

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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DATE: June 9, 2009 at 2:10 p.m.

TO: Board of Supervisors

FROM: Steve Padovan, Project Planner

SUBJECT: PLP04-0046, Dutra Materials, Inc.

Previous actions of the Board of Supervisors:

This item was originally scheduled for the December 9, 2008 Board of Supervisors meeting. However, on December 8, 2008, County staff and the Board received several letters from the public outlining their opposition to the proposed project. Based on the desire to address these comments, staff and the applicant agreed to continue the item to February 3, 2009.

On February 3, 2009 the Board of Supervisors considered the Draft and Final EIR and took public testimony on the proposed project. The Board closed the public hearing, deliberated, and on a 4-1 straw vote, tentatively approved the project with several changes to the project conditions. In addition, the Board referred the project back to the Planning Commission for consideration and recommendation of a possible General Plan Text Amendment to address General Plan noise standards. The matter was then continued, on a 5-0 vote, to March 24, 2009 for a final vote on the EIR and the project.

This item was originally scheduled for the March 5, 2009 Planning Commission, however, at the request of the applicant, the Commission unanimously voted to continue the item to April 16, 2009. Subsequently, the Board of Supervisors, at its March 24, 2009 meeting, continued the final resolution on the project to May 12, 2009. On April 16th, the Planning Commission opened the public hearing allowing for public comments on the proposed General Plan Land Use Noise Policy. After substantial public testimony, the Commission closed the public hearing and continued the item to May 21, 2009 to allow for the full Commission to deliberate on the General Plan text amendment. This resulted in a second continuance by the Board to June 9, 2009 for final deliberations.

Action by Planning Commission:

The Planning Commission opened the public hearing and took public comment on the proposed General Plan Text Amendment on April 16, 2009. Following the close of the public hearing, staff was directed to provide additional information on noise impacts to bird species. The item was then continued to the regularly scheduled meeting of May 21, 2009. At that hearing, the Commission, on a 3-2-0-0 vote, recommended that the Board of Supervisors approve an amendment to the General Plan Land Use Element through the addition of an area policy that allows barge docking and off-loading operations related to the Dutra Haystack Landing asphalt

and recycling facility to exceed noise standards contained in the Noise Element with some limitations on the parcel identified as APN 019-220-001; zoned M2 (Heavy Industrial) B8 (Frozen Lot Size), F2 (Floodplain), BR (Biotic Resource); Supervisorial District No. 2.

Proposed General Plan Policy and Related Conditions

The Commission recommended that the following new General Plan Planning Area Policy be added to Section 3.8 of the Land Use Element - Petaluma and Environs:

LU-19i - Noise generated by the Dutra Haystack Landing Asphalt, Aggregate and Recycling Facility (PLP04-0046), including barge operations, shall not exceed a 60 dBA Ldn average day/night noise level at the exterior of the nearest noise sensitive receptors nor 60 dBA CNEL at Shollenberger Park. Asphalt, aggregates and recycling operations shall not exceed the adjusted daytime maximum L50 of 55 dBA or adjusted nighttime maximum L50 of 50 dBA. On the project's riverfront parcel (APN 019-220-001), noise sources related to barge docking, off-loading and conveyor operations may exceed the adjusted maximum daytime L50 of 55 dBA and may exceed a nighttime maximum L50 of 50 dBA up to six nights per year, subject to a noise management plan. Under no circumstance shall noise exceed a maximum L50 of 67 dBA at the nearest noise sensitive receptors.

The proposed policy allows for a maximum average daytime noise level of 60 dBA Ldn at the exterior of the nearest noise sensitive receptors (the dwellings along the river and the homes to the west of Highway 101). These sound levels are identified in GP2020 under Policy NE-1b for new residential construction but are proposed as part of this new policy to conform to generally accepted noise guidelines stating that sustained exterior noise levels can be detrimental to persons exposed to these levels for extended periods of time (such as a residential use). It should be noted that standard construction can attenuate 20 dBA to provide an interior noise level of 45 dBA Ldn per the County and State standard for sleeping.

The new policy responds to the fact that although the noise generated by the asphalt plant and recycling operations can be mitigated to the levels identified in Table NE-2 of the General Plan Noise Element, the barge docking and unloading operations cannot be feasibly mitigated to the required noise levels, and a General Plan Area Policy is necessary to achieve project consistency with the GP2020 Noise Element.

Planning Commission Findings

The Planning Commission recommended approval of the text amendment based on the existing heavy industrial zoning of the property, the river dependent nature of the use, the site's direct access to the river, railroad and the freeway, the similarity of uses north of the site, and the nonconforming status of the adjacent residential land uses along the river, all of which support the findings that the project is consistent with the overall objectives and policies of the General Plan. As noted in the revised sound studies, the off-loading of barged materials would typically occur twice a week and last approximately 4 to 6 hours during high tides, which vary throughout the year, with only six nighttime off-loading events allowed. Therefore, noise impacts associated with barge off-loading would be for a limited time only, rather than continuous. With

the inclusion of the sound mitigation measures and restrictions on nighttime barge off-loading operations, the noise impacts can be substantially reduced and should meet the 60 dBA Ldn standard for noise sensitive land uses. Furthermore, although the proposed project is not in complete conformance with every noise standard stated in the General Plan, the new policy will result in the project being consistent with the intent of the policies to limit noise impacts, and with the other objectives and policies of the General Plan including those supporting the provision of adequate sources of aggregate materials for local construction projects.

Regarding the impacts to bird species, several biological studies found that almost all birds quickly habituate to nearly all sounds, even species specific distress calls and sounds as loud as 130 decibels. The studies conclude that if the habitat is ideal and food plentiful, the birds do not leave unless they feel threatened by human activity that encroaches too close to their nests. Therefore, the Commission found that the mitigation measures contained in the EIR and in the conditions of approval substantially reduce project noise impacts and should result in substantially reduced human activity near the nesting areas of the colony, especially during the nesting season (February 15th to August 31st). In addition, recommended project conditions prohibit the nighttime off-loading of barges during nesting season.

The Planning Commission also recommended the following changes to the conditions of approval to bring the project into compliance with the new policy and to address issues raised at the February 3rd Board of Supervisors hearing:

(Note: The text in bold and italics indicates new or modified language in the following conditions of approval)

11. The building plans shall include the following noise reduction features which shall be maintained in good operating condition: (bullets points "a - i" did not change)
 - j. The asphalt plant drum mixer and burner shall be completely enclosed within a building and ventilation and air filtration systems installed within that enclosure.***
 - k. Asphalt plant stockpiles along loop road. The loop road included in the proposed development plan shall be relocated to the west to allow for the asphalt plant stockpiles to be placed between the loop road and railroad tracks. A **16 foot** sound/retaining wall with **a 12 foot sound insulated gate and** landscaping shall be placed along the easterly property line abutting the aggregate piles.
 - l. Sound insulating blankets, with a noise reduction capability of at least 3 decibels, shall be attached to the sides of the recycling plant crusher when it is operating to reduce sound impacts to the hillside residents west of the freeway. Alternately, a freestanding solid barrier can be erected on the west side of the crusher within 12 feet of the equipment and extend at least 3 feet above the top of the crusher to achieve the same 3 decibel noise reduction.***
22. ***a. To the extent feasible, noise barriers/blankets shall be placed on the southern portion of the barge to screen barge unloading activities in the direction of the***

riverfront residences.

d. Sound insulating blankets, with a noise reduction capability of at least 3 decibels, shall be attached to the sides of the recycling plant crusher when it is operating to reduce sound impacts to the hillside residents west of the freeway. Alternately, a freestanding solid barrier can be erected on the west side of the crusher within 12 feet of the equipment and extend at least 3 feet above the top of the crusher.

23. *In no case shall facility operations exceed a 60 dBA Ldn average daytime/nighttime noise level at the exterior of the nearest noise sensitive receptors nor 60 dBA CNEL at Shollenberger Park.*

Asphalt, aggregates and recycling operations shall not exceed the adjusted daytime maximum L_{50} of 55 dBA or adjusted nighttime maximum L_{50} of 50 dBA, as measured at the exterior of the nearest noise sensitive receptors.

24. *On the project's riverfront parcel (APN 019-220-001), noise sources related to barge docking, off-loading and conveyor operations may exceed the adjusted maximum daytime L_{50} of 55 dBA and may exceed a nighttime adjusted maximum L_{50} of 50 dBA up to six nights per year during the non-nesting season (September 1st to February 14th), subject to a noise management plan. The noise management plan shall include provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation along with addressing potential cumulative noise impacts from noise events in the area. The plan shall be provided to PRMD prior to commencement of operations and shall be prepared by a qualified acoustical consultant, hired at the applicant's expense. Under no circumstances shall noise exceed a maximum L_{50} of 67 dBA at the nearest noise sensitive receptors.*

106. *Prior to commencement of operations or issuance of a Vesting Use Permit Certificate, a 16 foot sound wall shall be constructed between the asphalt plant operations and the railroad right-of-way and a 10 foot landscape planter shall be planted between the wall and the railroad right-of-way. The wall shall extend northward into the hillside at the northerly end of the property, and include a 12 foot sound insulated gate across the private access road that can be automatically opened by the residents on the east side of the railroad tracks. The gate shall be placed far enough back from the railroad tracks to ensure that any vehicle crossing the tracks has adequate line of sight and stopping distance to the railroad crossing warning signs. The wall shall be designed by a qualified acoustical engineer to minimize noise to the residents and park users.*

ISSUES DISCUSSED AT THE BOARD HEARING ON FEBRUARY 3, 2009

Issue #1: Air Quality/Public Health Related Impacts

Discussion

One of the primary concerns of the public and the Board of Supervisors at the February 3, 2009 hearing was the need to clarify the health impacts that would result from the asphalt plant emissions (blue smoke) and the diesel emissions from trucks and barges. In particular, the Board wanted a clearer understanding of the differences between the Health Risk Screening Analysis (HRSA) that was completed by the Bay Area Air Quality Management District (BAAQMD) for the DEIR in March 2005 (which addressed mainly fixed air emission sources) and the updated HRSA that was completed on October 1, 2008 (which encompassed fixed and mobile sources). The Board also asked staff to define the following terms used in the HRSA such as "Cancer Risk", "Chronic Hazard Index" and "Acute Hazard Index" to obtain a better understanding of the health risks associated with this plant.

Resolution

The original March 2005 preliminary HRSA that was incorporated into the DEIR was based on the original proposal submitted in 2004. In this HRSA, BAAQMD assumed asphalt production of 880,000 tons/year. Based on these figures, BAAQMD found the emissions of the asphalt plant to be within their thresholds of significance and no further analysis was necessary. Over the next two years, the project was revised to a maximum output of 225,000 tons/year of asphalt, 289,000 tons of sand and aggregates and 150,000 tons of recycled materials. The air quality consultant, using the original HRSA findings, determined that emissions would not be greater than the original preliminary estimates in the 2005 HRSA due to the reduced asphalt production and did not request a new HRSA. As the project progressed through the Planning Commission review process, BAAQMD staff determined that a new HRSA was needed to address the revised project because their original HRSA did not analyze the importation of 150,000 tons of recycled materials nor the emissions from the recycled material portable crusher.

On October 9, 2008, BAAQMD issued a letter outlining the changes from its 2005 estimated air quality impacts and the new regulations that have since been adopted that would apply to the plant (Exhibit D). The letter included an updated HRSA dated October 1, 2008 based on the most current information. The October HRSA concluded that the cancer risk from the proposed project to any individual receptor was 5.1 per million, the maximum chronic hazard index .004, and the acute health risks associated with toxic air contaminant emissions .97 (these terms will be defined more clearly below). These levels are all below the adopted significance levels established by the Air District (10 per million, 1, 1). The Air District recommended additional conditions to reduce potential emissions and all their recommendations were included in the conditions of approval presented to the Board of Supervisors on February 3rd.

In addition, since the October 2008 HRSA was completed, additional refinements have been made by BAAQMD to more accurately determine the health risks associated with the project. These refinements were generated by BAAQMD's further review of the project operating conditions, including the types of off-road vehicles used, entrained dust from vehicle movement and diesel emissions from the trucks circulating on-site. These recommended additional conditions are as follows:

- require that loading controls in the truck loading tunnel be electrically interlocked with the tunnel emission containment doors to prevent the loading of hot asphalt mix if the doors are not closed.
- covering of all loaded trucks leaving the truck loading tunnel and aggregate trucks leaving the site.
- require that the plant shut down production and loading if equipment designed to capture and abate emissions from these operations become inoperable or ineffective.
- use Tier 4 certified engines for all five on-site mobile sources at start-up (if available); or, use Tier 3 engines for all five on-site mobile sources, retrofitted with diesel particulate filters that achieve at least 85% reduction in diesel PM emissions; or, the use of Tier 3 engines for all five sources (w/o diesel PM retrofits) for no more than 10 years, and then switch to Tier 4 engines

BAAQMD also recommends that on-going ambient air monitoring of the site be conducted to provide data on PM10 (particulate matter - 10 microns in size) emissions. These include:

- The installation, maintenance, and operation of equipment to continuously monitor particulate matter in the ambient air. The monitoring shall be conducted in a manner that is consistent with a monitoring protocol that is approved by the District.
- Require additional conditions on facility operation if the monitoring results indicate, in the judgment of the District, that the facility is contributing in a significant manner to violations of any ambient air quality standards for particulate matter.

Finally, the Air Board also suggested a “web cam” be placed on-site to aid in the monitoring of visible emissions and to conduct monitoring of the site prior to commencement of the use. These recommendations are currently not included in the project conditions of approval but can be added at the Board’s request.

Truck Trip Generation Figures

At both the Board and Planning Commission, the public questioned the number of truck trips that the new project will generate. This confusion is the result of the different methodologies used to determine the “average daily number” of trucks required to move the amount of materials imported and exported from the project site and the “average daily trip” volumes that are used to determine Level of Service (LOS) and safety issues on the road network. Based on the figures in the EIR, the average daily truck volume is 250 trucks (a mix of larger 23 ton trucks and smaller 10 ton trucks - see Table V.J-11 in the DEIR, page V.J-20). This is the average number of trucks that are anticipated to enter and leave the project site during normal operations. On the other hand, the traffic analysis looks at congestion and safety issues and in order to quantify a truck’s impact on the road system, traffic engineers assign a value of three vehicles for every one truck due to their longer length and slower movements. This allows for consistency in interpretations with other existing traffic data and LOS figures. Therefore, the traffic analysis assumes an “average daily trip” generation of 750 trips, not 750 trucks.

In order to resolve the confusion surrounding the number of truck trips entering the site, the

applicant has agreed to limit the number of truck trips to a maximum of 250 per day (Condition #121). The applicant's consultant, Environ, has also provided a memo addressing the air quality impacts that would result from the 250 trucks per day, in order to address concerns from the public that have arisen over diesel emissions, especially if the barge operations are delayed (also see Exhibit D).

Terms and Definitions

The following text has been provided by the Air Board to help explain the terms used in the HRSA, and should provide some valuable understanding of the concepts.

Values assigned to "health effects" are used to calculate cancer risk and non-cancer risk in California and are developed by the CalEPA's Office of Environmental Health Hazard Assessment (OEHHA) using statistical analysis and uncertainty factors that are health protective of sensitive receptors.

A hazard index is the numeric measure of non-cancer risk. Adverse health effects are not expected to occur, even for sensitive members of the population, for hazard indices of one (1) or less. Further, a hazard index that exceeds "1" does not indicate that adverse effects will occur; rather, it is an indication of the erosion of the margin of safety and that the likelihood of adverse health effects is increased. According to the October HRSA for the proposed project, the new Dutra asphalt plant has a chronic hazard index (an exposure that results in long term health effects) of .004 and an acute hazard index (immediate effects to an individual such as watery eyes, sneezing, headache, nausea) of .97.

For acute risk, 57% of the hazard index for the Dutra asphalt plant at the point of maximum impact is related to hydrogen sulfide exposure. For hydrogen sulfide, concentrations that substantially exceed the odor threshold result in the annoying and discomforting physiological symptoms of headache or nausea.

Actual risk, which cannot be determined, is likely overestimated, particularly for chronic risk, due to conservative exposure assumptions incorporated in the health risk assessment calculations (e.g., assuming 70-year and 40-year exposure durations for calculating cancer risk for residential and worker receptors, respectively).

To put cancer risk results into perspective, the following information from BAAQMD is provided for comparison purposes:

- The risk of contracting cancer in the general population of the United States is about 1 in 3, or greater than 300,000 in a million.
- Lifetime cancer risk calculated using Bay Area toxic ambient air monitoring data is estimated to be about 125 in a million. In addition, diesel particulate matter in the ambient air cannot be directly measured but is estimated to pose an average cancer risk of about 400 to 500 in a million in the Bay Area. The California Air Resources Board estimates cancer risk to be as high as 1,700 in a million at a receptor in close proximity to a high volume freeway.

The Dutra plant is currently designed and conditioned to reduce the cancer risk to the closest residents and workers to less than 10 in one million, which is below the adopted significance

levels established by the Air District.

Issue #2: Navigational Issues

Discussion

Several public speakers raised navigational concerns based on the location of the barge in the river when docked for unloading at the new Dutra facility. The concerns centered on whether the barges are allowed to block any portion of the navigable channel. Staff responded at the hearing that barges that currently dock at the Shamrock sand importation facility (about 1,000 feet upstream) partially block the channel when unloading and that repeated attempts to contact the Coast Guard regarding rules and regulations for navigable channels had not proved successful. Supervisor Brown asked staff to provide further clarification on the issue.

Resolution

Staff was able to contact the United States Army Corps of Engineers (USACE) regarding the placement of piers and other fixed objects in the river. The USACE stated that they do not permit the placement of any fixed objects within a navigable channel. Therefore, all piers, dolphins and other docking fixtures will be placed outside of the 100 foot navigable channel, which is the portion of the river that is dredged and is typically in the center of the waterway.

As for the docking of barges in the channel, all navigational issues come under the jurisdiction of the Coast Guard and several attempts by staff to contact the Coast Guard were not successful. However, the applicant did obtain a letter from the Coast Guard stating that they have no objection to the docking facility provided it complies with all Federal, State and local requirements and staff located a website on Federal Regulations for Navigation and Navigable Waters (See Exhibit E). These regulations dictate the general rules and operating requirements for vessels within the coastal waters of the United States. The system for the San Francisco Bay Area is similar to an air traffic control system. Vessel Traffic Services (VTS) and a Vessel Movement Reporting System (VMRS) are currently in operation, and track all vessels in the area. Each vessel is required to tune to a specific frequency and "check in" with the VTS to report their position, destination, etc. and the VTS controls the movements of vessels in the various shipping channels. Basically, the VTS may control, supervise, or manage vessel traffic by specifying times of entry, movement, or departure to or from a VTS area. In addition, staff found no regulations that specifically restrict the docking of barges that could potentially block a portion of a navigable channel.

Therefore, staff has concluded that any navigational issues will be resolved through the Joint Aquatics Resource Permits Application (JARPA) permitting process (USACE and Coast Guard approvals are required through that process) and operationally by the VTS. The dock facilities will be located outside the navigable channel and the VTS will control the movement of the barges on the Petaluma River and their docking locations. If some navigational issues arise, then VTS will direct the barge to move if necessary (the tugboat is moored next to the barge when unloading is occurring).

Issue #3: Water Appropriation from the Petaluma River

Discussion

The project proposes to draw water from the Petaluma River to provide dust suppression on the roadways throughout the site and to suppress dust from the piles of aggregates and recycled materials. The water would be drawn from two points. The first would be at the barge off-loading area and would serve to suppress dust on the conveyor system. The second would be at the end of the small slough between the aggregate piles and the recycling area. The applicant has stated that they would need approximately 20,000 gallons of water per day and would store the water in two-10,000 gallon tanks to be dispersed with smaller water trucks. To clarify what impact the water acquisition would have on the slough and wetlands, Supervisor Carrillo requested that staff provide more details of the amount of water in the slough and how it would affect the existing and proposed wetlands and any fish species.

Resolution

Staff asked the applicant to provide calculations on the volume of water that is exchanged through the tidal cycle on the tidal sloughs, ditches and ponds west of the railroad tracks on the Dutra property, where a majority of the dust suppression water will be required. Based on their engineer's calculations, the total volume of water exchanged in the tidal cycle is 6,600,000 gallons every 24 hours. The 20,000 gallons per day needed for the operation would be equivalent to 0.3% of the total. To address concerns about drawing water from the sloughs and impacting water levels, staff recommends that the intakes for the pumps be placed between the high and low tides to ensure that water is not being drawn when levels are at their lowest (Condition # 102). In addition, the applicant is required to develop a revised Wetland Mitigation and Monitoring Plan prior to Building Permit issuance to ensure that any proposed water diversion for dust control does not adversely affect the feasibility and success of tidal and brackish marsh created in Area D (Condition 91.e).

Regarding Dutra's water rights and their ability to draw water for their use, California Water Rights Law incorporates both the riparian doctrine and the prior appropriation doctrine. Basically, all waters are the property of the State and a water right is a property right allowing for the use of the water, not it's ownership (see Exhibit G).

Dutra is claiming a riparian right to use water from the Petaluma River. A riparian right results from the ownership of land bordering a surface water source and riparian landowners may use natural flows directly for beneficial purposes, of which an industrial use (water needs for commerce, trade or industry) is recognized by the State as a beneficial use. The State Water Resources Control Board is responsible for water rights allocations and will be reviewing Dutra's proposal through their permitting process.

Additionally, the use of recycled water from the new Petaluma Wastewater Treatment Plant was analyzed as an option in the EIR (the traffic consultant included the additional truck trips needed to bring water to the site) and if it is available, the applicant can utilize this resource.

Issue #4: Cost/Benefit Analysis and Greenhouse Gas (GHG) Impacts

Discussion

Several comments were raised at the hearing relating to the reduction in greenhouse gases and the cost savings for construction projects that would result from locating the facility in the south County area to serve the needs of the City of Petaluma and surrounding areas (approximate population of 80,000 to 100,000 people). Staff stated that with no asphalt plant currently in operation, asphalt is currently being trucked in from the plants in the Santa Rosa area or from the Vallejo area. This fact was confirmed by a public speaker who added that he obtains his asphalt from a Vallejo plant and that the increased costs for additional fuel and employee hours to drive there and back cause the cost per project to increase. Combine these added costs with the current economic times, and the results are fewer projects funded by local government. Supervisor Carrillo requested that staff provide a cost/benefit analysis to show what the actual increased costs are and if possible, an estimate of the increased diesel emissions to haul asphalt to the Petaluma area from outside sources.

Resolution

The EIR estimated GHG emissions for the new plant using the emission factors from the California Climate Action Registry. Based on those emission factors, the total increase in project-generated GHG emissions (the difference between the GHG emissions of the old plant and the new plant) are estimated at 8,060 tons of CO₂ equivalent (this is a rough estimate and further refinement of the actual figures will be completed prior to building permit issuance). As stated in the EIR, the majority of the emissions identified result from on-road truck traffic and Condition #107 requires that the applicant complete a GHG reduction plan.

In order to address the Board's request for a cost/benefit analysis with regard to GHG emissions, the applicant's air quality consultant, Environ, estimated the GHG emissions of truck and barge transport from the proposed project and then compared them to an alternative scenario wherein the asphalt and aggregates are trucked in from existing plants in Sonoma and Solano County (Exhibit I). The study found that in the most conservative situation, the alternative scenario would generate between 112% and 123% greater emissions than the corresponding proposed project at Haystack Landing.

The applicant also attempted to quantify the additional costs that could be incurred on construction projects in the Petaluma/south Sonoma County area as a result of having to import asphalt and aggregates from the Todd Road facility in South Santa Rosa and/or the Lake Herman Quarry in Vallejo (Exhibit H). According to their estimates, the additional cost per ton is \$5.10 from the Todd Road facility and \$8.31 from Lake Herman. If these numbers are extrapolated to encompass the full potential production at the proposed project site (225,000 tons asphalt, 289,000 tons of aggregate/sand and 150,000 tons recycling), then the annual savings to construction and infrastructure projects are approximately \$2.3 million.

Issue #5: Visual Impacts and Enclosure of the Drum Mixer/Furnace

Discussion

The project site is located at the southern gateway to the City of Petaluma on an undeveloped

site along a designated scenic corridor (Petaluma Boulevard South/Highway 101) and in a scenic area. As viewed by motorists on Highway 101, there are public views looking easterly across the site to the Petaluma River and the mountains beyond. In addition, the project site is visible from walking trails in Shollenberger Park, located directly across the river from the new barge facilities. The proposed facility involves equipment that exceeds 75 feet in height, large stockpiles of aggregates and recycled materials, a conveyor system up to 24 feet above grade and a 16 foot sound wall along the railroad tracks. In addition, Supervisor Kerns requested that the drum mixer and furnace be enclosed in a structure. In general, the open landscape on half the project site would be altered into an industrial site and the EIR found that the project would have significant and unavoidable visual impacts. Numerous public comments were received at the hearing stating that the project would substantially alter the views from the park and as you enter the city on Highway 101 from the south.

Resolution

In an effort to reduce the visual impacts of the proposed plant, mitigation measures in the DEIR and the conditions of approval include berming and dense landscape screening up to 30 feet deep along Highway 101 and Petaluma Boulevard South, the protection and preservation of existing on-site trees, a 10 foot deep landscape planter along the front of the soundwall and the utilization of native trees and naturally established landscape forms. In addition, the exterior colors of all buildings and machinery shall be painted to blend with background hills, and lighting shall be of reduced intensity, fully shielded and utilize motion sensor activation for security needs. All structures, lighting and landscaping shall require final review by the Sonoma County Design Review Committee prior to issuance of any building permits or commencement of any operations. The applicant has provided additional visual simulations which include the landscape berms and soundwalls (Exhibit J).

List of Attachments:

- Draft Board of Supervisors Resolution to be provided by County Counsel
- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Planning Commission Staff Report of April 16, 2009
- EXHIBIT C: Planning Commission Memo dated May 21, 2009
- EXHIBIT D: October 9, 2008 BAAQMD letter with October 1, 2008 HRSA; Table V.J-11 from Dutra DEIR; Environ Letter on 250 Truck maximum
- EXHIBIT E: Coast Guard Letter and Federal Regulations for Navigation and Navigable Waters
- EXHIBIT F: Methodology to Calculate Overall Volume of Tidal Flow in Sloughs on Site
- EXHIBIT G: Water Rights Fact Sheet
- EXHIBIT H: Analysis of Additional Costs
- EXHIBIT I: Greenhouse Gas Emissions Analysis, Environ Corp., April 30, 2009
- EXHIBIT J: Visual Analysis from Highway 101 and Shollenberger Park
- EXHIBIT K: Recently Received Public Comment Letters and Reports

Prior Separate Attachments Received by the Board of Supervisors:

June 9, 2009
PLP04-0046
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Draft and Final Environmental Impact Report
Lozeau/Drury LLP Letter and Exhibits dated December 8, 2008
December 9, 2008 Board of Supervisors Packet

EXHIBIT "A"
Draft Revised Conditions of Approval
(Revisions are in Bold and Italics)

Date: June 9, 2009
Applicant: Dutra Materials, Inc.
APN: 019-220-001, 019-320-022 and 023
Address: 3355 Petaluma Boulevard South, Petaluma

File No.: PLP04-0046

Proposed Project Description: This proposal is for a Use Permit and Design Review Permit for an asphalt batch plant with a maximum production capacity of **225,000** tons per year, an aggregate and sand distribution facility with a maximum annual capacity of **289,175** tons and a recycling operation with an annual maximum capacity of 150,000 tons resulting in a facility with a total capacity of **664,175** tons per year with inclusion of asphaltic oils and crumb rubber. The project also involves the construction and operation of barge off-loading facilities on the Petaluma River for sand and aggregates and a conveyor system to bring the materials to the facility.

If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

BUILDING:

The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
2. Project design and construction shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4). In addition, project design shall follow the recommendations of the site-specific geotechnical investigation report. The report provides specific design criteria for construction of the project in response to expected seismic events.
3. The applicant shall engage a Fire Protection Engineer to perform a code analysis and submit a comprehensive fire protection plan for the proposed project for review by the SCPMD and the County Fire Marshal. The submittal shall include an evaluation of the project's compliance with the uniform fire code requirements relating to storage of hazardous materials (including aboveground tanks), the need for fire suppression system, alarm systems, storage of flammable or combustible materials, containment basins around hazardous materials, and compliance with hazardous materials regulations. Both hazardous materials at the proposed asphalt plant and those for the SAVFD shall be considered in the review.
4. The grading of the project site shall be conducted in conformance with the approved Grading Plan. All recommendations for grading presented in the site-specific geotechnical reports shall be incorporated into the grading activities.

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING PERMIT ISSUANCE

5. Prior to the issuance of any building permit, evidence of appropriated water rights approval from the State Water Resources Control Board - Division of Water Rights or the U.S. Army Corps of Engineers shall be obtained for use of river water on any parcel that has a physical connection or borders the Petaluma River. If applicant is unable to obtain the rights to use Petaluma River water, provisions shall be made for delivery of recycled water or of delivery from another alternative source. Proof of available or alternative sources of water for dust suppression must be demonstrated to PRMD staff.
6. Prior to building permit issuance, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.
7. Application for wastewater discharge requirements shall be filed by the applicant with the San Francisco Bay Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/
8. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.
9. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restroom shall be submitted to Project Review Health prior to issuance of building permits.
10. Prior to issuance of a building permit, the project developer shall provide the County with the name and telephone number of the individual empowered to manage construction and operational noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.
11. The building plans shall include the following noise reduction features which shall be maintained in good operating condition:
 - a. Baghouse fan stack silencer. Install a silencer between the baghouse fan and the exhaust stack. The silencer shall be designed to reduce the A-weighted sound level of the fan exhaust by 20 dBA when the fan is operating in the range of 70-100% of maximum airflow.
 - b. Baghouse fan casing barrier or enclosure. Install a barrier along the west side of the baghouse fan casing. The barrier shall be made of sound absorptive steel panels or mass-loaded quilted vinyl (1.5 pounds per square foot). The barrier shall be 12 feet tall and located within 3 feet of the fan casing. It shall return along the south and north sides of the

- baghouse fan casing. Alternatively, a ventilated enclosure can be used that is constructed of sound absorptive metal panels and designed to achieve an A-weighted noise reduction of 15 Dba.
- c. Fiberbed fan stack silencer. Install a silencer between the fiberbed fan and the exhaust stack. The silencer shall be designed to reduce the A-weighted sound level of the fan exhaust by 15 dBA when the fan is operating at 100% of maximum airflow.
 - d. Gear reducer enclosure. Install an enclosure around the gear reducer for the asphalt burner drum to reduce its noise level by 15 dBA.
 - e. Air compressor enclosure. Install an enclosure around the air compressor to reduce its noise level by 20 dBA.
 - f. Air cylinder silencers. Install air cylinder silencers at the batcher and discharge gates designed to reduce the air release noise by a minimum of 20 dBA.
 - g. Non-metallic aggregate sorting screens and screening panels **on the conveyor and recycling equipment**. Non-metallic materials such as neoprene, rubber or high-density polyethylene (HDPE) can significantly reduce the noise generated by the crushed concrete bouncing on the screens.
 - h. Line all unenclosed hoppers and chutes **on the conveyor** at which aggregate materials fall onto a metal surface with a sound deadening material such as heavy neoprene, rubber or HDPE.
 - i. Enclosed transfer points. Enclose the points along the conveyor system where material transfers from one belt to another by means of a hopper. The enclosure material shall have a minimum surface density of 1.5 pounds per square foot.
 - j. The asphalt plant drum mixer and burner shall be completely enclosed within a building and ventilation and air filtration systems installed within that enclosure.**
 - k. Asphalt plant stockpiles along loop road. The loop road included in the proposed development plan shall be relocated to the west to allow for the asphalt plant stockpiles to be placed between the loop road and railroad tracks. A **16 foot** sound/retaining wall **with a 12 foot sound insulated gate and** landscaping shall be placed along the easterly property line abutting the aggregate piles.
 - l. Sound insulating blankets, with a noise reduction capability of at least 3 decibels, shall be attached to the sides of the recycling plant crusher when it is operating to reduce sound impacts to the hillside residents west of the freeway. Alternately, a freestanding solid barrier can be erected on the west side of the crusher within 12 feet of the equipment and extend at least 3 feet above the top of the crusher to achieve a minimum 3 decibel noise reduction.**

The applicant shall have a qualified acoustical engineer inspect the site and equipment and submit a verification of compliance with these conditions prior to operations.

12. To provide noise mitigation to adjacent residential properties and prior to building permit issuance, the applicant shall notify property owners of the affected residences (APNs 019-220-040, 019-220-041, 019-320-003, 019-320-010, 019-320-011, 019-320-016 and 019-320-021) that the applicant is offering to upgrade specified windows. The upgrade shall offer windows rated for a noise reduction that is a 10 dBA improvement over the existing window's noise reduction for the homeowners along the River and at the hillside west of Highway 101, for all habitable rooms on the side of the

residence facing the project site. The applicant shall provide specifications for the windows to the homeowner. The homeowner will then be responsible for receiving 3 bids from qualified contractors to purchase and install the windows. The applicant shall promptly pay the homeowner for the cost of the lowest bid after the windows are installed and accepted by the homeowner. The applicant shall warn the homeowner that the offer only pays for normal installation of the windows but will not pay for any additional work necessary to allow installation of the window, such as repair of dry rot or termite damage.

13. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to Building Plan Check. (Fees may apply). Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

CONSTRUCTION PHASE REQUIREMENTS:

14. The project developer shall implement measures to reduce the noise levels generated by construction equipment operating at the project site during project grading and construction phases. The developer shall include the following requirements or measures shown to be equally effective in construction contracts:
 - a. All construction equipment shall be equipped with improved noise muffling, and have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine isolators in good working condition.
 - b. Stationary construction equipment that generates noise levels in excess of 65 dBA Leq shall be located as far away from existing occupied residences as possible. If required to minimize potential noise conflicts, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices.
 - c. All equipment shall be turned off if not in use for more than 10 minutes.

OPERATIONAL REQUIREMENTS:

15. Connection shall continue to be made to public water.
16. A safe, potable water supply shall be provided and maintained.
17. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
18. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
19. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs.
20. A mosquito and vector control plan shall be prepared by a qualified professional and submitted to the Marin-Sonoma Mosquito and Vector Control District for approval (telephone 707-285-2200). The approved plan shall be submitted to SCPMD prior to on-site earthwork activities and shall be implemented as part of the proposed project. The plan shall specify areas where mosquito larvae are likely to be present on-site (e.g., in areas with standing water) and mosquito management methods. The management methods may include the use of chemicals (i.e., pesticides), biological methods (e.g., use of mosquito fish in water bodies, or *Bacillus thuringiensis*), and/or control of

excess runoff and areas where water can accumulate. The Project Review Health Specialist shall receive a copy of the vector control plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

- ~~21. Short term noise sources that exceed the allowable noise levels in Table NE-2 by no more than 5 decibels, are permitted up to six days per year. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The noise management plan shall be prepared by a qualified acoustical consultant, hired at the applicant's expense.~~
21. All tugboats shall utilize EPA certified 900 horsepower Tier-2 or lower emitting main engines, Tier-3 132 horsepower auxiliary engines, 8 hour operating roundtrip times and utilize on-shore electricity while unloading at all times. In addition, the tug operators shall commit to using Tier-3 engines, 10 years after commencement of operations, **or as soon as they are available after the 10 year period.**
22. **The following noise reduction features shall be maintained in good operating condition:**
- To the extent feasible, noise barriers/blankets shall be placed on the southern portion of the barge to screen barge unloading activities in the direction of the riverfront residences.**
 - Utilize non-metallic aggregate sorting screens and non-metallic screening panels on the conveyor and any crusher equipment. Non-metallic materials such as neoprene, rubber or high-density polyethylene (HDPE) can significantly reduce the noise generated by the crushed concrete bouncing on the screens.**
 - Line all unenclosed hoppers and chutes on the conveyor at which aggregate materials fall onto a metal surface, with a sound deadening material such as heavy neoprene, rubber or HDPE.**
 - Sound insulating blankets, with a noise reduction capability of at least 3 decibels, shall be attached to the sides of the recycling plant crusher when it is operating to reduce sound impacts to the hillside residents west of the freeway. Alternately, a freestanding solid barrier can be erected on the west side of the crusher within 12 feet of the equipment and extend at least 3 feet above the top of the crusher.**
23. **In no case shall facility operations exceed a 60 dBA Ldn average daytime/nighttime noise level at the exterior of the nearest noise sensitive receptors nor 60 dBA CNEL at Shollenberger Park.**
- Asphalt, aggregates and recycling operations shall not exceed the adjusted daytime maximum L_{50} of 55 dBA or adjusted nighttime maximum L_{50} of 50 dBA, as measured at the exterior of the nearest noise sensitive receptors.**
24. **On the project's riverfront parcel (APN 019-220-001), noise sources related to barge docking, off-loading and conveyor operations may exceed the adjusted maximum daytime L_{50} of 55 dBA and may exceed a nighttime adjusted maximum L_{50} of 50 dBA up to six nights per year during the non-nesting season (September 1st to February 14th), subject to a noise management plan. The noise management plan shall include provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation along with addressing potential cumulative noise impacts from noise events in the area. The noise management plan, subject to PRMD review and approval, shall be provided prior to commencement of operations and shall be prepared by a qualified acoustical consultant, hired at the applicant's expense. Under no circumstances shall noise exceed a maximum L_{50} of 67 dBA at the nearest noise sensitive receptors.**

25. Stockpiles of processed and unprocessed concrete and asphalt materials shall be located to the north and east sides of the recycling plant as noted on the project site plan during crushing activities. These stockpiles will help reduce noise at the homes adjacent to the subject site along the river and the park across the river. During crushing activities, the stockpiles shall be a minimum of 15 feet in height.
26. Install an OSHA approved strobe light back-up notification system on front-end loaders that are used at the asphalt plant. Use the strobe lights exclusively instead of beepers during nighttime hours.
27. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then a qualified acoustical consultant, to be hired at the applicant's expense, shall conduct a noise study to determine if the current operations meet noise standards and identify any additional feasible noise mitigation measures. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional feasible mitigation measures needed to meet noise standards.

FLOOD AND DRAINAGE:

The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

28. Grading and/or building permits require review and approval by the Drainage Review Section of the Permit and Resource Management Department prior to issuance.
29. Drainage improvements shall be designed by a civil engineer in accordance with the Sonoma County Water Agency Flood Control Design Criteria, and included with the improvement plans, and shall be submitted to the Drainage Review Section of the Permit and Resource Management Department for review and approval.
30. A drainage report shall be prepared by a civil engineer and be submitted with the grading or building permit application. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps and drainage calculations, hydraulic calculations and analysis for all pertinent existing and proposed drainage facilities, and a 100-year overland release route map.
31. A building setback line along the waterway shall be measured from the toe of the stream bank outward, a distance of 2 ½ times the height of the stream bank plus 30 feet, or 50 feet outward from the top of the stream bank, whichever distance is greater. Construction within this setback line is permitted but may require additional engineering to ensure that erosion from the drainage does not affect building footings. Any creek setbacks, including but not limited to building setbacks or riparian corridor setbacks, shall be shown and noted on the improvement plans.
32. The project is located within a Special Flood Hazard Area. No fill shall be placed in any Special Flood Hazard Area, unless an engineering analysis demonstrates that no reduction in flood storage capacity within the Special Flood Hazard will result from the fill placement and related improvements.
33. Any land subject to inundation by a 100-year flood shall be delineated and shown on the construction plans as "SUBJECT TO INUNDATION".
34. The site is affected by flooding from the Petaluma River. The 100-year base flood elevation is estimated to be at 7 feet above mean sea level. The lowest floor elevation of any habitable

structure must be at 8 feet or higher above mean sea level. Elevations are based on the National Geodetic Vertical Datum of 1929 (NVGD 29).

35. The design engineer shall include a grading plan which clearly shows all existing and proposed land features, elevations, roads, driveways, buildings and drainage facilities such as swales, channels, closed conduits, or drainage structures. Additionally, the grading plans must show the finished floor elevation of any proposed buildings.
36. The design engineer shall include an erosion prevention/sediment control plan that clearly shows all best management practices, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system.
37. Residue or polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system.
38. Polluted runoff or debris from stockpiled materials shall not be allowed to drain directly to the storm drain system.
39. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Drainage Review Section of the Permit and Resource Management Department prior to permit issuance.
40. As recommended in Section V.G (Hydrology and Water Quality) of the Draft EIR, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and project-related non-point discharge into waters on the site. The plan shall contain detailed measures to control erosion of exposed soil, provide for revegetation of graded slopes before the start of the first rainy season following grading, address non-point source pollutants to protect wetlands and water quality in the drainage, and specify procedures for monitoring of the effectiveness of the plan. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).
41. All necessary permits shall be secured to allow for modifications to wetlands, drainage channels, and the shoreline of the Petaluma River on the site. Evidence of permit authorization from the Joint Aquatic Resource Permits Application Center or JARPA (which may include the U.S. Army Corps, RWQCB, BCDC, CDFG and others) shall be submitted to the PRMD prior to issuance of any grading or building permits by the County to ensure compliance with applicable State and federal regulations.
42. The applicant shall retain a qualified geotechnical engineering firm to fully evaluate the potential for aggregate stockpiles (both new and recycled) to cause overloading and instability of the underlying bay mud. The geotechnical firm shall design and construct a stockpile storage area that is stable under both static and dynamic (i.e., seismic) conditions in accordance with current standards of practice. The geotechnical design shall include over-excavation of the bay mud and replacement with engineered fill, placement of geogrid reinforcement under the stockpiles, or other means to ensure that the stockpiles would not cause rotational failures or damage to the nearby railroad tracks. Controlled settlement over time at the stockpile storage area is acceptable. The design shall allow for no displacement within the railroad right-of-way. Post-construction monitoring of the performance of the geotechnical solution, including detailed measurement of settlements, shall be required and conducted on a yearly basis for five years after the grading permit is issued. The applicant shall ensure that annual monitoring reports are submitted to PRMD Engineering Division

for review and approval. Any unexpected failures or settlements exceeding those that were predicted in the geotechnical study shall be addressed by prompt corrective action within 60 days of the report date at the operator's sole expense (at no cost to the County). If at the end of five years, the geotechnical consultant and the County are in agreement, the monitoring and reporting may be terminated. If determined necessary by PRMD, monitoring shall be continued at the applicant's expense. The geotechnical design shall be reviewed and approved by the County technical staff prior to approval of the grading permit for the project.

43. Reduction in the potential for damage due to soil lurching and resulting surface cracking shall be achieved by either soil improvements techniques, such as deep soil mixing, the replacement of unstable soils with engineered fill, or a minimum of 25-foot setbacks for all improvements from channel banks as recommended by the geotechnical reports.
44. The recommendations of the geotechnical investigation report regarding settlement shall be implemented for all grading and building permit activities. The specific recommendations for mitigation of potential settlements associated with native soil, bay mud and fill boundaries shall be implemented, such as excavation of the soft compressible bay mud and replacement with compacted fill.
45. The SWPPP required for the project (see Mitigation Measures in the Hydrology and Water Quality Section) shall include emergency procedures for incidental hazardous materials releases. The procedures shall include necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board.
46. The SWPPP shall also include Best Management Practices, which shall include requirements for hazardous materials storage during construction to minimize the potential for releases to occur (see Mitigation Measures in the Hydrology and Water Quality Section). All use, storage, transport and disposal of hazardous materials during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.
47. Prior to construction, the owner/operator shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities. A SWPPP shall be prepared for construction activities. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted by the applicant. In addition to the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance and production of turbidity in and adjacent to the Petaluma River during construction of the proposed barge unloading facility. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board.
48. The applicant shall repair or replace the existing partially blocked culvert under the railroad right-of-way to improve tidal circulation subject to review and approval from SMART and prior to commencement of operations on the project site. The function of the culvert shall be maintained for the life of the project. A maintenance program for all culverts shall be developed and incorporated into the site's SWPPP.
49. Prior to commencement of operations, the owner/operator shall prepare a site-specific SWPPP for the operational period of the project and submit the SWPPP to the SFBRWQCB. The SWPPP shall meet all requirements of the most recent statewide Industrial Storm Water General Permit. At minimum, the SWPPP shall include design, operation, and maintenance specifications for:
 - a. Control of sediment discharges at the loading facility on the Petaluma River that minimizes the potential for spillage of aggregate materials into the river and the disturbance of river sediments during anchorage of the barges. Barges should arrive "clean" (no sediment or aggregate materials on horizontal surfaces outside of the hold). Off-loading procedures shall include provisions for eliminating the creation of dust (e.g., continuous misting so that newly

exposed aggregate surfaces stay wet, but not so much water application that runoff is created). The conveyor system shall be enclosed and fitted with dust control devices (e.g., misting units). Aggregate exiting the conveyor system shall be moist to wet so that dust is not generated as it drops from the conveyor to the storage piles.

- b. Measures designed to protect river water quality at the barge off-loading facility (Area A). The loader shall not be refueled or receive major maintenance while on the over-the-water off-loading facility. The loader shall be moved to an appropriate land-based location (a minimum of 30 feet from the top of river bank) for refueling and maintenance.
- c. The entire parcel adjacent to the off-loading facility (Area A) shall be modified to provide enhanced water quality protection for the river and tidal inlet. A limited access zone shall be established within 50 feet of the High Tide Line and within 10 feet of the top of bank to the slough. This will allow limited access roads to the off-loading facility and along the conveyor system to be constructed. The roads shall be placed at the maximum feasible distance (but not less than 50 feet) from the tidal inlet to provide a water quality buffer. If it is necessary for any road to be elevated above the surrounding grade, the escarpment created by the road shall be protected by riprap and/or bioengineering techniques so that the road is stable if the site is inundated during flooding. Permitted improvements within this zone shall be clearly identified and mapped, and no industrial or commercial activities other than those proposed by this project shall be permitted on this parcel. The remainder of the parcel shall be regraded so that shallow stormwater bioswales border the access roads on either side. The bioswales shall be designed and constructed in accordance with the requirements of the County PRMD. The existing baserock shall be removed from the parcel and the existing soils either amended or new planting medium imported so that vegetation can be re-established over the entire parcel (except at the road locations). The applicant shall ensure that no net fill occurs on the site (i.e. any fill imported to the site must be offset by an equal or greater volume of material export out of the floodplain).
- d. A treatment catch basin and sand filter (or multiple basins and filters) that will capture and treat all runoff from all processing and storage areas for at least the 10-year design storm event. Discharge from the catch basin and sand filter shall be visibly clear (i.e., not turbid) and meet applicable water quality standards. If turbid water is observed to be discharging from the catch basin and sand filter, the system shall be expanded and/or redesigned in coordination with the County and RWQCB so that adequate pretreatment is achieved. Only visibly clear water that meets applicable water quality standards should be discharged to the wetland areas. The SWPPP shall include specifications for regular maintenance of the basin and sand filter and procedures for disposal and/or reuse of the used filtration material.
- e. An emergency shutoff system that will allow the plant operator to stop discharge from the catch basin should a chemical spill occur at the facility. A gate valve or similar structure that can shut off flows out of the catch basin shall be included in the basin design. The method for engaging the shutoff system shall be simple and the procedure provided to all appropriate plant employees as part of routine training.
- f. As required by the general permit for industrial activities, the applicant shall conduct regular inspections of the facility BMPs and collect storm water runoff samples during storm events where a discharge occurs. These data shall be reviewed for compliance with applicable published U.S. EPA benchmark values for storm water runoff. If the analytical results from the sampling events indicate that benchmark values are being exceeded, corrective action shall be implemented by the applicant in coordination with the RWQCB within 60 days of the report.

OPERATIONAL REQUIREMENTS:

50. The following are operational requirements for the project:

- a. **All activities and operation of storm water runoff BMPs are subject to regular inspection by the County and the RWQCB. If the County inspectors observe practices that do not protect surface water quality to the maximum extent practicable, then they are empowered to and shall require the operator to implement corrective action.**
- b. **Residue or polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system.**
- c. **Polluted runoff or debris from stockpiled materials shall not be allowed to drain directly to the storm drain system.**

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

51. Prior to Building Permit issuance, the applicant shall dedicate right-of-way for the new frontage road improvements or enter into an agreement with Caltrans/SCTA to pay a "fair share" contribution towards any unfunded portion of the planned construction of the Highway 101/Petaluma Boulevard South Interchange Project (PBS I/C). This is a planned Caltrans improvement intended to serve existing traffic and background growth in traffic. The project's fair share computed as a proportion of near term cumulative traffic is estimated at 4.3% of the interchange costs that are attributed to new development.
52. The project sponsor shall install an actuated signal or other design feature deemed acceptable to Caltrans and the County at the new intersection of Petaluma Boulevard South and the project driveway or construct a portion of the future off-ramp and frontage road in the same configuration as the PBS I/C design requirements at the new intersection of Petaluma Boulevard South at the project driveway. Regardless of which approach is pursued, the constructed improvements shall meet Caltrans and County requirements in conformance with Caltrans/AASHTO road design standards, and shall be subject to approval by Caltrans, SCTA and the County. In particular, such design shall consider the need to reduce motorist's speed for compatibility with the operation of the applicant's driveway.
53. If an actuated signal is constructed, outbound right turns from the driveway shall not be permitted on red. The applicant shall get Caltrans' comments on the signalized intersection mitigation for AM/PM signal timing in order to give priority to exiting Highway 101 northbound traffic and avoid excessive queuing. Advance signal detection warning devices shall be required for off-ramp traffic combined with long green times and short recall times for the northbound through movement. All future maintenance costs for signal maintenance shall be borne by the applicant. An agreement between Caltrans and the County shall be necessary for operational control.
54. The project sponsor shall provide a plan for the improvements within the public right-of-way to accommodate a paved right turn lane from Landing Way to Petaluma Boulevard South. Improvements shall include a "keep clear" designation on the pavement of Petaluma Boulevard South to allow for left turn movements. All improvements shall be designed to County standards.
55. The exclusive northbound left-turn lane from Petaluma Boulevard South onto the Highway 101 southbound on-ramp shall be re-striped as a shared left turn/through lane.
56. The Developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and any new pavement.
57. Prior to commencement of operations, the operator shall enter into a "Roadway Maintenance Agreement" with Sonoma County providing for payment of their proportionate share of the road

maintenance costs attributed to excessive road wear from loaded trucks entering and leaving the facility. The fee shall be based on the tonnage of aggregate and recycled materials imported to the facility from all sources. These road maintenance costs shall only be paid in the event that the Board of Supervisors establishes a per-ton road maintenance fee that is applicable to businesses in the aggregate industry. The road maintenance fee shall be established by the Board of Supervisors for businesses in the aggregate industry, but shall not exceed \$0.69 per ton/year in 2008 dollars. This amount shall be adjusted annually based on changes in construction costs as reported in the Engineering News Record (ENR) Construction Cost Index for the previous year, or based on other adjustment factors approved by the Board of Supervisors.

- 58.** The developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
- 59.** All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.
- 60.** Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Chapter 26, Article 98 of the Sonoma County Code.
- 61.** The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 62.** This proposal accesses the public road system using a road under State of California jurisdiction. Therefore, Caltrans shall review this development proposal for improvement requirements. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right of way.
- 63.** To allow for the smooth and safe movement of trucks entering exiting the public road that provides access to the property, entry to Petaluma Boulevard South shall conform to AASHTO standards. More specifically, the Developer shall construct a driveway meeting the following criteria:
 - a. A minimum throat width of 24 feet
 - b. Pavement curve returns having a radius to accommodate the inside wheel path of the AASHTO WB-40 design vehicle
 - c. The driveway surface shall be paved a minimum distance of 25 feet from the edge of roadway pavement
 - d. The driveway shall be perpendicular to the public road
 - e. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Petaluma Boulevard South
 - f. The driveway improvements shall be in place prior to commencement of the approved activity
- 64.** Any gate installed on the Developer's frontage with a public road shall be located a minimum distance of 30 feet from the edge of the traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.
- 65.** The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a

minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

66. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
67. The Developer shall submit improvement plans for all required improvements to the Office of the County Surveyor in the Permit and Resource Management Department for review and approval. The Director of the Department of Transportation and Public Works shall sign the improvement plans prior to the issuance of a Grading, Building or Encroachment permit.
68. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

OPERATIONAL REQUIREMENTS:

69. ***Northbound Highway 101 trucks shall not be permitted to enter or exit the project site during the PM peak period (4:00 p.m. to 6:00 p.m.). If an actuated signal is constructed, outbound right turns from the driveway shall not be permitted on red. All future maintenance costs for signal maintenance shall be borne by the applicant.***
70. ***The operator shall report annually to PRMD all aggregate materials brought to the site for processing and their origin/source, including recycling materials. This information shall be deemed proprietary.***

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

71. Prior to issuance of grading or building permits, this project shall submit building and landscape plans for all new structures (including the volunteer fire station) to the Design Review Board for final design review and approval.
72. The applicant shall pay all applicable development fees prior to issuance of building permits.
73. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval indicating that required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
74. Separate Plan submittals and building permits are required for each of the following installations:
 - a. Fire sprinkler systems
 - b. On-site underground fire lines, hydrants and appliances
 - c. Fire alarm systems
 - d. Asphaltic oil storage tanks.
75. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,768.25 (or latest fee in effect at the time of payment), because a Environmental

Impact Report was prepared, for a total of \$2,818.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4 c(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend the time frame for a CEQA legal challenge.

76. Prior to issuance of a Use Permit Certificate and building/grading permits, the applicant shall submit to the Permit and Resource Management Department a condition compliance review fee.
77. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and condition compliance fees are paid in full.
78. The applicant shall include these conditions of approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.
79. Prior to issuance of building permits, an exterior lighting plan, **prepared by a qualified lighting consultant**, shall be submitted for review and approval by the Design Review Committee and PRMD Project Review staff. Exterior lighting shall be low mounted and downward casting and fully shielded. Lighting shall not "wash out" structures or any portions of the site and shall not spill over onto adjacent properties, or into the night sky. Light fixtures shall be full cut-off fixtures, **take ground fog into consideration**, shall not be located at the periphery of the property and shall shut off automatically when the use is not operating. Security lighting shall be motion-sensor activated. All lighting shall be installed in accordance with building codes and the approved lighting plan during construction. Lighting outside of the asphalt production area shall shut-off between the hours of 6:00 p.m. and 6:00 a.m. No lighting shall be directed toward residential areas, the egret/heron colony on Area B of the site plan, Shollenberger Park, or open space areas across the river.
80. An air quality permit required for the individual operations (e.g. the asphalt batch plant, the aggregate distribution, and the recycling operations) shall be obtained from the Bay Area Air Quality Management District. The operator shall prepare and implement a comprehensive dust control program to reduce the potential for dust generation associated with grading and ongoing operation of the aggregate facility, which includes an on-site water truck, an active watering program, and a maximum on-site traffic speed of 15 miles per hour. **The applicant/operator shall provide evidence that the necessary "Permit to Operate" from BAAQMD has been obtained prior to issuance of any Occupancy Permits or commencement of operations.**
81. This approval is subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. Specifically it is known that the applicant will need to obtain clearances for potential impacts to wetlands and sensitive plant and animal species. The County's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval.
82. A landscape plan shall be submitted to the Design Review Committee for review and approval prior to issuance of Building or Grading Permits. The proposed landscape plan shall include additional landscape planting in the following areas as identified on the approved project site plan:
 - a. along the northern, western and southern edges of Area A (landscaping along the western edge of Area A shall be outside the existing 50-foot easement);
 - b. along the northern, eastern and southern edges of Area B;
 - c. clustered trees native to the project area in landscape planters around the offices and parking areas associated with the asphalt plant;

- d. along the eastern side of Area C along the railroad tracks and incorporate trees with the proposed ground cover within Area C to further screen the proposed project from off-site views;
- e. screen plantings shall borrow from naturally established form, line, color and texture so that the visual characteristics are compatible with their surroundings.

The landscape plan shall also incorporate a maximum 7 1/2-foot high, 30-foot wide irrigated landscaped berm (maximum 2:1 slopes) where feasible along the portion of the site that fronts Highway 101 and Petaluma Boulevard South, specifically south of the Caltrans right-of-way line and east of the public right-of-way that extends into the project site. **Landscape screening on the berm shall be sufficiently dense to screen the plant and recycling facilities from the freeway, as determined by PRMD.** The portions of the site plan affected by the 30-foot wide landscape buffer (i.e., stockpiles, access road, etc) shall be reconfigured to accommodate the landscaped buffer. This berm shall be located outside of the future Caltrans right-of-way for the Petaluma Boulevard South/Highway 101 Interchange project.

- 83. Landscaping improvements along the east side of Petaluma Boulevard South shall conform with the South Petaluma Gateway Project Plan landscaping requirements.
- 84. Existing trees in the area between the project site and Highway 101 shall be preserved to the greatest extent possible.
- 85. ~~The owner/operator shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.~~ Landscaping **along the street frontage** shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits.
- 86. **Prior to building or grading permit issuance, all structures, landscaping, lighting and signage shall be subject to review and approval by the Sonoma County Design Review Committee. All structures shall conform to the following design criteria:**
 - a. **Colors used for exterior building surfaces shall match the hue, lightness, and saturation of colors of the immediately surrounding trees and vegetation.**
 - b. **All buildings and structures shall consist of non-reflecting material or be painted with non-reflective paint.**
 - c. **Proposed improvements at the entrance to the site and vicinity of the fire station shall be redesigned to retain most of the existing blue gum eucalyptus trees that provide visual screening of the existing egret/heron colony, including the row of three existing trees in the parking lot between the proposed fire station and the parking stalls to the south.**
 - d. **Roadway and building improvements shall be set back the minimum distances indicated in the EIR to the stand of trees supporting the colony.**
 - e. **All doorways and windows in the future fire station shall be oriented away from the colony.**
 - f. **Any required outdoor use areas for storage and other station operations shall be effectively screened by fencing to obscure a direct line of sight between the outdoor use and the colony.**

- g. Dense landscaping shall be provided to further screen the station, parking lot, and outdoor use areas from the colony.**
- h. All lighting shall be designed to minimize light intrusion beyond the operation areas on the site in order to protect sensitive wildlife habitat areas along the Petaluma River, the egret/heron colony, and the proposed wetland mitigation area.**
- 87.** An **eight** foot high **solid** wood fence shall be constructed along the southerly property line of parcel 019-220-001 (Area A) to screen the residence **on parcel 019-320-010** from the barge off-loading operations.
- 88.** All necessary permits and authorizations shall be secured from regulatory agencies as required to allow for modifications to jurisdictional waters on the site, including any necessary consultation with the USFWS and NOAA Fisheries regarding a take determination. Evidence of permit authorization through the JARPA process shall be submitted to the PRMD prior to issuance of any grading or building permits by the County to ensure compliance with applicable State and federal regulations. The applicant shall comply with all conditions therein that are not otherwise included as mitigation measures in this Draft EIR or as conditions of project approval by the County.
- 89.** Although the potential for occurrence of special-status plant species in areas of coastal salt marsh and brackish water on the site is remote, the applicant shall conduct systematic surveys to confirm absence in advance of any in-channel disturbance. The supplemental surveys for special-status plants shall include the following components and shall meet the following standards:
- a. Systematic surveys shall be conducted by a qualified botanist in spring and summer (April and June) to confirm absence of any special-status plant species in areas of coastal salt marsh and brackish water marsh. This shall include the segment of Area A along the shoreline of the Petaluma River and portions of Areas B, C, and D along the drainage ditch on the west side of the railroad right-of-way.
 - b. If populations of any special-status plant species area encountered, a mitigation program shall be prepared by the qualified botanist for any listed species or those maintained on Lists A, 1B, or 2 of the CNPS Inventory. The mitigation program shall be prepared in consultation with the CDFG, and shall include any appropriate authorizations from the CDFG and/or the USFWS for any species listed under the Endangered Species Acts. Measures taken in the mitigation program shall be based on the life history of the species encountered, successful mitigation treatments used for this species in the past, and legal protective status. These measures shall include one or more of the following components as negotiated with agency representatives: avoidance of the population; collection of seed or vegetative material during the appropriate developmental stage of the plant; procedures for sowing, establishment, or translocation of the species; development of a maintenance and monitoring program specific to the environmental conditions necessary for survival of the new population; and identification of a funding source to provide for implementation of the plan, and for long-term management and maintenance of the mitigation area.
 - c. Potential impacts on any species that are maintained on Lists 3 and 4 of the CNPS Inventory would not be considered significant and no additional mitigation would be required for these species.
- 90.** The proposed Wetland Mitigation and Monitoring Plan (WMMP) shall be revised and implemented to include restoration and enhancement of habitat along the shoreline of the Petaluma River on Area A of the site, and ensure its protection as part of long-term operations. The revised WMMP shall include the following:

- a. A limited access zone shall be established within 50 feet of the High Tide Line and within 10 feet of the top of bank to the slough. Permitted improvements within this zone shall be clearly identified and mapped, including the pier, ramp, dock access, conveyor and transition support, pipeline and intake structure for pumping River water, and an access alignment along the north side of the conveyor to allow for future maintenance of these structures.
- b. All areas outside the permitted improvements shall be designated for habitat restoration and enhancement. Fills shall be removed to create additional coastal brackish marsh, transitional upper-zone marsh, and upland buffer habitat.
- c. The entire habitat enhancement/restoration area shall be designed, revegetated, monitored, and maintained as part of the proposed WMMP for the site.
- d. A fence shall be installed along the perimeter of the habitat enhancement/restoration area to separate sensitive habitat from permitted industrial use. The fence shall consist of permanent 4-foot high wildlife friendly fencing.
- e. Permanent signage shall be installed at 50 foot intervals along the perimeter fencing that reads "Sensitive Marsh Habitat/No Disturbance Zone."

91. The proposed WMMP shall be refined and implemented to address potential impacts on jurisdictional waters and to enhance the habitat values along the Petaluma River. The final WMMP shall be prepared by a qualified wetland consultant, and must be approved by Sonoma County PRMD, the Regional Water Quality Control Board (RWQCB), the San Francisco Bay Conservation and Development Commission (BCDC), the U.S. Army Corps of Engineers (Corps), and the California Department of Fish and Game (CDFG). The plan shall clearly identify the total wetlands and other jurisdictional waters affected by the project and provide for re-establishment, enhancement, and/or replacement of wetlands. Revisions to the WMMP shall include the following:

- a. Expand the proposed wetland mitigation area to include the additional habitat protection and creation specified under Mitigation Measure BIO-2 as well as enhancement of the drainage channel along the west side of the railroad right-of-way, a portion of which was previously believed to be off-site when the draft WMMP was prepared. This may provide options to increase the acreage of created or enhanced brackish marsh wetlands and adjacent uplands habitat, and possibly improve circulation in the southeastern portion of the proposed wetland mitigation area.
- b. Incorporate provisions for the control of invasive exotic species from the wetland and upland enhancement mitigation area in Sections 5, 6, and 8 of the WMMP, and expand this program for invasive exotic species control over the entire site, based on input from the Corps, RWQCB, and CDFG. This shall include monitoring and maintenance provisions that call for periodic inspection and removal in spring and summer, and a success criteria that specifies successful control of target species within five years of initial construction of the wetland mitigation area. Target species to be controlled in the wetland mitigation area and remainder of the site include: sweet fennel, poison hemlock, Italian thistle, pampas grass, French broom, Scotch broom, eucalyptus outside the heron/egret roosting colony, stinkwort, giant reed, non-native cordgrass, pepperweed, and acacia, among others.
- c. Provide appropriate soil testing and amendment as part of the landscape plan and revise the maintenance measures in Section 8 to include additional provisions related to upland habitat created and enhanced as part of the WMMP. Soil amendment shall be provided as necessary to ensure successful establishment of desirable native species, as reflected in on-going monitoring and maintenance requirements of the WMMP.
- d. Require repair or replacement of the existing partially blocked culvert under the railroad right-of-way as part of the WMMP to improve tidal circulation in the proposed wetland

- mitigation area. The size and design of the new culvert shall be based on a detailed hydrologic assessment conducted by the applicant's consulting hydrologist, as reviewed and approved by the permitting agencies and the property owner. Sizing of the culvert replacement shall consider any possible water diversion demand proposed for dust control and its affect on surface water levels in the mitigation area, and the affects of possible sedimentation on the long-term viability of the created wetlands.
- e. Ensure that any proposed water diversion for dust control does not adversely affect the feasibility and success of tidal and brackish marsh to be created in Area D. This shall be demonstrated on an annual basis as part of on-going monitoring and maintenance defined in Sections 8 and 9 of the WMMP. Diversion shall be curtailed or an alternative method secured if performance standards and success criteria defined in the WMMP for areas of tidal and brackish marsh are not met due in part or wholly because of the proposed water diversion.
 - f. Include minimum setbacks from the top of bank to the drainage channels to be retained in Areas C and D where they border proposed industrial uses. A minimum 5 foot setback shall be provided from the top of each bank to provide for improved enhancement and prevent inadvertent fill of these features. A fence shall be installed along the perimeter of the top-of-bank setback to separate sensitive habitat from permitted industrial use. The fence shall consist of a permanent 4-foot high wildlife friendly fencing that shall be open in nature to allow for passage of wildlife through or under the structure with a minimum six inch clearance at the bottom. Permanent signage shall be installed at 100 foot intervals along the perimeter fencing that reads "Sensitive Marsh Habitat/No Disturbance Zone."
 - g. Installation of the barge off-loading facility shall minimize the use of fill to the maximum extent feasible.
- 92.** A containment system shall be designed and installed to catch and collect any side-cast gravels from the conveyor between the pier and transition support near the high tide line of the Petaluma River to prevent inadvertent fill of the jurisdictional waters. The containment system shall be regularly maintained as part of normal operations during the life of the project.
- 93.** The conveyor used to transport gravel from Area A to the processing plant shall be enclosed and designed to minimize disturbance to the nearby egret/heron colony. The conveyor shall be designed as close to the ground as possible within 300 feet of the colony. A solid roof (metal, fiberglass, or opaque plastic) shall be constructed over the conveyor system, and a walkway/maintenance access be provided along the conveyor from the railroad crossing to the existing access road across Area B on the site. The covering shall extend down at least the upper half of the west wall facing the egret/heron colony and the east wall facing the river to provide additional visual screening. Human access shall be restricted to the covered area along the conveyor during the nesting season (February 15 through August 31) except as noted under **Condition # 121.**
- 94.** An employee education program shall be prepared and implemented to prevent inadvertent disturbance to the egret/heron colony during the nesting season (February 15 through August 31). Permanent signs shall be installed around the perimeter of a setback zone around the egret/heron colony at a minimum 100-foot interval to alert workers and the public that access to the area is restricted during the nesting season. Signs shall extend along the northern boundary of the site, east edge of the fire station improvements, north side of the cross-site access road, and west side of the railroad right-of-way. The signs shall read "Nesting Colony/No Disturbance Zone/February 15 through August 31."
- 95.** A comprehensive monitoring program for the egret/heron colony shall be developed and implemented by the applicant's consulting biologist. This monitoring program shall provide data on trends in the condition of the colony, responses to project-related activities, and recommendations

for necessary adjustments to project operations. Details associated with the monitoring program shall include the following:

- a. Periodic monitoring shall be conducted to assess heron and egret behavior in advance of project implementation, under normal project operations, during conveyor operations, and during barge/night-time lighting operations. Notes on heron and egret behavior and activity and any changes in activity (i.e. signs of nervousness or flight) shall be recorded. Monitoring shall be provided for a minimum of five years following project implementation, and a minimum of three years following construction of the fire station, conveyor belt structure, and the barge/night-time lighting structures and other improvements on Area A.
 - b. Monitoring frequency and duration shall be modified based on site observations and need to provide conclusive data on project-related disturbance. To observe behaviors during the entire nesting season, a minimum of three monitoring visits shall be provided to observe each of the conveyor operation, barge/night-time lighting, and normal operations during each of the 1) nest selection/pair bonding period (typically from mid-February to mid-March), 2) initial hatching period, and 3) subsequent nest occupation/pre-fledging period.
 - c. Annual monitoring reports shall be submitted to the PRMD by December 31 of each monitoring year, and made available to the public. The annual report shall summarize monitoring dates and methods, nesting behavior and success rates, and observations regarding disturbance and other factors affecting the colony. Adjustments in on-going project operations made during the previous years as part of adaptive management and recommendations for adjustments to or additional controls on continued operations shall be specified in the annual report.
 - d. If the on-site colony is abandoned as the nesting location at some point in the future during implementation of the above required monitoring program, monitoring shall continue for at least two years to confirm whether individuals have completely abandoned the location. If the colony has been completely abandoned for the two year period, on-going monitoring and the development restrictions associated with protection of the eucalyptus grove and nest location shall no longer be in effect. However, the protective measures described in Condition No. 112 shall continue to be in effect to protect the sensitive habitat along the Petaluma River and parklands to the east.
- 96.** Preservation through historical documentation of the former house and barns shall be completed, following the Secretary of Interior's Standards for the Treatment of Historic Properties. Site documentation shall be updated and brought to the level of current professional standards, subject to review and approval of PRMD-Project Review staff.
- 97.** Prior to earth disturbing activities, archaeological deposits and other features associated with the house shall be identified using techniques including remote sensing techniques and/or searching for features with a backhoe equipped with a smooth-edged blade under the direction of a professional archeologist. Following the conclusion of the archaeological monitoring, a Final Report of Findings shall be prepared by the archaeologist which describes the monitoring process, including the final disposition of impacts to archaeological site Ca-Son-1465H and descriptions and analysis of any formal or diagnostic artifacts recovered as a result of the project. This Final Report of Findings shall be completed to the satisfaction of Sonoma County PRMD, abiding by the guidelines specified in Archaeological Resource Management Reports (ARMR) Recommended Contents and Format, developed by the California Office of Historic Preservation (OHP), February 1990.
- 98.** All employees shall undergo a cultural resources orientation and awareness training prior to commencing work activities on the site. Such training shall include familiarization with the stop-work restrictions, noticing, and handling procedures, and ultimate disposition of artifacts as described below. The operator shall provide PRMD with a verification list of the employees completing the

orientation.

- 99.** All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological features such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

- 100.** Prior to issuance of any grading or construction permits at the project site, a Construction Risk Management Plan (CRMP) shall be prepared by a qualified environmental professional and implemented during the duration of construction activities at the site. The CRMP shall summarize previous environmental investigations conducted for the project site and, in accordance with State and federal laws and regulations, shall describe worker health and safety provisions for all workers potentially exposed to residual contaminants in soil, including the need for dust suppression controls, air monitoring, personal protective equipment to be worn by workers to minimize exposures, soil management procedures, management of dewatered groundwater (as applicable), site control, and emergency response procedures.

The CRMP shall also provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards (such as septic systems, wells, underground pipelines) are discovered during construction, and establish detailed procedures for the safe storage, stockpiling, sampling, reuse of fill, and off-site disposal of hazardous materials and other materials (fire debris, soil) at the project site.

The CRMP shall incorporate construction safety measures for excavation and other construction activities and procedures for abandonment of the former quarry pipelines. The CRMP shall designate personnel responsible for implementation during construction activities and shall be submitted to the Sonoma County PRMD for review and approval.

- 101.** The observed fill material containing brick and fire debris shall be sampled prior to soil disturbance by an environmental professional to assess the presence of hazardous materials and the potential risk to human health and public safety from the contamination (if any). The sampling shall be conducted by a qualified environmental professional in accordance with state and local guidelines

and regulations, with oversight from the Sonoma County Department of Environmental Health (SCDEH). The findings of the soil sampling investigation shall be documented in a written report and submitted to SCDEH and PRMD.

If the results of the soil sampling investigation indicate the presence of hazardous materials that could affect public health or the environment, remediation of this area shall be required by the applicable regulatory oversight agencies. Specific remedies would depend on the extent and magnitude of contamination. Under the direction of the SCDEH and the PRMD, a Site Remediation Plan shall be prepared, if required, by the project sponsor or contractor(s). The Plan shall specify: 1) measures to be taken to protect workers and the public from exposure to potential site hazards, and 2) certify that the proposed remediation measures would clean up the waste, dispose of the waste, and protect public health and the environment in accordance with local, state, and federal requirements. Any remediation required shall be completed prior to earthwork in the areas affected.

102. River water supply intakes shall be designed and constructed to minimize agitation and entrainment of sediments. This may be accomplished by elevating the intake above the river bottom and/or providing an energy dissipation structure around the intake. Water shall not be pumped from an inland tidal waterway when the tide is low, as pumping could expose the channel bottom, potentially increasing erosion and scour. The potential for backflow to occur through the system shall be minimized by the incorporation of one or more check valves (backflow prevention devices).
103. The project sponsor shall obtain the necessary entitlement from SMART to allow for a rail crossing at Landing Way and for the overhead conveyor system, prior to issuance of building or grading permits for the project.
104. The owner/operator shall make an irrevocable offer to the County of Sonoma for a 50-foot access and utility easement parallel to the SMART railroad tracks on APN 019-220-001 for the purposes of ingress, egress and utilities.
105. The operator shall provide neighboring residents an all-weather vehicular access route to Petaluma Boulevard South. Access shall be designed, operated, maintained and recorded to the satisfaction of DTPW, PRMD and the County Fire Marshal prior to building permit issuance.
106. ***Prior to commencement of operations or issuance of a Vesting Use Permit Certificate, a 16 foot sound wall shall be constructed between the asphalt plant operations and the railroad right-of-way and a 10 foot landscape planter shall be planted between the wall and the railroad right-of-way. The wall shall extend northward into the hillside at the northerly end of the property, and include a 12 foot sound insulated gate across the private access road that can be automatically opened by the residents on the east side of the railroad tracks. The gate shall be placed far enough back from the railroad tracks to ensure that any vehicle crossing the tracks has adequate line of sight and stopping distance to the railroad crossing warning signs.*** The wall shall be designed by a qualified acoustical engineer to minimize noise to the residents and park users.
107. ***Prior to issuance of Building Permits, the applicant/developer shall submit a greenhouse gas reduction plan that will ensure there is no net increase in greenhouse gas emissions compared to the previously existing plant. As identified in the EIR, the necessary reduction is an estimated 8,060 tons of CO₂ equivalent per year. The plan shall utilize all feasible strategies to achieve this reduction, including but not limited to the use of more fuel efficient trucks, the use of alternative energy resources to offset increased demand, reduced truck idling times and/or off-site mitigations. The plan shall give priority to on-site measures first and rely on off-site measures only after all feasible on-site measures have been implemented. The plan shall not claim reduction credit for measures that would have otherwise been required at the previously existing plant site. The plan, subject to review and approval by PRMD, shall quantify the project's annual emissions and expected reductions and shall be verified and certified by an independent entity with expertise in this field.***

- 108. Prior to the issuance of any building/grading permits related to the docking facilities, new moorings and/or anchorages shall be reviewed to ensure that they do not pose a hazard to navigation in the Petaluma River. In addition, a "dolphin" shall be placed outside of the navigation channel along the extension of the Dutra/Yee property line into the Petaluma River to protect mooring facilities on the Yee property (APN019-320-010). Barges docked at the Dutra site shall not encroach into the riverfront areas of adjacent parcels (tugboats are excepted).**

CONSTRUCTION PHASE REQUIREMENTS

- 109. The applicant shall construct a gravel pad at all exits used by construction equipment or trucks to minimize soil adhering to the vehicle tires or tracks from leaving the construction site. The pads shall be constructed by placing crushed aggregate (greater than 3 inches and smaller than 6 inches) over geotextile fabric to at least 12 inches in depth. The pad shall be a minimum of 20 feet wide and 50 feet in length.** During periods when trucks are transporting soil to or from the site, dirt that may have been tracked off the site shall be removed daily from the street. The area to be cleaned shall extend to the limit of noticeable dirt tracked from the site or for a distance of 75 feet on each side of a vehicle entrance or exit, whichever is greater. If water is used to clean the street, then the quantity of water used shall not result in sediment being washed into the storm sewer catch basins. Street sweepings shall be disposed of as a waste along with waste soil in accordance with applicable regulations.
- 110.** The applicant shall terminate excavation and grading activities when winds exceed 25 mph or when fugitive dust emissions are visible for a distance of 100 feet or more from the origin of such emissions, and there is visible evidence of wind driven fugitive dust. Wind speed would be determined when an on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period.
- 111.** The idling time of all construction equipment used at the site shall not exceed five minutes.
- 112.** The applicant shall require construction contractors to install particulate traps when appropriate on diesel engines and the applicant shall use the minimum practical engine size for construction equipment. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.
- 113.** Initial grubbing, grading, and construction shall be prohibited within 50 feet from the bank of the Petaluma River during the nesting season (February 15 through August 31) to protect the stand of coastal brackish marsh on Area A that may provide habitat for California clapper rail, California black rail, saltmarsh common yellowthroat, and San Pablo song sparrow. This zone shall be fenced and signed as a "Potential Nesting/No Disturbance Zone" in advance of any construction on the remainder of Parcel A to ensure equipment and workers remain outside the area. Construction within this zone may proceed during the non-nesting season (September 1 through February 14), but must consider other possible restrictions associated with in-channel construction activities.
- 114.** Any active raptor nests or nests of other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act in the vicinity of proposed grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling initial grubbing and grading during the non-nesting period (September 1 through February 14) or, if this is not feasible, by conducting a pre-construction survey for raptors and other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:
- a. If construction is scheduled during the active nesting period (February 15 through August 31), a focused survey for nesting raptors and other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified wildlife biologist no

more than 15 days prior to initiation of grubbing or grading to provide confirmation on presence or absence of active nests in the vicinity.

- b. If no active nests are identified during the survey period, or if construction is initiated during the non-breeding season (September 1 through February 14), grading and construction may proceed, unless prohibited by the provisions in Condition No. 101.
 - c. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. The perimeter of the nest-setback zone shall be fenced with temporary construction fencing or adequately demarcated, and construction personnel restricted from the area. Signage shall be installed along the perimeter of the nest-setback zone at a minimum 100-foot intervals that read "Nesting/No Disturbance Zone." Fencing and signage shall remain in place until the qualified biologist has determined that any young have fledged. The distance between the active nest and edge of the "Nesting/No Disturbance Zone" shall depend on the nesting species, with a minimum distance of at least 200 feet for more sensitive species such as raptors and at least 75 feet for more common passerine birds.
 - d. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the "Nesting/No Disturbance Zone" until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date.
 - e. A report of findings shall be prepared by the qualified biologist and submitted to the PRMD for review and approval prior to initiation of grading and construction in the "Nesting/No Disturbance Zone." The report shall either confirm the absence of any active nests or shall confirm establishment of a designated "Nesting/No Disturbance Zone" setback during the breeding season for any active nests. Supplemental reports shall be submitted to the PRMD for review and approval to allow construction to proceed within these zones after any young birds have fledged.
- 115.** Any in-channel construction work within the Petaluma River shall only occur between July 15 through October 15 when out-migrating smolts and migrating adults would most likely be absent along this reach of the Petaluma River. The USFWS and NOAA Fisheries will be involved in the review of the project application because of the potential wetland impacts as part of the Section 404 consultation process, and these agencies may impose additional restrictions to protect essential habitat for special-status species as part of the Section 7 consultation required as part of the Endangered Species Act. This would include screening of any intake for the pumping from the River, and restrictions on pumping when migrating individuals would most likely be present in the River segment bordering the site.
- 116.** If required by the CDFG and USFWS as part of the permit process, a pre-construction survey shall be conducted by a qualified biologist to determine if western pond turtle is present in the vicinity of proposed in-channel improvements along the Petaluma River and slough. If required by the agencies, a qualified biologist shall be present on-site during construction of in-channel improvements to ensure that any turtles within the vicinity of proposed work are not harmed.
- 117.** An artificial egret/heron colony shall be constructed within the proposed 19-acre mitigation area of the project site regardless of the disposition of the existing colony. The artificial colony plan shall follow the recommendations of the Heron/Egret Rookery Impact Assessment and Recommendations Report ("H/ERIAR report") prepared by LSA in April 2007 (see Appendix E of the DEIR) and shall be subject to review and approval by PRMD prior to initiation.
- 118.** Proposed construction shall be restricted away from the known egret/heron colony and from

potential nesting habitat along the shoreline of the Petaluma River during the general nesting season (February 15 through August 31) to prevent possible nest abandonment and ensure compliance with the Migratory Bird Treaty Act during the active nesting season, except as noted under **Condition # 121**. Construction activities in Areas A and north of the cross-site access road on Area B shall be restricted to the non-nesting season (September 1 and February 14), unless surveys indicate that nesting has been completed before that time period. This includes installation of all improvements on Area A (pier, ramp, pilings, conveyor, access and parking, and wetland enhancement) and the septic leachfield, fire station and associated parking improvements in the north portion of Area B.

If any construction is proposed within these areas during the nesting season, a qualified wildlife biologist shall be retained by the applicant to conduct a pre-construction nesting survey no more than 7 days prior to initiation of construction to provide confirmation on the presence or absence of any active nest(s) in the vicinity. If any active nest(s) are encountered, species-specific measures shall be prepared by the qualified biologist in consultation with the CDFG and implemented to prevent nest abandonment. At a minimum, construction in the vicinity of the nest(s) shall be deferred until the young birds have successfully fledged and juveniles from the nest(s) are foraging independently and capable of independent survival at an earlier date. A survey report by the qualified biologist verifying that the young have successfully fledged shall be submitted to the PRMD for review and approval prior to initiation of construction in the nest-setback zone.

PRE-OPERATIONAL REQUIREMENTS

- 119. Prior to commencement of operations, the applicant shall submit an application for Use Permit review/modification. A report shall be prepared by PRMD after the facility has been in operation for one year. The report shall include a summary of monitoring activities and any violations that have occurred as well as recommendations on any changes to improve the operating conditions at the facility or revocation of the Use Permit. The report shall be submitted to the Board of Supervisors for review at a noticed public hearing.**
- 120.** Prior to operations, the owner/operator shall make application for a General Plan Amendment/rezone on the wetland area to LEA or other appropriate designation, and shall record a protective easement or covenant protecting the area in open space in perpetuity.

OPERATIONAL REQUIREMENTS:

- 121.** This Use Permit and Design Review Permit is for an asphalt batch plant with a maximum production capacity of **225,000** tons per year, an aggregate and sand distribution facility with a maximum annual capacity of **289,175** tons, a recycling operation with an annual maximum capacity of 150,000 tons resulting in a facility with a total capacity of **664,175** tons per year. The project also involves the construction and operation of barge off-loading facilities on the Petaluma River for sand and aggregates and a conveyor system to bring the materials to the facility and sort the materials into several piles. The concrete and asphalt recycling yard, located directly south of the asphalt batch plant includes a portable crusher.

The asphalt batch plant facilities shall include the following:

- Cold feed assembly with six bins that hold different sizes and types of aggregate materials
- Counter flow drum mix assembly, which dries and heats aggregates by tumbling it through hot air then moves it to a mixer where it is coated with heated asphalt cement and thoroughly mixed
- Multiple Incline Conveyors to move materials
- Two heated and insulated asphaltic oil storage tanks; 30,000 gallon capacity
- Heating oil plant
- 500 gallon fuel tank for equipment
- Baghouse with exhaust vent (includes an inertial separator to separate dust from gas stream) - this is the emission control system, which traps and removes fine sand and dust particles and

- returns them to the mix
- Fiberbed Mist Collector (blue smoke control system)
- Two 200-ton capacity silo towers for temporary asphalt storage
- Command Control Center
- Two 10' x 140' Truck Scales

The asphalt batch plant shall be a maximum of 76 feet in height from grade and the conical piles of aggregate materials shall not exceed 20 feet in height. As previously stated, an enclosed conveyor system would be utilized from the barge dock to the storage piles that would be 20 to 24 feet above grade. Related structures include a 1,500 square foot modular office building with a reception area, weigh master area, an operations office and a conference room. In addition, facilities for the San Antonio Volunteer Fire Department for training, maintenance and equipment storage are included with the project. These facilities shall not exceed 4,000 square feet.

The operations shall conform to the following:

- Five full-time and five part-time employees
- Normal hours of operations for the asphalt plant and aggregate and sand sales are from **7:00 a.m. to 5:00 p.m.**, Monday through Friday
- **Recycling operations are permitted Monday through Friday, 8:00 a.m. to 5:00 p.m.**
- 24 hour/seven days a week operations at the asphalt plant **are permitted for public projects only with annual asphalt production not to exceed 225,000 tons**
- Barge docking is permitted 24 hour/seven days a week depending on high tides or as needed
- Barge off-loading and conveyor operations are only permitted **during daytime hours** between sunrise and sunset (see note below) and **up to six nights per year during non-nesting season (September 1 through February 14)**, except as noted **below**
- Construction hours are limited to 7:00 am to 7:00 pm. on weekdays and 9:00 am to 5:00 pm on weekends
- Maximum of 125 barge trips per year
- **Maximum of 250 trucks per day entering the project site**

Note: Sunset and sunrise times change with the seasons, with nighttime hours ranging from approximately 5:30 p.m. to 7:00 a.m. in early February, to 8:30 p.m. to 6:00 a.m. in mid-June. Official sunrise and sunset times shall be obtained from a reputable source, such as the National Weather Service.

The nighttime barge off-loading restrictions may be lifted for the following circumstances and subject to PRMD review and approval:

- a. **If the rookery is no longer occupied for a period of two years, then the off-loading and conveyor operations may occur any six nights throughout the year**
- b. **If the dwellings are removed, the nighttime off-loading hours will be restricted only during the nesting season (February 15 through August 31), from sunset to sunrise.**
- c. **If both the rookery is unoccupied for two years and the residences removed, nighttime barge off-loading restrictions would no longer apply, provided that no new residences or nesting birds are affected.**

The use shall be operated in accordance with the proposal statement and site plans located in File# PLP04-0046 and in the FEIR as modified by these conditions.

122. The egret/heron colony in the stand of blue gum eucalyptus shall be protected from disturbance, particularly during the nesting season (February 15 to August 31).

123. Once tertiary treated water is available from the new Petaluma water treatment plant, the operator shall be allowed to use treated wastewater for some or all of their dust suppression needs.

124. Based on these conclusions in the HRSA dated October 2, 2008 provided by BAAQMD, the following operating conditions shall be applied:

- All tugboats shall utilize EPA certified 900 horsepower Tier-2 or lower emitting main engines and one Tier-3 132 horsepower auxiliary engine. In addition, the tug operators shall commit to using Tier-3 engines, 10 years after commencement of operations, **or as soon as they are available after the 10 year period.**
- Tugs shall utilize on-shore electricity, at all times, while barges are being unloaded
- The maximum round trip operations for each barge delivery shall be 8 hours
- The asphalt truck loading area shall be enclosed.
- Properly tuned engines, minimizing idling times of diesel powered equipment to two minutes, use of add-on emissions control devices, use of alternative powered construction equipment, use of alternative fuels and use of engines that are compliant with the respective EPA/CARB 2010 standards

125. In the event that the asphalt plant and recycling operations are operational prior to the barge off-loading facilities being installed or completed, the maximum annual imports and exports of asphaltic oils, crumb rubber, sand, asphalt, aggregates and recycled materials shall not exceed the amount as described in the DEIR under the "start-up" phase of the project, **nor shall the number of truck trips during the "start-up" phase exceed the number of truck trips anticipated at build-out of the project. This is summarized as follows:**

Imports:	Asphaltic Oil	13,500 tons
	Recycled Materials	50,000 tons
	Crumb Rubber	675 tons
	Aggregate	260,000 tons
	Sand	<u>47,000 tons</u>
	Total =	371,175 tons

Exports:	Asphalt	138,000 tons
	Recycled Materials	50,000 tons
	Aggregate	155,000 tons
	Sand	<u>28,175 tons</u>
	Total =	371,175 tons

126. In order to control dust and other airborne particles, the following conditions shall apply:

- a. All active construction areas shall be watered at least twice daily.
- b. All trucks hauling soil, sand, and other loose materials shall be covered with tarpaulins or other effective covers.
- c. All unpaved access roads, parking areas, and staging areas at the construction site shall be paved; otherwise, water or non-toxic soil stabilizers shall be applied to all unpaved access roads. In addition, paved access roads, parking areas, and staging areas shall be swept daily with a water sweeper. Streets shall be swept daily with a water sweeper in areas where visible soil material is carried onto adjacent public streets.
- d. The applicant shall hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded area inactive for ten days or more).
- e. The applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- f. The applicant shall limit traffic speeds on unpaved roads to 15 miles per hour.
- g. Minimize drop heights while loading/unloading aggregate to the maximum extent feasible.

- h.* Applying water as needed to maintain visible dust to less than No. 1 on the Ringelmann Chart measured over a three-minute period.
- i.* ***Install wheel washers or other washing method (e.g., water sprayers or use of a water depression crossing) so that tires of all trucks leaving the site are cleaned of dirt and gravel to minimize tracking of these materials onto public roads.***
- 127.** Off-road mobile diesel equipment, including the Caterpillar front-end loader, Kubota tractor, Caterpillar excavator, 10-wheel dump truck, and 10-wheel water truck, shall use diesel fuel consisting of 20 percent biodiesel (B20 diesel). The use of B20 has been shown to reduce emissions of DPM from off-road mobile equipment up 10 percent.
- 128.** The project shall comply with any applicable strategies adopted by CARB through promulgated regulations.
- 129.** To the extent feasible, the applicant shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- 130.** All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. A visual survey of all in-operation equipment shall be made at least weekly throughout the duration of the project construction. A record of the inspection shall be maintained on-site. The BAAQMD and/or other officials may conduct periodic site inspections to determine compliance.
- 131.** Project operations associated with off-loading the barge, running the conveyor, and illumination beyond that necessary for essential security purposes shall be restricted to the minimum necessary for critical tide dependent operations during the nesting season (February 15 through August 31) except as noted under **Condition #121**, to protect the sensitive nesting habitat in the egret/heron colony and the on-site marshland habitat along the shoreline of the Petaluma River.
- Barges may be docked during the restricted hours, but no off-loading activities or operation of the conveyer shall be allowed. Lighting as necessary for safety and security purposes during barge docking shall be allowed. If a barge is anticipated to arrive on a particular night during the nesting season, the lighting shall be turned on at dusk and remain on until the barge has docked to minimize the potential for disturbing birds if lights were to be suddenly turned on in the middle of the night. Lighting shall be turned off after docking is complete. Otherwise, nighttime lighting during the nesting season shall remain off, with the exception of that necessary for essential security purposes.
- Note that sunset and sunrise times change with the seasons, and will range from approximately 5:30 PM to 7 AM in early February, to 8:30 PM to 6 AM in mid-June, to 7:30 PM to 6:30 AM in late August. Official sunrise and sunset times shall be obtained from a reputable source, such as the National Weather Service.
- 132.** In order to ensure compliance with the conditions of approval, qualified consultants shall be retained by the County, at the applicant/operator's expense, to conduct inspections and ensure that the project is constructed and operated in accordance with the specifications provided in the BAAQMD Health Risk Screening Assessment dated October 1, 2008 and conditions of approval. ***Inspections shall be conducted randomly, four times each year, for a minimum period of five years. Additional annual inspections may be required by PRMD staff after the five year period expires, if deemed necessary.***
- 133.** ***Any malfunction to the asphalt plant operations or equipment shall result in the immediate***

shut-down of the operation until the malfunction is corrected.

134. The owner/operator shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.
135. Storage of equipment, materials, tools, aggregate, miscellaneous debris, etc. shall not be permitted on the riverfront parcel nor in the wetlands area.
136. No junk, debris, non-operative vehicles or equipment unrelated to the proposed project operations shall be stored on the project site.
137. The existing billboard on the property shall be removed when the lease expires.
138. The operator shall meet annually in advance with the North Bay Rowing Club to ensure that project related barge operations do not conflict with their annual club event.
139. All truck traffic entering and exiting the site shall utilize Highway 101 and the closest freeway access ramps unless the trucks are providing materials to sites within the City of Petaluma or to points directly west of the City.
140. The recycling of concrete and asphalt material shall be limited to the daytime hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The crusher shall be located at a point furthest from the residences along the river and a minimum 15 foot high pile of recycled materials shall provide a sound buffer between the crusher and the residences/Shollenberger Park.
141. ***Prior to the one-year review of the facility and subject to review and approval of the City of Petaluma, the applicant shall install an informational/interpretive sign at Shollenberger Park across from the barge off-loading area that outlines the history of the Haystack Landing area. If the City of Petaluma determines that no sign is desired, then this condition shall no longer apply.***
142. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as determined by the Director. Such changes may require a new or modified Use Permit and full environmental review.
143. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, regulations and permit requirements. A violation of any applicable statute, ordinance, rule, or regulation shall be a violation of the Use Permit, subject to revocation.
144. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within three (3) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.