

Conditions of Approval for **CONDITIONAL USE PERMIT PL16-0012** (A modification of CUP 4185)

SESPE CREEK MINE CA Mine ID #91-56-0013

Assessor Parcel Nos.

046-0-050-110, 046-0-020-075, 046-0-020-135, 046-0-010-465, 046-0-020-085, 046-0-030-335, 046-0-030-185, 046-0-030-265, 046-0-010-485, 046-0-030-175, 046-0-030-295, 046-0-050-105, 046-0-020-015, 046-0-010-125

These Conditions of Approval apply to modified Conditional Use Permit (CUP) PL16-0012 to authorize the continued operation of the Sespe Creek Mine. These Conditions of Approval (i.e. this CUP) supersede and replace the Conditions of Approval included in the previous permits granted by the County for this mining facility. This modified CUP does not authorize any mining activities that are inconsistent with the amended Reclamation Plan for this facility approved by the County pursuant to the California Surface Mining and Reclamation Act (SMARA).

Consistent with SMARA, mining operations are prohibited unless the operator has been granted a valid CUP (as effectuated through the issuance of a Zoning Clearance), has obtained an approved Reclamation Plan, and has posted a Financial Assurance deemed adequate by the State and the County to ensure reclamation of the site in conformance with State regulations.

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1. Permitted Land Uses (Project Description)

The following project description includes the operational limitations and requirements imposed by the terms of this conditional use permit and the requirements of the Reclamation Plan. All of the requirements of the Reclamation Plan are hereby incorporated into these conditions of approval.

This modified Conditional Use Permit (CUP PL16-0012) and Reclamation Plan incorporated herein authorize the following activities at the mining facility:

- Continued mining operations for sand, gravel and rock extraction; import; storage; processing; transporting; and relating facilities;
- 30-year period, ending November 14, 2045;
- Recycled material (rock, concrete, and asphalt) stockpiling and processing;
- An increase of 28 non-peak hour average daily truck trips;
- One 500-gallon diesel tank with secondary containment;
- One sea-cargo container for storage; and
- Implementation of the Reclamation Plan in conformance with Surface Mining and Reclamation Act (SMARA) standards.

Mining Plans

Mining Plans will be updated on a continuous basis through the life this CUP. The extraction of sand and gravel material from the Sespe Creek requires the implementation of the Project's Adaptive Management Plan (AMP). The AMP provides description and supporting data to justify a sustainable and long-term guide to the mining of the Sespe Creek, and to avoid costly excesses of deposition or scour.

The AMP is described in the October 27, 2017 Geomorphology of Sespe Creek and Adaptive Management Plan for MRC Rock and Sand Mine Report Prepared by NextGen Engineering, Inc. (incorporated hereby in reference). The report shall be used for monitoring and guiding decisions regarding how mining occurs over the life of the permitted project. In consultation with the County Watershed Protection District, mining plans shall be updated and revised depending on the behavior of the river, number of rain events, deposition, and the potential scour and changes to the floodplain.

Monitoring programs through the Watershed Protection District permitting will be used to guide mining activity, including data gathering for hydraulics, excavation activity, and geomorphology. As part of the Mining Plans, the permittee shall collect and review monitoring data on an annual basis. Mining Plans for the coming year together with monitoring data shall be reviewed and approved by the County before June 30 of each year.

A low-flow channel in the West Branch of the Sespe Creek and excavation in the East Branch of the Sespe Creek is based on approved engineered mining and restoration plans. Mining of this site is intermittent and is dependent on deposition from storm events. Historically, excavation has been limited to approximately 7,350 feet in length and between 600 and 800 feet in width. Excavation depth is based on limits established by the County of Ventura Watershed Protection District and U.S. Army Corps of Engineers. The volume of construction grade aggregate to be mined will be dependent on the depositions and mining plan limits of excavation. The Permittee will remove aggregate from the Creek only during the summer dry season, May 1 through October 1, as defined by the California Department of Fish and Wildlife.

Aggregate material will be loosened with a backhoe, excavator, or front-end loader to the engineered design excavation depth. Excavation will begin at the downstream end of the Project Site and will proceed upstream to the north end with excavation in and east-to-west or west-to-east orientation. The excavated material will be transported directly to the Plant Site via a haul route located within the Creek. Access to the creek bed is gained from the Plant Site.

Plant Site Operations

Aggregate material that is mined from Sespe Creek and imported aggregate material from offsite sources is processed at the Plant Site. Plant operations include:

Mined aggregate processing and storage: Mined aggregate is screened, crushed, sorted, and stockpiled. Periodically a portable aggregate processing plant is brought to the Plant Site. Stockpiled material is loaded into haul trucks for delivery to customers who use it for a variety of purposes (e.g., road base, concrete production, asphalt production, etc.).

Recycled material processing and storage: Recycled asphalt and concrete is received from off site and stockpiled within the Plant Site. A portable recycle processing plant will be brought to the Plant Site periodically to crush the concrete and asphalt material (there will be no fixed recycle processing plant). The processed recycle material will be loaded into haul trucks for delivery to customers who use it for road base or other construction purposes.

Support operations at the Plant Site include:

- Scale and scale house
- Mobile Equipment Operation and Maintenance
- Fueling
- Vehicle and Mobile Equipment Parking
- Hazardous Material Handling and Storage
- Dust and Particulate Generating Activities

Reclamation

Maps, cross sections and diagrams that illustrate all aspects of the required reclamation of the site are included in the Reclamation Plan (incorporated by reference into this permit). All surface mining activities, plant operations, and reclamation of the site shall be conducted in conformance with the Reclamation Plan.

Reclamation activities will occur on an ongoing basis throughout the project life as the maximum depth of extraction is progressively reached across the authorized excavation areas. The site will be reclaimed to an end use of open space that restores the natural functions of the Creek, provides fish passage, and replants the Project Site with native and riparian vegetation.

2. Compliance with Mining and Reclamation Standards

Purpose: To ensure compliance with applicable mining and reclamation standards.

Requirement: The Permittee shall operate and reclaim the mining facility in conformance with the mining and reclamation standards of Section 8107-9 of the Ventura County Non-Coastal Zoning Ordinance (NCZO), the California Surface Mining and Reclamation Act [(Public Resources Code 2710 et. seq.; Surface Mining and Reclamation Act (SMARA)], and the State Mining and Geology Board reclamation regulations (Title 14 CCR Section 3500 et.seq.). These requirements include but are not limited to the following:

- a. Reclamation of the site shall be completed in accordance with the approved Reclamation Plan.
- b. All surface mining operations shall be conducted in conformance with the phasing and other requirements of the approved Reclamation Plan.
- c. Removal of equipment and facilities shall be accomplished in accordance with the approved Reclamation Plan and Section 8107-9.6.10 of the NCZO.
- d. The Permittee shall maintain liability insurance for the effective period of this permit in conformance with the requirements of Section 8107-9.6.21 of the NCZO.
- e. No excavation of the site shall occur below the final reclaimed surface or outside of the mapped limits of excavation specified in the approved Mining Plans.
- f. A Financial Assurance for reclamation shall be posted by the Permittee (mine operator) with the County of Ventura and California Department of Conservation in accordance with Section 8107-9.6.20 of the NCZO and Section 2773.1 of SMARA.
- g. The Permittee shall provide access to the site to County personnel upon receiving reasonable notice of an upcoming inspection. The mining facility shall be inspected at least once per year in order to monitor compliance with the conditions of approval of this permit, the approved Reclamation Plan, SMARA and the County Non-Coastal Zoning Ordinance. The number of inspections conducted in addition to the statutory minimum shall be determined by the Planning Director. (*“Reasonable notice” shall mean notification at least 10 days in advance.*)

Documentation: The Permittee shall annually provide evidence to the County Planning Division for review and approval that liability insurance consistent with ordinance standards has been obtained. The Permittee shall also annually provide a Financial Assurance Cost Estimate (FACE) and post a Financial Assurance

Mechanism (FAM) that meets SMARA standards as determined by the Planning Director.

(Note: Surface mining inspection reports prepared by County staff or consultants will document the physical condition of the mining site and its conformance with the approved Reclamation Plan and the Conditions of Approval of this CUP. The Annual Compliance Report prepared by the Permittee under Condition No. 3 will also document the condition of the site).

Timing: The Permittee shall submit and obtain approval of the evidence of liability insurance no later than 60 days after the annual site inspection conducted by the County. The FACE shall be submitted to the County within 30 days of the annual inspection. The FAM shall be submitted within 60 days after approval of the FACE by County and State Division of Mine Reclamation.

Monitoring: The Planning Division will monitor compliance with this condition through the annual site inspections required by SMARA, additional inspections determined necessary by the Planning Director, and through enforcement actions authorized by §8114-3 of the NCZO.

3. Annual Compliance Report

The Permittee shall submit an Annual Compliance Report (ACR) to the County Planning Division that describes the current area and depth of mining excavation and the extent of any reclamation activities that have occurred in the past operational year. This information must be delineated on a copy of the map(s) and cross sections included in the Reclamation Plan. This report must describe the conformance of the mining activities with the conditions of approval of this conditional use permit and the Reclamation Plan. The volume of any over-excavation must be estimated in this report. The ACR must be consistent with the information provided in the Financial Assurance Cost Estimate and the Financial Assurance Mechanism submitted for the facility. The adequacy of the ACR to meet this condition will be determined by the Planning Director. The report is to be submitted by July 1 of each year.

4. Days and Hours of Operation (Former CUP Mitigation Measure No. 4, Condition of Approval No. 16)

Purpose: To limit the days and hours of operations of the approved use to minimize noise effects.

Requirement: The operation of the expanded mining facility shall be limited as provided in the following table:

Activity	Days Per Week	Regular Hours of Operation
Mining Excavation and Reclamation	Monday through Friday	7:00 AM to 6:00 PM
	Saturday	9:00 AM to 6:00 PM
Plant and Recycling Operations	7 days per week	7:00 AM to 6:00 PM
Shipping	7 days per week	24 Hours

The Permittee shall post the hours of operation in an obvious location that can be seen by all customers, employees, vendors, and haul truck drivers. The signage must be made of weatherproof and permanent material and must conform with the standards set forth in Article 10 of the Ventura County Non-coastal Zoning Ordinance (NCZO).

Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for use inauguration and the Permittee shall maintain the posted hours of operation for the life of the Conditional Use Permit (CUP).

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of §8114-3 of the (NCZO).

5. Site Maintenance

Purpose: To ensure that the Conditional Use Permit (CUP) area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.

Requirement: The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and materials used in the operations described in Condition No. 1 or which the Planning Director determines to be otherwise substantially in conformance with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the effective period of this CUP. Locations of equipment and materials shall be as shown on the approved Site Plan.

The following best management practices must be continued:

- Stockpiles of excavated material in the creek channel will be removed at the end of each working day.
- Stockpiles of recycled material (concrete and asphalt) shall not exceed 40,000 tons, combined.
- Stockpiles of all mined and recycled materials shall not exceed 25 feet in height, as measured from the Pant Site base elevation of 390 feet above mean sea level.
- The processing of excavated material, including crushing and sorting, will take place at the processing facility only.
- Vehicle and equipment maintenance, fueling, and washing will be conducted at a designated area in the processing facilities Plant Site.
- Vehicles and equipment must be removed from the creek channel at the end of each working day.
- Drip pans shall be used with all stationary equipment used in project activities to protect against discharges of hydrocarbon liquids and other pollutants.
- Excavation activities will only take place during the dry season as classified by CDFW.

Documentation: The allowed uses shall be comprised of those items listed in Condition No. 1 (Permitted Land Uses) of this CUP and any amendments thereto.

Timing: The site shall be maintained in a neat and orderly manner during the effective period of this permit.

Monitoring and Reporting: The County Building Inspector, Public Works (PWA) Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of §8114-3 of the Non-Coastal Zoning Ordinance.

6. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description (Condition No. 1), the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP and/or the Reclamation Plan. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP and/or Reclamation Plan modification is required. If a modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (*CEQA; California Public Resources Code, §21000-21178*) and the State CEQA Guidelines (*California Code of Regulations, Title 14, Chapter 3, §15000-15387*), as amended from time to time.

7. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP, commencement of construction, or mining operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to comply with any Condition of Approval imposed with the granting of this CUP shall constitute grounds for enforcement action provided in the Non-Coastal Zoning Ordinance (NCZO) which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on title to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of, and remaining in compliance with, the CUP Conditions of Approval and all applicable federal, state and local laws and regulations.

8. Time Limits

- a. Use inauguration:
 1. The decision to grant this Conditional Use Permit (CUP) becomes effective upon the expiration of the 10-day appeal period following the decision, or when any appeals of the decision are finally resolved. Once the decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration (ZCUI) in order to initiate the land uses specified in Condition No. 1 (Project Description).
 2. This CUP shall expire and become null and void if the Permittee fails to obtain a ZCUI within one year from the granting of this CUP. The Planning

Director may grant a one-year extension of the deadline to obtain a ZCUI if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

3. Prior to the issuance of the ZCUI, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the ZCUI, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Term or Operations Period:

This CUP will expire on **November 14, 2045**. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the Non-Coastal Zoning Ordinance (NCZO) prior to November 15, 2045; and
2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the NCZO.

(Note: Reclamation activities in accordance with the Reclamation Plan would continue for up to 5 years after the cessation of mineral extraction or until reclamation standards are met.)

9. Consolidation of All Approved Exhibits and Permits

Purpose: To ensure compliance with and notification of requirements of other federal, state or local government regulatory agencies and the completion of the Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation to verify that the Permittee has obtained or satisfied all applicable federal, state and local entitlements and conditions.

Documentation: The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance for the project file.

Timing: The documentation shall be submitted to the Planning Division within 30 days of a request by the Planning Director.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the permit is modified, or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.

10. **Notice of CUP Requirements and Retention of CUP Conditions On-Site**

Purpose: To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

Timing: A copy of the CUP conditions of approval shall be available on the project site prior to issuance of a Zoning Clearance for Use Inauguration and shall be maintained on the site during the effective term of this permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of §8114-3 of the Non-Coastal Zoning Ordinance.

11. **Recorded Notice of Land Use Entitlement**

Purpose: In order to comply with §8111-8.3 of the Non-Coastal Zoning Ordinance a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcels that are subject to this CUP.

Documentation: The Permittee shall provide a copy for the recorded Notice of Land Use Entitlement to the County Planning Division.

Timing: The recorded Notice of Land Use Entitlement shall be submitted to the County Planning Division prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The County Planning Division shall receive the recorded Notice and incorporate it into the CUP file for the project.

12. Condition Compliance, Enforcement, and Other Responsibilities

a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition No. 12.b. Specifically, the Permittee shall bear the full costs of the following:

1. Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
2. Monitoring and enforcement costs required by Non-Coastal Zoning Ordinance §8114-3. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to NCZO §8114-3.4.

b. **Establishment of Revolving Compliance Accounts:** Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:

1. Payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition No. 12.a, above) and monitoring and enforcement (Condition No. 12.c, below). The \$500.00

deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,

2. Signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. **Monitoring and Enforcement Costs:** The \$500.00 deposit and reimbursement agreement (Condition No. 12.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the NCZO that may occur.
- d. **Billing Process:** The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

13. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all third party claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct,

the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

14. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would affect the findings and/or the mitigation measures associated with the approval of this CUP, the County may review the project and impose substitute feasible conditions/mitigation measures to address the subject matter of the invalidated condition in accordance with the Non-Coastal Zoning Ordinance , CEQA, and all other applicable laws.

15. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee

regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Non-Coastal Zoning Ordinance then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 15 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

16. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County laws, rules and regulations. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein conflicts with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Non-Coastal Zoning Ordinance shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

A business tax certificate shall be obtained for operation of the proposed mining facility.

17. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses authorized by this CUP. The designated contact person shall be available by telephone during the authorized hours of operation.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within five (5) business days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of §8114-3 of the Non-Coastal Zoning Ordinance.

18. Resolution of Complaints

The following process shall be used to resolve complaints related to the project:

- b. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 17 in a visible location on the site. The Contact Person shall be available via telephone during all operating hours of the facility. Persons with concerns about an activity as it is occurring may directly contact the Contact Person. In this event, the Contact Person shall call back or otherwise communicate with the complaining party within 48 hours of the initial contact;
- c. If a written complaint about this project is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding any alleged violation included in the complaint; and,
- d. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to §8114-3 of the Non-Coastal Zoning Ordinance may be initiated.

19. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail upon obtaining knowledge of any incidents related to the mining operation (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

20. Change of Owner or Permittee

Purpose: To ensure that the Planning Division is promptly notified of any change of ownership or change of Permittee affecting the CUP site.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the

information consistent with the requirements of §8114-3 of the Non-Coastal Zoning Ordinance.

21. Sign Plan

Purpose: To ensure signage on the property complies with Chapter 1, Article 10 of the Non-Coastal Zoning Ordinance.

Requirement: The Permittee shall prepare a sign plan for the proposed entrance of the facility that describes the proposed size, colors, materials, and lighting details. The proposed signage must display information on the hours of operation and telephone numbers for the contact person(s) as described in Condition Nos. 4 and 17 above. The Sign Plan shall include a sign at the facility exit visible to departing truck drivers that states the following:

Be Courteous to Our Neighbors:

No Speeding

No Engine Brakes (Emergencies Only)

No Staging or Queuing on SR-126 or any local streets

Wet or Tarp All Material Loads

Documentation: The Permittee shall submit two copies of a sign plan for the proposed facility entrances to the Planning Division for review and approval. The Permittee shall bear the total cost of such review and approval.

Timing: The Permittee shall obtain approval of the sign plan and install the subject signs prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the project file. The Permittee shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to assure that the signage for the project continues to conform with the approved sign plan and Chapter 1, Article 10 of the NCZO. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of §8114-3 of the NCZO.

22. Traffic Limits

Purpose: In order to avoid increased traffic congestion on area roadways, heavy truck traffic shall be limited.

Requirement: The number of truck trips generated by the mining facility shall be limited as provided for in the following table:

Authorized One Way Trips

Type of Vehicle Trips	AM Peak	PM Peak	Average Daily Trips (ADT)	Daily Maximum
Heavy Truck	24	18	118	386
Employee, Service, and Supplies	3	3	10	12

For purposes of compliance with this condition, the average daily trips (ADT) generated by the mining facility from Monday through Friday shall be based on a rolling one-year average. The total one-way trips divided by the number of operational weekdays (M-F) over the 12-month period prior to a compliance review shall equal 118 one-way trips per day or less. On no day shall the operation exceed a daily maximum of 386 one-way truck trips and 12 one-way employee, service, and supply trips.

As provided above, AM Peak Hour (6:00 AM to 8:00 AM) shall be limited to a maximum of 24 one-way truck trips and 3 employee, service, and supply vehicle trips on each operational weekday. The PM Peak Hour (3:00 PM to 6:00 PM) trips shall be limited to 18 truck trips and 3 employee, service, and supply vehicle trips on each operational weekday.

Documentation: The Permittee shall maintain a complete record of truck trips to and from the facility. The record (or log book) shall include: time in, time out, truck name, truck number, truck license plate number, and which aggregate type was loaded (e.g., recycled material and mined aggregate). This record shall be made available to the County of Ventura and other government agencies upon request. The record shall be maintained in paper or electronic form. Upon request of the Planning Director, the record of truck trips departing from the facility entrance shall be compiled into a spreadsheet that lists daily totals of AM and PM Peak-Hour Trips and Total Daily Trips.

Timing: The requirement to maintain a record of truck traffic is an ongoing operational requirement of this CUP and is in effect upon issuance of a Zoning Clearance for Use Inauguration of the expanded mining operation.

Monitoring: County staff may periodically check the operation traffic record (and any required spreadsheets) to determine Permittee’s compliance with traffic and congestion limits.

23. Updated Mining Plans (Former CUP Mitigation Measure No. 2, Conditions of Approval Nos. 59 through 65 and 68 through 69)

Purpose: Ensure updated mining plans are consistent with this CUP. This mitigation measure supersedes previous mitigation measures and is to be implemented in conjunction with County Watershed Protection District Condition No. 55.

Requirement: Updated mining plans for any forthcoming annual excavation in Sespe Creek shall be prepared in accordance with this CUP, the Project's Adaptive Management Plan (AMP), and County Watershed Protection District Watercourse Permit.

Documentation: The Permittee shall submit to the Planning Director updated Mining Plans demonstrating consistency with the plans and figures approved as part of this CUP, required agency permits that cover the updated Mining Plans, annual monitoring data, and any other items included in any Watercourse Permit package required by the County Watershed Protection District as provided for in Condition of Approval No. 55. The Permittee shall also provide a copy of a valid Floodplain Development Permit for all updated mining plans. Any recommendations from other permitting agencies for the design or changes to the updated mining plans shall be clearly depicted. A Zoning Clearance for Use Inauguration shall be obtained for each updated mining plan prior to initiating excavation activities.

Timing: Before excavation begins in the Sespe Creek for each forthcoming excavation period to be conducted under an updated Mining Plan.

Monitoring and Reporting: Planning Division staff shall review the submitted documentation to assure that updated Mining Plans are covered under this permit. Monitoring will also be coordinated with the County Watershed Protection District. Annual Surface Mining and Reclamation Act compliance inspections, or more frequently as needed, will monitor excavations in accordance with the updated Mining Plans.

24. Excavation Area Boundary (Former CUP Mitigation Measure No. 2, Conditions of Approval Nos. 59 through 65 and 68 through 69)

Purpose: In order to assure that project operations and ground disturbance remains within approved limits, the permit boundary and areas approved for ground disturbance shall be identified in the field.

Requirement: Markers shall be installed along the boundary of the authorized mining excavation area as depicted in the Adaptive Management Plan and

Watercourse Permit at no less than 50-foot intervals. Metal barbed wire fence posts shall be used as boundary stakes and extend a minimum of four feet above the ground surface. These stakes shall be numbered, painted white or orange, and labeled with "Mining Excavation Limit." The posts must be removed at the end of each excavation period and reinstalled prior to each mining excavation period.

Alternate materials and boundary marker designs may be utilized upon approval by the Planning Director.

Documentation: The Permittee shall provide to the County Planning Division a copy of each mining excavation area as approved by the County Watershed Protection District, the property lines, topographic contours, and the surveyed location of each boundary marker. In no case shall the excavation limits extend beyond the boundaries shown the Conditional Use Permit (CUP) mining limits established in the approved CUP Exhibits. In addition, the Permittee shall provide photographs that demonstrate that the required boundary markers have been installed. The photographs shall correspond to a site map with location indicators.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration for each excavation under each updated mining plan, the required boundary markers shall be installed. The required boundary markers shall be maintained for the effective term of this CUP and updated mining plan.

Monitoring: Planning Division staff shall review the submitted documentation to assure that the required markers are installed prior to operations under this permit.

25. **Limitation on Disturbed Area and Timing**

Purpose: In order to assure phased reclamation of the mining site, the area of active operations shall be limited.

Requirement: The mining excavation shall take a phased approach to mining excavating areas by priority to reduce sediment buildup, mitigate flooding, and protect infrastructure. Using this approach, the low-flow channel in the West Branch will be excavated first. The permittee will begin mining the downstream portion of the West Branch near the confluence of the Santa Clara River and move upstream until they reach the northern CUP limit. The mine operator may remove aggregate from the Creek during the summer dry season only (i.e., May 1 through October 1, as defined by the California Department of Fish and Wildlife [CDFW]).

The area of land under active mining excavation shall not exceed the areas depicted in each approved mining plan as provided under Condition 23 Updated Mining Plans. For purposes of this Condition of Approval, "land under active mining excavation" refers to land within the authorized area of mining excavation as

delineated in the approved Mining Plans. Portions of the authorized mining excavation area that have been substantially reclaimed, as determined by the Planning Director, will not count toward the total acreage of land under active mining excavation. "Substantially reclaimed" land is defined herein as portions of the ground surface formally determined to be reclaimed in accordance with the approved Reclamation Plan or land having been excavated to final grade with initial revegetation tasks completed.

Documentation: The Permittee shall provide a written summary of acreage disturbed within the authorized mining excavation area, undergoing reclamation and reclaimed in conjunction with the annual inspection required by Surface Mining and Reclamation Act (SMARA). In addition, the Permittee shall provide a current aerial photograph of the mining facility to the County Planning Division upon request of the Planning Director.

Timing: The Permittee shall provide the required information within 30 days following the annual inspection of the site required by SMARA.

Monitoring: Planning Division staff shall verify and document compliance with this condition as part of the annual inspection required by SMARA.

26. Pre-Construction Special Status Plant Surveys

Purpose: To minimize impacts on any special status plant species that may be disturbed by surface mining activities.

Requirement: Special-status plant species found to be located within the mining impact areas shall be relocated to a suitable area within the Creek bank. Special status species include listed threatened or endangered species on Federal and State Endangered Species Act lists, Ventura County Locally Important Species list, or California Rare Plant Rank 1A, 1B, 2, 3, and 4 species.

Prior to land-clearing activities, pre-construction field surveys for special status plant species shall be conducted to clearly determine and to mark off the exact locations and numbers of plants onsite in and adjacent to impact areas to be relocated. A County approved biologist shall conduct the surveys. Surveys shall be conducted during the bloom period of potentially occurring species, and locations of special status plants shall be flagged two weeks prior to land clearing within and immediately adjacent to the project site. For federally or State-listed plants that are found in direct or indirect disturbance areas, relocation of the rare plants shall occur as directed by the County, in consultation with the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), to suitable habitat areas on the subject property outside of impacted areas. The mitigation strategy for each rare plant species includes:

- Collect seeds or propagules from onsite plants to replace impacted plants onsite; and
- Salvage existing plants to be impacted and relocate them to suitable planting area(s) onsite.

Mitigation plantings shall be maintained and monitored for a period of five (5) years after initial planting. Seeding may require several seed sowing events to establish viable reproducing populations at the onsite mitigation site.

Documentation: Prior to land disturbance, the Permittee shall submit a signed contract to the Planning Division demonstrating they have retained a County approved qualified biologist to conduct the required surveys.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall obtain Planning Division approval of the signed contract retaining a County approved qualified biologist.

Monitoring and Reporting: Within 30 days of completion of land clearing activities, a monitoring report shall be submitted with the results of the Pre-Construction surveys, photos and locations of any flagged rare plants, any seed or propagule collected, any plants that were salvaged and the locations to which they were relocated. The condition of any mitigation plantings shall be reported annually to the Planning Division by the mine operator. This information is to be included in the annual Surface Mining and Reclamation Act inspection report.

27. **Pre-Construction Surveys and Relocation of Special-Status Wildlife**

Purpose: To avoid significant impacts on special-status wildlife that could occur during removal of native vegetation and as part of the surface mining activities.

Requirement: No more than one week prior to the initiation of vegetation removal (or prior to ground disturbance where no vegetation is present), a County-approved qualified biologist shall conduct surveys of the new disturbance area(s) to determine whether any of the following special-status wildlife species, or other species as determined through a current California Natural Diversity Database (CNDDDB) search, are present.

Individuals of any special status wildlife species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by the vegetation removal activities. A County-approved qualified biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct the surveys and relocation activities according to methods approved by the CDFW.

Documentation: The Permittee shall provide to the Planning Division a signed contract with a County-approved qualified biologist that ensures that wildlife surveys and relocation of wildlife will be conducted within 7 days prior to any vegetation removal activities (or ground disturbance where no vegetation is present). The Permittee shall submit a memorandum to the Planning Division that documents the results of the surveys and relocation activities.

Timing: The Permittee shall obtain approval of the signed contract from the Planning Division prior to the disturbance of vegetation (or ground disturbance where no vegetation is present). Within 14 days of the completion of the wildlife surveys and relocation activities, the Permittee shall provide a memorandum that summarizes the results of the surveys and relocation activities to the Planning Division.

Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the survey reports in the Project file. The Planning Division has the authority to inspect the project site to ensure that the survey and wildlife relocation work is conducted as required. If the Planning Division confirms that the required surveys and relocation actions are not conducted, enforcement actions may be initiated in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

28. Wildlife Best Management Practices (BMPs) for Mining Operations

Purpose: To ensure the standard practices and procedures for operating the mine do not result in adverse impacts on special status wildlife.

Requirements: The Permittee shall prepare a BMP Compliance Plan to be prepared by a County approved qualified biologist to establish procedures to be implemented during surface mining activities that avoid or minimize Project impacts on biological resources. These BMPs shall include the following:

- a. Prior to ground disturbance, including access routes within the Sespe Creek, the boundaries of interior equipment and haul routes and excavation limits shall be clearly delineated by stakes, flags, or other clearly identifiable system.
- b. Vehicles and equipment shall be parked on previously disturbed areas or areas slated for disturbance. The perimeter of the areas of disturbance shall be clearly marked (e.g., staking or other methods) so as to prevent expansion of disturbance into adjacent areas of native vegetation.
- c. All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris shall be stored in closed containers and/or removed from the site each day. No deliberate feeding of wildlife shall be allowed.

- d. No pipes, culverts, and like materials shall be stored in the open within the Project Site. This restriction does not apply to functioning drain pipes or culverts installed on-site.
- e. Pet animals shall not be kept on the project site during the effective period of this permit. This restriction does not apply to animals determined by the Planning Director to be required for personal (i.e. medical or accessibility) service.
- f. Special status animals found during vegetation clearing activities shall be relocated to suitable undisturbed habitat, outside of the areas affected by ground disturbance activities.
- g. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the onsite Permittee representative. The representative shall contact the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW or USFWS for care, analysis, or disposition.
- h. A worker training program shall be developed and implemented. This training program shall be provided to all onsite workers to inform them of the sensitive species that may be present on the site and the measures necessary to avoid or minimize impacts on these species.

Documentation: The Permittee shall submit the BMP Compliance Plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain approval of the BMP Compliance Plan from the Planning Division prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Permittee shall include in the Annual Compliance Report, which is required by Condition No. 3, documentation of implementation of the BMP Compliance Plan and any incidents involving special status species on the Project Site.

29. Wildlife Corridor and Habitat Lighting and Glare

Purpose: To mitigate potentially significant environmental impacts from light and glare to wildlife migration corridors and/or wildlife habitat.

Requirement: All outdoor lighting shall only be used as needed and as required for the Plant Area operations that may occur after sundown based on the hours of operations outlined in Condition No. 1 (i.e., Plant Area operations until 6 PM and 24-hour shipping and receiving). When Plant Area operations are complete each operating day, and when there is no active shipping or receiving, the nighttime lighting shall be turned off. One security light affixed to the scale house for nighttime security may remain on or placed on a motion sensor.

In order to minimize light and glare from emanating from the Project site, all light fixtures located on the exterior of structures, as well as all freestanding lights used during 24-hour shipping and receiving, must be hooded and must divert light downward onto the property to avoid the casting of any direct light onto the adjacent habitat. Lighting must be directed away from the Santa Clara River and Sespe Creek. The intensity of light spillover into lands outside the limits of the Plant Area shall not exceed 0.5 foot-candles.

Documentation: The Permittee shall submit two copies of a Lighting Plan to the Planning Division for review and approval. The Permittee shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, portable lights, wall mounted packs) in the Lighting Plan. An electrical engineer registered by the State of California shall prepare the Lighting Plan. The Lighting Plan must include illumination information throughout the lighted Project area and spillage onto adjacent habitat. The Permittee shall install all exterior lighting, or use portable lighting, in accordance with the approved Lighting Plan.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall obtain Planning Division approval of a Lighting Plan that meets the condition of approval requirements. The Permittee shall maintain the lighting pursuant to the Lighting Plan for the life of the CUP.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to the issuance of the Zoning Clearance for Use Inauguration. The Building and Safety Inspector and Planning Division staff have the authority to inspect to ensure that the lighting is installed according to the approved Lighting Plan. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of the Ventura County Non-Coastal Zoning Ordinance.

30. Avoidance of Nesting Birds

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, surface mining activities shall be regulated.

Requirement: The Permittee shall conduct all surface mining activities (including tree removal and vegetation clearing) in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of vegetation clearing: Prohibit vegetation clearing activities during the breeding and nesting season (January 1 to September 1), in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to vegetation clearing during the breeding and nesting season (January 1 – September 1) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for clearing. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of vegetation clearing. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of vegetation removal. The nesting bird survey must cover the area to be cleared and a 300-foot wide area outside of the area to be cleared.

If occupied (active) nests are found, vegetation removal activities within a setback area surrounding the nest shall be postponed or halted. Vegetation removal activities may re-commence in the setback area when the nest is vacated (juveniles have fledged) if there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Vegetation clearing activities may proceed outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval by the Planning Division.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring

of any occupied nests discovered, and establishment of mandatory setback areas. Following vegetation removal activities during the nesting season, the Permittee shall submit to the Planning Division a report prepared by a County-approved biologist that describes the actions taken to avoid nesting birds.

Timing: If vegetation clearing in the excavation area is scheduled to occur during the breeding and nesting season, the Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to the initiation of vegetation clearing for each excavation period. The Permittee shall submit the follow-up report within 14 days of completion of the vegetation clearing activities.

Monitoring and Reporting: The Planning Division will review the Survey Report and signed contract for adequacy. The Planning Division maintains copies of the signed contract, Survey Report, and flow-up report in the Project file. The County will also ensure compliance through annual inspections of the facility.

31. Obtain Permits from Federal and State Resource Agencies

Purpose: To ensure compliance with all applicable regulations implemented by State and Federal agencies.

Requirement: The Permittee shall notify the following agencies of the impending initiation of surface mining activities pursuant to this Conditional Use Permit (CUP) and the Reclamation Plan.

- California Department of Fish and Wildlife (Section 1602 Agreement);
- US Army Corps of Engineers (Section 404 Individual Permit);
- Los Angeles Regional Water Quality Control Board (Section 401 Water Quality Certification); and
- National Oceanic and Atmospheric Administration National Marine Fisheries Services (NMFS).

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained the required authorizations from each agency through: (1) a letter stating that a permit or other formal authorization or approval is not required or, (2) an official permit or other formal authorization or approval from each agency.

Timing: The Permittee shall provide the written documentation to the County Planning Division prior to the initiation of vegetation clearing and excavation activities within the jurisdictional Creek and riparian habitats.

Monitoring: The Planning Division maintains a copy of the documentation provided by the Permittee in the project file. Monitoring of any mitigation measures required by another agency is the responsibility of that agency.

32. Low-Flow Channel (Formerly CUP Mitigation Measure No. 5, Condition of Approval No. 74)

Purpose: Allow for the potential for fish passage and mitigate for loss of riparian habitat on the East Branch.

Requirement: The low-flow channel in the West Branch of the Sespe Creek shall be excavated first before excavation in the East Branch. The low-flow channel shall be constructed in accordance with recommendations from the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries, California Department of Fish and Wildlife, and the County Watershed Protection District. The low flow channel shall increase riparian habitat in the West Branch and provide a meandering channel approximately 100-feet wide.

Documentation: The Low-flow channel design plan(s), including excavation limits and cross-sections, shall be included on all updated mining plans and packages submitted to the Planning Division as required in Condition of Approval No. 23. and County Watershed Protection District Watercourse Permit(s).

Timing: The low-flow channel shall be installed before excavations in the East Branch and in accordance with timing required by state and federal agencies and shall be maintained throughout the East Branch excavation periods.

Monitoring and Reporting: The Planning Division maintains a copy of the documentation provided by the Permittee in the project file. Monitoring of any mitigation measures required by another agency is the responsibility of that agency. Compliance inspections with annual SMARA compliance, or more frequent as deemed necessary, and review with the approved plan(s) and consistent with the requirements of § 8114-3 of the Non-Coastal Zoning Ordinance will be conducted. If necessary, the Planning Director may require review and monitoring by a qualified license biologist as the permittee's expense.

33. Recovery of Paleontological Resources

Purpose: In order to offset the loss of paleontological resources found in the formation subject to mineral extraction, the Permittee shall recover representative samples.

Requirement: If paleontological resources are encountered during mining excavation, the permittee shall immediately notify the Planning Director and

preserve the site. Mining excavation shall not resume at the site of the find until it is evaluated by a qualified paleontologist and a paleontologist-prepared plan for disposition of the remains is approved by the Planning Director and implemented.

Documentation: No initial documentation is required. A report describing any substantial remains encountered may be required by the Planning Director.

Timing: This condition is in effect through the effective period of this permit.

Monitoring: The Planning Director shall review any reports of remains encountered and any plans prepared for disposition of discovered remains.

34. Recovery of Archaeological Resources

Purpose: In order to minimize the potential loss of archaeological resources that may be found in shallow surface soils subject to mineral extraction, the Permittee shall recover representative samples.

Requirement: If cultural resources are encountered during mining excavation, the permittee shall immediately notify the Planning Director and preserve the site. Mining excavation shall not resume at the site of the find until it is evaluated by a qualified archaeologist and an archaeologist-prepared plan for disposition of the remains is approved by the Planning Director and implemented.

Documentation: No initial documentation is required. A report describing any substantial remains encountered may be required by the Planning Director.

Timing: This condition is in effect through the effective period of this permit.

Monitoring: The Planning Director shall review any reports of remains encountered and any plans prepared for disposition of discovered remains.

35. Landscaping and Screening (Previous Mitigation Measure No. 3, Condition of Approval No. 24, Landscape Plan)

Purpose: To comply with the County's screening requirements.

Requirement: The Permittee shall retain a landscape architect to prepare a landscape plan that complies with the requirements of this condition.

Landscaping Objectives: The Permittee must install and maintain landscape screening of the Plant Area that serves the following functions:

- a. Screens views of the Plant Area including stockpiles, equipment, processing structures, recycling plant, open storage areas, structures, fueling areas, and parking areas.
- b. Ensures compatibility with the natural character. The Permittee shall install landscaping that visually integrates the development with the character of the surrounding community.

Landscaping Design: The landscape screen design shall include all existing tree and shrub plantings in place as required under the CUP (former Condition No. 24). The design shall add any supplemental planting, as needed, to ensure sufficient screening and health of the screen. The Permittee shall design all landscaping such that the landscaping requires minimal amounts of water and uses required water efficiently, and must achieve the following design objectives:

- c. Use Available Non-potable Sources of Water. The landscaping must involve the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, if available to the Project Site;
- d. Protection of Existing Vegetation. Existing vegetation, especially trees, must be saved and integrated into landscape design wherever feasible, appropriate, or required by other regulations (e.g., the Tree Protection Ordinance);
- e. Create Viable Growing Environment. The landscape design must address the needs of the plants to ensure their health, long-term viability, and protection;
- f. Use tree and plants species that are native to the Santa Clara River watershed;
- g. Ensure consistency with the Reclamation Plan for the Plant Area; and
- h. Post a financial assurance to cover the costs of planting and maintaining the required landscaping. The financial assurance must be based on cost estimates provided by a qualified professional landscape designer or maintenance contractor. The financial assurance may consist of cash, a time certificate of deposit, letter of credit, or bond in a form satisfactory to the Planning Director.

Documentation: The Permittee shall submit three sets of a draft landscape plan to the Planning Division for review and approval. A California registered landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan. Prior to installation of the landscaping, the Permittee must obtain the Planning Director's approval of any changes to the landscape plans that affect the character or

quantity of the plant material or irrigation system design.

Timing: The Permittee shall submit the landscape plan to the Planning Division for review and obtain approval prior to issuance of a Zoning Clearance for Use Inauguration. Landscape installation shall occur within 90 days of approval of the plan.

The Permittee shall submit the required financial assurance prior to the Zoning Clearance for Use Inauguration. The financial assurance requirement may be eliminated after landscape installation and monitoring if the Planning Division determines that the landscaping is in substantial conformance with the approved landscape plan and reclamation plan.

Monitoring and Reporting: Landscaping approval, installation, maintenance, monitoring activities, and enforcement activities shall occur as part of the annual SMARA compliance review and site inspections. The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file and has the authority to conduct site inspections to ensure that the Permittee installs and maintains the landscaping in accordance with the approved plan consistent with the requirements of § 8114-3 of the Non-Coastal Zoning Ordinance. RMA Operations maintains copies of the financial documentation submitted by the Permittee.

36. Traffic Safety and Access Driveways (Former Mitigation Measure No. 1 Condition of Approval Nos. 66 and 71)

The driveways required by this former condition were permitted by Caltrans and installed pursuant to Caltrans approved improvement plans in 1985. The basis for the requirement was to allow for right turns only for ingress and egress between the Project Site and SR-126. Subsequent improvements to SR-126 allow for use of one driveway (and ingress and egress left-turns) currently. The two driveways are maintained for emergency use and in the event future improvements to SR-126 would once again prohibit left turns for ingress and egress to the Project Site.

Purpose: To ensure the Project maintains compliance with Mitigated Negative Declaration (MND) mitigation measures for driveway and SR-126 connections for safety and ensure driveway access remains compatible with any changes to the roadway conditions and Caltrans standards.

Requirement:

- a. Improve two (2) access roads that intersect with SR-126 in accordance with Caltrans requirements as identified in Caltrans letter dated November 23, 1983 – F-VEN-126 19.5.

- b. Keep the intersection of any public roadway and the access roads) to the site clear of dirt, sand, gravel, rocks, and other debris associated with the mining operations.
- c. Unless left-turns are otherwise allowed based on more recent SR-126 improvements, the permittee shall utilize two access roads as approved by Caltrans; and shall be allowed to make right turns only when entering or exiting the site.

Documentation: Documentation (e.g., approved improvement plans, Caltrans permits, maintenance records, updated drawings, correspondence with Caltrans, photographs, etc.) that the driveway connections are maintained in accordance with Caltrans specifications shall be provided to the Planning Director upon request.

Timing: The two driveway improvements shall be maintained over the life of the permit. The driveways shall be kept clear of debris over the life of the permit.

Monitoring and Reporting: The Planning Division in consultation with Public Works Agency (PWA) Transportation Department will review Caltrans documentation for compliance. The Planning Division maintains the documents and photographs in the Project file and has the authority to conduct site inspections to ensure that the Permittee maintains the driveway connections with the approved plan consistent with the requirements of § 8114-3 of the Non-Coastal Zoning Ordinance.

37. Grading Permits (for earth movement that does not involve mineral extraction)

Intent: In order to assure that all non-mining grading meets established standards, the Permittee shall obtain necessary grading permits.

Requirement: The Permittee shall prepare a site plan that generally depicts the proposed topographic contours of any area proposed to be graded that is located outside of the approved mineral extraction sites. If requested by the Public Works Agency (PWA), the Permittee shall have grading plans prepared by a licensed Civil Engineer and obtain a Grading Permit.

Documentation: The Permittee shall submit to PWA for initial review, a site plan that depicts the existing and proposed topographic contours of an area proposed to be graded. If the PWA determines that a grading permit is necessary, a set of grading plans prepared by a Civil Engineer shall be submitted by the Permittee to the PWA as part of a Grading Permit application. This application shall include some or all the following informational items, if requested by the PWA:

- Geology Report prepared by a California Professional Geologist;
- Geotechnical/Soils Engineering Report prepared by a licensed Civil Engineer; and
- Drainage Analysis report prepared by a licensed Civil Engineer

The design recommendations made in any required report shall be incorporated into the submitted grading plans.

Timing: Prior to the creation of a cut or fill located outside of the mineral extraction area, the Permittee shall submit the required documentation. If a Grading Permit is required, it shall be obtained by the Permittee prior to the onset of the proposed grading.

Monitoring: PWA staff shall review the submitted materials and determine whether a Grading Permit is required. PWA staff shall review any grading permit application submitted and issue a permit if the proposed grading meets established ordinance standards.

38. Restricted Use of Engine Braking

Purpose: To minimize noise generated by material hauling trucks the use of engine braking shall be restricted to the extent feasible and within transportation safety rules.

Requirement: The Permittee shall inform all drivers of project-related heavy trucks to avoid use of engine braking on any road, including SR-126, with the following exceptions:

- a. If the Planning Director approves such braking for specific makes and years of trucks if it is demonstrated to the satisfaction of the Planning Director that such braking does not result in significant noise; and
- b. During emergency situations.

The Permittee shall install signage at the project site that informs truck drivers of this requirement.

Documentation: The Permittee shall provide to the County Planning Division photographs that demonstrate that the required signage has been installed.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration under this permit, the signage shall be installed.

Monitoring: County Planning Division compliance staff shall review the submitted documentation regarding signage for compliance with the terms of this mitigation measure.

39. Noise Standards and Noise Monitoring (Former CUP Mitigation Measure No. 4, Conditions of Approval Nos. 29, 30, 31, 32, 33)

Purpose: Ensure Compliance with noise standards and noise reduction requirements.

Requirement: The Project shall not exceed the following noise standards at any sensitive receptors in the surrounding community:

$L_{eq1 H}$ of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.

$L_{eq1 H}$ of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.

$L_{eq1 H}$ of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

For noise complaints involving City of Fillmore residents, the noise consultant monitor shall also determine whether the Project complies with the City's standards.

If Project noise exceeds the County or City of Fillmore (where applicable) noise standards, the permittee shall take immediately steps to either cease the operations creating the noise exceedance or implement noise control measures that effectively reduce noise levels to within prescribed noise standards.

Exceptions to Standards - Upon the written request of the permittee, the Planning Director may grant temporary exceptions to the noise standards, hours of operation and the conditions of a given permit provided it is deemed necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

Waivers of Standards - Where provisions exist for the waiver of ordinance requirements, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements relative to the sensitive use in question for the life of the permitted operations.

To minimize the effects of short term spikes in noise from equipment use and loading of rock onto beds of trucks, that may adversely affect sensitive receptors, but not necessarily cause noise measurements to exceed Leq standards outlined above, the following requirements, as modified, from the former mitigation measure (formerly Condition No. 33) must also be implemented:

- a. Equipment and trucks shall be properly muffled according to industry standards and shall be in good working condition.
- b. Trucks and equipment outfitted with backup alarms shall utilize smart backup alarms that will generate sound no more than 5 dB louder than the surrounding noise instead of fixed-decibel backup alarms.
- c. Noise-generating equipment and staging areas shall be located away from residences where feasible.
- d. Vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use.
- e. If a noise complaint due to the loading of material onto trucks is received, truck beds shall be lined with rubber mats to muffle the sound of rock falling onto the truck beds when being loaded. Loading shall cease until this measure is implemented.

Documentation: The Permittee shall post a sign in a conspicuous location on the Project site notifying equipment operators that there are noise restrictions and those requirements in items a. through e. above. At the request of the Planning Director, a noise monitoring study to document ambient and project noise levels shall be completed by a qualified noise consultant at the permittee's expense and reports shall be submitted to the Planning Director.

Timing: The Permittee shall post the sign and provide picture documentation prior to the issuance of Zoning Clearance for Use Inauguration and the Permittee shall maintain an updated posted contact sign for the life of the Conditional Use Permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of §8114-3 of the Non-Coastal Zoning Ordinance.

40. Resolution of Noise Complaints (Former CUP Mitigation Measure No. 4, Conditions of Approval Nos. 29, 30, 31, 32, 33)

Purpose: In order to resolve noise complaints and minimize noise related impacts.

Requirement: The Permittee shall provide the Planning Director and all residents within 300 feet of the Project boundary, with the name, title, address, and phone number of the Permittee, or Permittee's designee, who will be responsible for ensuring noise compliance during mining and plant operations at the Project Site.

The Permittee, must use the following process to resolve noise complaints:

- a. Immediately investigate the complaint and take actions to abate the noise complaint.
- b. Report back to the complaining party by telephone about the findings of the investigation and the abatement actions taken, if any, as soon as possible, but no later than one hour after receiving the complaint, unless otherwise agreed to by the complainant.
- c. Provide written notification to the Planning Director of the complaint, within 10 days of receiving a noise complaint. The notice shall indicate: (1) the date and time of the complaint(s); (2) a description of the complaint; and (3) the name, address, and phone number of the complainant(s).

To resolve noise complaints, the Planning Director may direct, at Permittee expense, noise monitoring by the County or a County approved noise consultant. Such monitoring shall determine ambient noise levels in the immediate vicinity of Project Site and near the residences and/or other sensitive receptors who have registered the noise complaint(s). Having established ambient noise levels, the County or the County's approved noise consultant will monitor project noise to determine if the project exceeds the noise standards provided in Condition No.39.

Documentation: The Permittee must provide the Planning Director with the notification provided to surrounding residents, a list of property owners and occupants that were provided notification, contact information for the Permittee or Permittee's designee for noise complaints. All noise studies including measurements conducted in the resolution of complaints shall be provided to the Planning Director.

The Permittee shall post a sign in a conspicuous location on the Project site, in order so that the sign is visible to the public, the name and phone number of the Project contact to receive and abate noise complaints. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of the Project. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, if the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the Planning Director with notifications, contact information, and photo documentation of the signage. The Permittee, or Permittee's designee, shall be available for contact during the life of the permit. Investigations of noise complaints must be undertaken immediately and reporting back to the complainant shall occur within one hour. The Permittee shall notify the Planning Director in writing within 10 days of receiving a noise complaint. Noise studies shall be undertaken immediately as required by the Planning Director.

Monitoring and Reporting: The Planning Division maintains the Permittee's, or Permittee's designee's, contact information in the Project file. The Permittee shall provide the Planning Division notice of any complaints, which will be maintained in the Project file. If complaints go on unabated, the Planning Director has the authority to review any complaints received by the Planning Division to determine whether noise studies must be conducted, or this CUP should be modified. The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the Permittee conducts the operations in compliance with this condition, consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

41. **Water Conservation**

Purpose: To reduce water use and to ensure effective water conservation practices are implemented.

Requirement: To the extent feasible, the permittee shall use recycled water for watering roads, stockpiles, and processing equipment dust control, landscape irrigation, and reclamation irrigation.

Water demand of all existing and additional uses allowed under this minor modification combined shall not exceed existing use of 4.6 acre-feet per year.

Documentation: The Permittee shall provide the Planning Director with a source for recycled water and volume of water used by the Project. Well production records (such as the Groundwater Production Statements) shall be maintained by the permittee.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the permittee shall provide the Planning Director a documented source for recycled water and the most current Groundwater Production Statement(s) demonstrating water demand.

Monitoring and Reporting: Ongoing compliance with requirements shall be accomplished through field inspection consistent with the requirements of § 8114-

3 of the Non-Coastal Zoning Ordinance. The Permittee shall provide well production documentation to the County Planning Division upon request of the Planning Director.

42. Exceptions to Permit Conditions

Pursuant to § 8107-9.6.12 of the Non-Coastal Zoning Ordinance, the Planning Director may grant temporary exceptions to the noise standards, hours of operation, and other conditions of approval stated herein provided that the Planning Director finds that it is necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

43. Interim Management Plans

As required by Section 2770(h) of SMARA, the operator shall submit an Interim Management Plan to the County of Ventura within 90 days of the mine becoming idle. The term "idle" is defined in Section 2727.1 of SMARA. The time period in which a mine is subject to an Interim Management Plan or considered idle does not alter the expiration date of this permit or the requirements of the applicable Approved Reclamation Plan.

44. Proprietary Information

Information considered by the Permittee to be proprietary in nature that is required to be submitted to the County shall be so identified by the Permittee and submitted in separate form. To the extent allowed by law, this information shall be maintained in a confidential file and not released for public review.

FIRE PROTECTION DISTRICT CONDITIONS

45. Fire Code Permit

Provisions for suppression shall be in accordance with the current Fire Code and approved by the Ventura County Fire Chief. Within sixty (60) days of approval of the Conditional Use Permit, the permittee shall meet with representatives of the Fire Protection District and thereafter jointly finalize a Fire Protection Plan setting forth the provisions within the Fire Code which apply to the site and how these are to be met. The Permittee shall provide a copy of the approved plan to the Planning Director.

46. Spark Arrestors

Spark arrestors shall be installed on all naturally aspirated (i.e., non-turbocharged) internal combustion engines.

47. Storage of Flammable and Combustible Liquids

That any storage and use of flammable/combustible liquids shall comply with the Fire Code.

ENVIRONMENTAL HEALTH CONDITIONS

48. Hazardous Materials / Waste Management (CUPA Permit Required)

Purpose: To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code, and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

Requirement: The Permittee shall submit a hazardous materials business plan (HMBP) to the Environmental Health Division (EHD)/Certified Unified Program Agency (Ventura CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous wastes are generated, an EPA ID number issued by the California Department of Toxic Substances Control must be obtained and maintained in active status.

Documentation: A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System (CERS).

Timing: HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

Monitoring and Reporting: Ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff.

49. Employee Portable Toilets

Purpose: To ensure employees are provided with toilet facilities which are clean and sanitary, and to prevent a public health concern. To ensure septage from portable toilets is disposed of in accordance with California Health and Safety Code sections 117400-117450.

Requirement: Sanitary facilities, consisting of an adequate number of toilets and hand washing facilities (with potable water from an approved source) shall be available to employees to supplement existing restrooms. Septage from portable toilets must be removed by a Ventura County Environmental Health Division (EHD) permitted pumper truck and must be disposed of properly at an approved septage disposal site.

Documentation: Permittee shall maintain copies of the portable toilet service provider contract and septage disposal receipts for review upon request.

WATERSHED PROTECTION DISTRICT CONDITIONS

50. Watershed Protection District Permit (Former Mitigation Measure No. 2, Conditions of Approval Nos. 59 through 65 and 68 through 69)

Purpose: To Comply with Ventura County Watershed Protection District (WPD) Ordinance WP-2

Documentation: A District Watercourse Permit application package shall be prepared and signed by the Permittee or a duly authorized agent and submitted to and logged by the WPD Permit Section. A Watercourse Permit must be obtained by the Permittee for each updated Mining Plan. In addition to other permit fees and charges, a bond of \$5,000.00 must be provided to the County to assure completion of the work in accordance with the permit conditions.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration for excavation under an updated mining plan, the Permittee shall obtain the Watershed Protection District, Permit Section Manager's, review and approval of each updated mining plan, construction plan, and all applicable special studies, and shall obtain a Watercourse Permit. The bond will be released one year following completion.

Monitoring and Reporting: The Permittee shall collect and review monitoring data on an annual basis. An annual mining operation plan for the coming year together with monitoring data shall be submitted to the WPD for review and County approval must be obtained before June 30 of each year.

51. General Industrial Stormwater Permit

Purpose: To ensure the project maintains compliance with all water quality provisions in accordance with National Pollution Discharge Elimination System (NPDES) General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

Requirement: Proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

Documentation: The Permittee shall submit the following items to the Watershed Protection District - Surface Water Quality Section (SWQS) staff for review:

- a. Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or verification of payment for current coverage year, whichever one is more recent;
- b. Copy of the project Stormwater Pollution Prevention Plan (SWPPP); and
- c. Copy of the most recent Annual Report if applicable.

Timing: The above listed items shall be submitted to the SWQS for review prior to Zoning Clearance for Use Inauguration.

Monitoring: SWQS staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. Current and site-specific SWPPP shall be kept on-site for periodic review by the SWQS inspectors.

52. **Containment Area for Liquid Waste and Petroleum Products**

Purpose: In accordance with Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2-2 and -4, Containment Area for Liquid Waste and Petroleum Products is required.

Requirement: All liquid waste and petroleum products shall be stored in proper containers and stored in pre-approved or designated containment areas only. If waste products will be stored in an alternate temporary location, Permittee shall provide detailed plans of impermeable area with same construction as containment areas. Specifically describe where these waste products will be stored, an estimate of the amount of accumulated waste at any one time and information on the planned frequency for disposal.

Documentation: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit a Containment Area for Liquid Waste and Petroleum Products site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan will be maintained in the case file. The

Permittee shall allow the WPD to inspect the Containment Area for Liquid Waste and Petroleum Products upon request.

53. Diesel Fuel Tank Area

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2-2 and -4, Diesel Fuel Tank Area is required.

Requirement: The Diesel Fuel Tank Area shall be constructed with a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled liquids into a sump for legal disposal off site. The concrete pad shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage.

Documentation: A copy of the approved Diesel Fuel Tank Area site plan.

Timing: Prior to the Issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit a Diesel Fuel Tank Area site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Diesel Fuel Tank Area site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Diesel Fuel Tank Area upon request.

54. Containment Area for Hazardous Materials

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2-2 and -4, a containment area for hazardous materials is required.

Requirement: The Permittee shall submit a site plan to the WPD that shows all hazardous materials, fertilizers and chemicals are stored in a Containment Area properly designated and equipped for the safe storage of the hazardous materials, fertilizers and chemicals.

Documentation: A copy of the approved containment area for hazardous materials site plan.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit the containment area for hazardous materials site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved containment area for hazardous materials site plan will be maintained in the case file. The Permittee

shall allow WPD to inspect the Containment Area for Hazardous Materials upon request.

55. Shared Well Agreement

Purpose: To ensure new development has available water resources in accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.1-4, 1.3.2-4, 4.3.1-1 through -3, and 4.3.2-1 through -3.

Requirement: The project proponent shall confirm a water supply for the project by obtaining a signed “Shared Water Well Agreement” between the water well owner and the permittee.

Documentation: A valid “Shared Water Well Agreement.”

Timing: The Permittee shall provide a “Shared Water Well Agreement” prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the “Shared Water Well Agreement” will be maintained in the case file.

56. Well Condition Inspection Report

Purpose: To ensure compliance with Ventura County Well Ordinance 4468 such that a groundwater well will not result in pollution of groundwater and will not result in a hazard to human health.

Requirement: The project proponent shall confirm that a groundwater well is in satisfactory condition to return to “Active” status after a period of non-use.

Documentation: A “Well Condition Inspection Report” by a registered inspector pursuant to Ventura County Well Ordinance 4468, Section 4820.

Timing: The Permittee shall provide a “Well Condition Inspection Report” prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the “Well Condition Inspection Report” will be maintained in the case file.

AIR POLLUTION CONTROL DISTRICT (VCAPCD) CONDITIONS

57. VCAPCD Rules and Regulations for Project Prevention of Fugitive Dust

Purpose: To ensure that fugitive dust and particulate matter that may result from activities on the site are minimized.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- All trucks shall cover their loads as required by California Vehicle Code §23114.
- Fugitive dust throughout the construction site shall be controlled using a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
- Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.
- Signs displaying the VCAPCD Complaint Line Telephone number for public complaints shall be posted in a prominent location visible off the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: Throughout the life of the permit.

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures.

58. APCD Rules and Regulations

Purpose: To ensure that project operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations, the applicant shall comply with all

provisions of the VCAPCD Permit to Operate Number 01273 and other requirements of Rule 10, (Permits Required) and Rule 26 (New Source Review).

Requirement: The Permittee shall obtain an Authority to Construct prior to installation and a Permit to Operate prior to operation, if needed for concrete and asphalt demolition.

Documentation: An approved Authority to Construct and an approved Permit to Operate.

Timing: Throughout the life of the permit.

Monitoring and Reporting: A copy of both the approved Authority to Construct and a Permit to Operate shall be maintained as part of the project file. Ongoing compliance with the requirements of the Permit to Operate shall be accomplished through field inspection by District Inspectors.

PUBLIC WORKS TRANSPORTATION DIVISION

59. Traffic Impact Mitigation Fees

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance 4246 and County General Plan (GP) 4.2.2 require that the PWA Transportation Department collect a Traffic Impact Mitigation Fee (TIMF).

Requirement: The permittee shall deposit a TIMF with the Public Works Agency Transportation Department. The trip generation rate and TIMF will be calculated based on the permittee's information.

The permittee may choose to submit additional information or provide a traffic study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

- a. Based on the applicant's information, the TIMF due to the County would be:
 $\$359.52 = 28 \text{ ADT}^{**} \times \$12.84^{***} / \text{ADT}$
- b. Based on the applicant's information, the TIMF due to the City of Fillmore would be: $\$1,787.24 = 28 \text{ ADT}^{**} \times \$63.83^{***} / \text{ADT}$

28 ADT^{**} (additional) = 128 ADT (proposed) – 100 ADT (existing or permitted)

Notes

- (1) **According to Page 10 of the Project Description by Sespe dated February 16, 2016, the number of additional one-way truck trips is 28 average daily truck trips (ADTT). 128 ADT (proposed) = 118 ADTT (trucks) + 10 ADT (employees)
100 ADT (existing or permitted) = 90 ADTT (trucks) + 10 ADT (employees)
- (2) ***County TIMF for Fillmore Traffic Impact District #3.
- (3) The trips generated by the project/development shall be used as a baseline level so that the TIMF may be computed for future increases in the trip generation. Based on the Project Description by Sespe dated February 16, 2016, the baseline level is 128 ADT.

Documentation: The Permittee shall come to the PWA Transportation Department counter, fill out the TIMF form, and pay the TIMF.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for Use Inauguration

Monitoring: The PWA Transportation Department will review and approve the payment of the TIMF.

PUBLIC WORKS INTEGRATED WASTE MANAGEMENT DIVISION (IWMD)

60. Waste Diversion and Recycling

Purpose: To ensure the Project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage.

Ordinance 4445 can be reviewed at www.vcpublicworks.org/ord4445.

Requirement: Ordinance 4445, Sec 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.wasteless.org/commercialhaulers.

Documentation: The Permittee must maintain copies of their bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

61. Commercial Vehicles and Equipment - Used Oil Recycling

Purpose: To ensure the recycling of motor oil, oil filters, and the removal of antifreeze from commercial vehicles and equipment.

Requirement: The Permittee shall ensure compliance with state and federal hazardous waste regulations.

See: <http://www.calrecycle.ca.gov/UsedOil/PolicyLaw/>.

The Permittee shall contract with a registered hazardous waste transporter to ensure motor oil, oil filters, and antifreeze generated by their business is taken to a registered used oil recycling facility.

A list of registered hazardous waste transporters is available at:

<http://www.dtsc.ca.gov/database/Transporters/Trans000.cfm>.

A list of registered used oil recycling facilities is available at:

www.calrecycle.ca.gov/UsedOil/Reports/CenterSearch/Default.aspx?

Documentation: The Permittee shall keep original billing statements generated by their registered hazardous waste transporter(s) to verify compliance with this condition.

Timing: Original billing statements must be kept on file for a minimum of three years.

Monitoring and Reporting: Upon request, the Permittee shall provide IWMD with copies of their current billing statements to verify that used motor oil, oil filters, and antifreeze generated by vehicles and equipment permitted for use by this CUP are properly recycled.

ADDITIONAL CONDITIONS

62. Fair Share Contribution to SR 23/SR 126 Intersection Improvements (City of Fillmore)

If a governmental agency(s) completes a final intersection design, secures a licensed engineer's cost estimate for the construction of the proposed intersection improvements, secures all real property rights and project approvals necessary to construct the proposed SR 23/SR 126 intersection improvements, and adopts a

fair share contribution funding mechanism that, together with other documented and secured sources of financing, is sufficient to fully fund construction of the proposed improvements, then the Permittee, together with future projects contributing to traffic impacts at the intersection, shall pay a fee proportional to the Sespe Creek Mine project's fair share of SR-23/SR 126 intersection impacts. The Permittee's fair share contribution shall be determined based upon the limit of 118 maximum daily one-way hauling truck trips arriving to or departing from the facility. It is recognized that some or all of the proposed SR 23/SR126 improvements may not be feasible due to expense, issues with right-of-way acquisition, technical issues, or lack of required approval from all relevant agencies.