a No Effect Determination, by the specified deadline shall result in this use permit automatically becoming null and void.
 2. Should any archaeological, historical or paleontological materials be discovered during construction, all activity shall be halted in the vicinity of the find(s), and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98.
- E. **Geology and Soils:**
1. Unsuitable materials shall not be permitted in fills. Unsuitable fill materials include: rocks or other irreducible materials exceeding twelve (12) inches in diameter, broken asphalt, vegetation and brush, soils high in organic material or other materials not capable of proper compaction, not conducive to stability or having the potential for environmental impact. If unsuitable materials are determined to have been placed as fill, all activities shall cease and the permit holder shall submit a mitigation plan subject to the approval of the Community Development Department. The placement of additional fill cannot proceed without written authorization from the Community Development Department.
 2. The permit holder shall monitor the site during the rainy season (Oct. 15 -May 15) and make erosion control maintenance and improvements as needed.
 3. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the construction area. Natural background level is the level of erosion that currently occurs from the area.
 4. In the event that the Community Development Department determines that significant erosion is occurring at the site, additional erosion control measures shall be required and shall be implemented by the permit holder.
 5. Prior to construction, the permit holder shall file a Notice of Intent (NOI) to comply with the terms of the *General Permit to Discharge Storm Water Associated with Construction Activity* with the California Regional Water Quality Control Board, Central Valley Region. Verification that this requirement has been met shall be submitted to Lake County Community Development Department prior to issuance of a grading permit for activities authorized by this permit.
 6. The permit holder shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall conform with the required elements of the General Permit issued by the State of California, State Water Resources Control Board. The SWPPP shall be submitted to the County of Lake Community Development Department prior to the issuance of the grading permit.

7. The permit holder shall minimize any possible effects to soil compaction by dozer ripping the affected areas at the end of each grading season.

F. Hazards:

1. If the permit holder stores hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 lbs. of a solid, or 200 ft³ of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
2. The storage of hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.
3. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. All spills and leaks shall be immediately contained. Hazardous materials and contaminated soil shall be stored, transported and disposed of consistent with applicable local, state and federal regulations.
4. Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush or other highly combustible material.

G. Timing and Mitigation Monitoring:

1. 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 the minor modification of the use permit is in accordance with the terms and conditions prescribed herein.
2. The permit holder shall permit the County of Lake or its representative(s) or designee(s) to make an annual inspection prior to the winter rainy season in order to assure that Best Management Practices have been installed in accordance with the terms and conditions prescribed herein. One additional inspection shall be conducted in January for a period of five (5) years for the purpose of monitoring the effectiveness of BMP's.
3. The permit holder shall pay an annual mitigation monitoring fee (pursuant to County Ordinance No. 2464 or a subsequent ordinance). First payment is due upon the issuance of the minor modification of the use permit. The fee is currently \$127.00 per year.
4. This permit shall be null and void if not used by April 6, 2013 or if the use is abandoned for a period of two (2) years.

Richard Coel, Director
Community Development Department

Prepared by: sfm

By: Danae Bowen
Danae Bowen, Office Assistant III

ACCEPTANCE

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

Date: 6-15-11

[Signature] SOME EVIDENCE
Applicant or Authorized Agent OWNER

