

EXHIBIT 5 – CONDITIONS OF APPROVAL FOR MODIFIED CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0112 CEMEX MINING FACILITY

APNs

500-0-060-155, 500-0-060-165, 500-0-100-250, 500-0-100-060, and 500-0-160-255

(CA Mine ID #91-56-0014)

The following conditions of approval constitute modified Conditional Use Permit PL21-0112 for the CEMEX Surface Mining Facility. These conditions of approval supersede and replace all past permit approvals (CUP 4633, CUP 4633-1, Permit Adjustment LU04-0168, Permit Adjustment LU11-0025, Permit Adjustment PL14-0058, Permit Adjustment PL15-0105, CUP PL16-0134). This modified permit does not authorize any mining activities that are inconsistent with the Reclamation Plan for this facility approved in accordance with the California Surface Mining and Reclamation Act (SMARA) concurrent with the granting of CUP PL16-0134 in 2017. The operational limitations established in these conditions of approval supersede any production rate figures or alternate hauling frequency cited in the Approved Reclamation Plan.

1. Project Description

The following project description includes the operational limitations and requirements imposed by the terms of this conditional use permit and the reclamation requirements of the 2017 Approved Reclamation Plan. All of the requirements of the Approved Reclamation Plan are hereby incorporated into these conditions of approval. All surface mining activities must be conducted in conformance with the Conditional Use Permit and Approved Reclamation Plan that are currently in effect for the CEMEX mining facility.

This modified Conditional Use Permit (CUP PL16-0134) and the 2017 Approved Reclamation Plan incorporated herein authorize the following activities at the CEMEX surface mining facility:

Authorized Surface Mining Activities:

- Surface mining, material processing and material export activities for a 30-year period ending on September 1, 2047. Reclamation activities would continue after this date as specified in the approved Reclamation Plan.

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- Production and export of approximately 58 million tons of aggregate materials. This includes 25 million tons of material from the Phase 1 and 2 excavation areas and 33 million tons of material from the Phase 3 excavation area.
- Mining excavation in the Phase 1, Phase 2 and Phase 3 areas of the project site as identified in the 1996 County-certified Environmental Impact Report (“EIR”) and delineated in the approved Reclamation Plan.

The following table lists the area, available tonnage of mineral resources, and estimated time period of production for the Phase 1, 2, and 3 mining excavation areas as of 2015. (Note: If material reserves in the Phase 3 area are not exhausted during the authorized 30-year permit term, a permit modification that extends the effective period of this CUP will be required in order to complete mining excavation in the Phase 3 area.)

Table 1 Proposed Mining Phases

Phase	Approx. Area	Approx. Tons**	Approx. Period*
Phases 1 & 2	147 acres	25 million	21 years
Phase 3	123 acres	33 million	28 years
Total:	270 acres	58 million	49 years

*historic mining rate (1.18 million tons per year) based on average production since 1983 adjusted to include unsaleable material to reflect gross tonnage.

**gross tonnage based on March 2015 topography, using 1.7 tons/yd³ density

- Sale of wash fines (and other non-aggregate materials) or use of these earth materials in site reclamation including placement in permanent storage fills within the Phase 3 area.
- Surface mining activity over an area of 331 acres, including a total mining excavation area of 270 acres.

Mining facility components:

Described below are the mining facilities and processes authorized by this permit.

Historic processing facilities:

- Aggregate processing plant
- Concrete batch plant
- Back-up concrete batch plant
- Portable combined road base plant and recycling plant (Recycled Base Plant)
- Mortar plant
- Portable screening plant
- Ancillary facilities and associated equipment

Ancillary facilities include the water recycling ponds and equipment, truck repair building, machine shop, water tanks, scales, fuel tanks, stockpile areas, administration offices, bone yard (i.e., an open storage area for parts and materials), conveyor belts, and parking areas.

Production of a variety of products, including ready mix concrete, concrete and plaster sand mixes, mortar, specialty sands, and road base material.

Industrial Sand Processing and Packaging Facility (2022 approval):

Installation and operation of an industrial sand processing and packaging facility (the "sand plant") and ancillary facilities is hereby authorized. The sand plant would be located within the permit area and augment the other aggregate processing facilities permitted and in operation on the site. The plant would produce a variety of specialty sand mixes.

The industrial sand plant will be located in the southeastern portion of the existing project site in an area historically used for material storage and be comprised of an industrial sand processing plant area and a product storage warehouse. The industrial sand processing plant will occupy an area approximately 82 feet by 108 feet (8856 square feet). The product storage warehouse will occupy an area approximately 459 feet by 175 feet (80,325 square feet). These two project components will be housed in a single building with a footprint of 98,769 square feet and a maximum height of 99 feet above grade.

At the industrial sand plant, raw materials that are sourced primarily from the existing aggregate processing plant will be staged for processing in a material staging area adjacent to the new facility. The material will be loaded into the facility with a loader and/or a series of conveyors and/or bucket elevators to be dried, screened, and potentially mixed into various industrial sand products. Finished materials are then packaged or loaded directly into on-road haul trucks for market distribution.

Also authorized is the installation of ancillary facilities including an employee parking area, a material staging area, a load staging area, a liquified natural gas tank, a fire-suppression water tank, and a detention basin.

Grading will be required to prepare the site for construction of the sand plant and warehouse building and ancillary facilities. The project site has been previously disturbed by material stockpiling and other surface mining activities. Site runoff will be conveyed from the plant area to other existing detention basins on the site.

Water for plant operation and fire suppression will be supplied through the existing facility connection to Ventura County Waterworks District No. 1. Sewage disposal

will be accomplished through the installation and use an onsite septic disposal system connected to restrooms within the proposed warehouse building.

Mineral production methods:

Typical excavation techniques in the permitted mining area follow the current methods in which one or more bulldozers excavate the slopes of a hill, moving from the peak towards the base of the hill. As material is removed from the native grade, topsoil and unsuitable overburden are temporarily stockpiled near the excavation site. Suitable material is “pushed” over the hillside to the base of the hill where it accumulates in piles. This material is then moved by either a bulldozer or a front-end loader and placed into an electrical feeder loading it onto an electrically powered conveyor belt which transports the raw material to the aggregate processing plant or to a nearby stockpile. The length and alignment of the conveyor generally increases over time as CEMEX excavates further away from the aggregate processing plant.

At the aggregate processing plant, raw materials may be placed in a crusher to reduce rock size and the crushed materials are conveyed through a series of wet or dry sorting screens where the material is sorted by size into various products. Sands for mortar, concrete, and road base are transported by conveyor to CEMEX’s individual specialty plants. At these plants, the aggregates from the mine site are combined with imported material, such as cement, to produce finished products. Finished materials are then loaded onto trucks at the individual plants or from stockpile areas for transport. Construction sands are loaded at the aggregate processing plant.

The existing facility includes a recycling operation, which involves the use of a portable plant to crush concrete and asphalt brought to the site for recycling. The crushed material is cleared of metal by a magnet and delivered offsite for use as road base.

The existing facility also includes a portable screening plant that is utilized as needed during facility operations. The excavated materials processed through the portable screening plant will be separated from the material processed through the aggregate processing plant.

Reclamation:

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

Reclamation activities will occur on an ongoing basis throughout the project life as the maximum depth of extraction is progressively reached across the authorized

excavation areas. The reclamation plan maps and cross sections depict the volume of material to be excavated and the proposed finished slope contours after the mining operations are completed. The site will be reclaimed to a configuration that includes a gently sloping floor surrounded by maximum 2:1 gradient slope. Runoff from the slopes will drain across the floor to be discharged to an existing drainage course located near the southern end of the project site.

The site will be reclaimed to an end use of open space.

2. Compliance with Mining and Reclamation Standards

Purpose: In order to assure compliance with applicable mining and reclamation standards.

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

- a. Reclamation of the site shall be completed in accordance with the approved Reclamation Plan.
- b. All surface mining operations shall be conducted in conformance with the phasing and other requirements of the approved Reclamation Plan.
- c. Removal of equipment and facilities shall be accomplished in accordance with the approved Reclamation Plan and Section 8107-9.6.10 of the NCZO.
- d. The Permittee shall maintain liability insurance for the effective period of this permit in conformance with the requirements of Section 8107-9.6.21 of the NCZO.
- e. No excavation of the site shall occur below the final reclaimed surface or outside of the mapped limits of excavation specified in the approved Reclamation Plan for the CEMEX facility.
- f. A Financial Assurance for reclamation shall be posted by the Permittee (mine operator) with the County of Ventura and California Department of Conservation in accordance with Section 8107-9.6.20 of the NCZO and Section 2773.1 of SMARA.

g. The Permittee shall provide access to the site to County personnel upon receiving reasonable notice of an upcoming inspection. The mining facility shall be inspected at least once per year in order to monitor compliance with the conditions of approval of this permit, the approved Reclamation Plan, SMARA and the County Non-Coastal Zoning Ordinance. The number of inspections conducted in addition to the statutory minimum shall be determined by the Planning Director. (*“Reasonable notice” shall mean notification at least 10 days in advance.*)

Documentation: The Permittee shall annually provide evidence to the County Planning Division that liability insurance consistent with ordinance standards has been obtained. The Permittee shall also annually provide a Financial Assurance Cost Estimate (FACE) and post a Financial Assurance Mechanism (FAM) that meets SMARA standards as determined by the Planning Director. *Surface mining inspection reports prepared by County staff or consultants will document the physical condition of the mining site and its conformance with the approved Reclamation Plan and the conditions of approval of this conditional use permit. The Annual Compliance Report prepared by the Permittee under Condition No. 3 will also document the condition of the site.*

Timing: The Permittee shall submit and obtain approval of the evidence of liability insurance no later than July 1 of each year. The FACE shall be submitted to the County within 30 days of the annual inspection. The FAM shall be submitted within 60 days after approval of the FACE by County and State Division of Mine Reclamation.

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

3. Annual Compliance Report

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

ACR to meet this condition will be determined by the Planning Director. The report is to be submitted by July 1 of each year.

4. Days and Hours of Operation

Purpose: In order to limit the days and hours of operation of the approved use.

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

Activity	Days per week	Regular hours of operation	Extended hours of operation
Mining Excavation	Monday through Saturday	1 hour after sunrise to 1 hour before sunset ¹	Not authorized
Material processing	Monday through Saturday	6:00am to 10:30pm	10:00pm to 6:00am (Third shift allowed up to 60 days per year)
Facility maintenance	Monday through Saturday	6:00am to 10:30pm	10:00pm to 6:00am (Third shift allowed up to 60 days per year)
Reclamation	Monday through Saturday	1 hour after sunrise to 1 hour before sunset ¹	Not authorized
Haul trucks arriving at or departing from the mining site	Monday through Saturday	6:00am to 6:00pm (Daytime)	6:00pm to 6:00am (Nighttime third shift allowed up to 60 days per year)
Nighttime dry cement delivery (Maximum of 4 deliveries per night)	Monday through Friday	6:00pm to midnight	6:00pm to 6:00am (Nighttime third shift allowed up to 60 days per year)
Late return of ready mix trucks (CEMEX trucks only)	Monday through Friday	6:00pm to 7:00pm for up to 36 ready mix trucks per day	7:00pm to 6:00am (Nighttime third shift allowed up to 60 days per year)

Note:

1. For purposes of this condition, the "official" times of sunrise and sunset shall be those published in a local newspaper of general circulation.

The Permittee shall post the hours of operation in an obvious location that can be

seen by all customers, employees, vendors, and haul truck drivers. The signage must be made of weatherproof and permanent material, and conform with the standards set forth in Article 10 of the *Ventura County Non-Coastal Zoning Ordinance*.

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

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for use inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

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

This condition has been satisfied. Signage is required to remain in place while CUP is in effect (CEMEX letter and photographs submitted June 18, 2019) .

5. Site Maintenance

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

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

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

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

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this

condition consistent with the requirements of §8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

6. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP and/or the approved Reclamation Plan. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP and/or Reclamation Plan modification is required. If a modification is required, the modification shall be subject to:

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

7. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP, commencement of construction, or mining operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to comply with any condition of approval imposed with the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14) which shall include, but is not limited to, the following:

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

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

8. Time Limits

a. Use inauguration:

1. The decision to grant this modified CUP becomes effective upon the expiration of the 10-day appeal period following the decision, or when any appeals of the decision are finally resolved. Once the decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration (ZCUI) in order to initiate the land uses specified in Condition No. 1 (Project Description).
2. This CUP shall expire and become null and void if the Permittee fails to obtain a ZCUI within one year from the granting of this CUP. The Planning Director may grant a one-year extension of the deadline to obtain a ZCUI if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
3. Prior to the issuance of the ZCUI, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the ZCUI, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Term or Operations Period:

This CUP will expire on **September 1, 2047**. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to September 1, 2047; and
2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

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

9. Consolidation of All Approved Exhibits and Permits

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

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

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

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

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

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

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

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

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

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

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

11. Recorded Notice of Land Use Entitlement

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

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

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

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

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

A Notice of Land Use Entitlement was recorded on October 2, 2019. This permit requires an additional Notice of Land Use Entitlement to be recorded prior to the issuance of a Zoning Clearance for Use Inauguration.

12. Condition Compliance, Enforcement, and Other Responsibilities

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

1. condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 2. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (§8114-3)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance (§8114-3.4)*.
- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
1. a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition No. 12.a, above), monitoring and enforcement (Condition No. 12.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 2. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Condition No. 12.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the

resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.

- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

13. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all third party claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof,

shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

14. Invalidation of Condition(s)

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

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

15. Consultant Review of Information and Consultant Work

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

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the

Permittee undertakes. In accordance with Condition No. 15 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

16. Relationship of CUP Conditions, Laws and Other Permits

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

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

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

17. Contact Person

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

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

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the

Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within five (5) business days of the change in the Permittee's field agent.

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

18. Resolution of Complaints

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

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

19. Reporting of Major Incidents

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

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

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description

of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

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

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

20. Change of Owner and/or Permittee

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

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

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

Timing: The Permittee shall provide written notice to the Planning Director within 30 calendar days after the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

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

21. Sign Plan

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

Requirement: The Permittee shall prepare a sign plan for the proposed entrance of the facility that describes the proposed size, colors, materials, and lighting details. The proposed signage must display information on the hours of operation

and telephone numbers for the contact person(s) as described in Condition Nos. 4 and 17 above. The Sign Plan shall include a sign at the facility exit visible to departing truck drivers that states the following:

Be Courteous to Our Neighbors:

No Speeding (max. 20 MPH)

No Jake Brakes

No Staging or Queuing on Streets

Wet or Tarp All Material Loads

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

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

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

Note: The existing signage at the entrance to the CEMEX mining facility may be determined by the Planning Director to partially satisfy this condition.

22. Limit on material hauling truck traffic:

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

Requirement: The number of material hauling truck trips generated by the mining facility shall be limited as indicated in the following table:

Authorized One-Way Truck Trips

Truck type	Trip category	Days of the week		
		Mon - Friday	Saturday	Sunday
Material haul trucks (aggregate, Ready Mix, recycle, etc.)	Average daily trips (ADT)	980	276	0
	Maximum trips in any one day	1180	332	0
	Peak hour trips (PHT)	634	N/A	0

For purposes of compliance with this condition, the average daily trips (ADT) generated by the mining facility from Monday through Friday shall be based on a rolling one-year average. The total one-way trips divided by the number of operational weekdays (M-F) over the 12-month period prior to a compliance review shall equal 980 one-way trips per day or less. As indicated above, a maximum of 1,180 one-ways truck trips may be generated on any one weekday (M-F).

As indicated above, peak hour truck trips (PHT) shall be limited to a maximum of 634 one-way trips on each operational weekday (M-F). The “peak hour” periods applicable to this limitation are from 6:00am to 8:00am in the morning and 3:00pm to 6:00pm in the evening.

For purposes of compliance with this condition, the average daily trips (ADT) generated by the mining facility on Saturdays shall be based on a rolling one-year average. The total one-way trips divided by the number of operational Saturdays over the 12-month period prior to a compliance review shall equal 276 one-way trips per day or less. As indicated above, a maximum of 332 one-ways truck trips may be generated on any one Saturday.

Documentation: The Permittee shall maintain a complete record of truck departures from the facility entrance. This record shall be made available to the County of Ventura and other government agencies upon request. The record shall be maintained in paper or electronic form. Upon request of the Planning Director, the record of truck trips departing from the facility entrance shall be compiled into

a spreadsheet that lists monthly totals of AM and PM Peak-Hour Trips and Total Daily Trips.

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

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

23. Traffic Impact Mitigation Fees

The Permittee of the subject mining facility paid the required traffic impact mitigation fees when the current facility was first permitted with the granting of CUP 4633 in 1996. As no change in the authorized traffic volume is proposed, payment of additional traffic impact mitigation fees is not required.

24. Enhanced Dust Control Plan

Intent: In order to minimize dust generation from onsite excavation and material transport activities, the Permittee shall implement dust control measures.

Requirement: The Permittee shall prepare an Enhanced Dust Control Plan (EDCP) for the project site. This plan may include, but not be limited to, the following measures:

- a. Stabilization of previously disturbed areas that are currently inactive or have reached the final reclaimed topography specified in the approved Reclamation Plan through periodic application of environmentally-safe dust control agents or hydroseeding. The plant species used for hydroseeding shall be compatible with the vegetation specified in the approved Reclamation Plan. This action is required until permanent vegetation is established in accordance with the approved Reclamation Plan. Inactive areas are those mined lands that have not been disturbed for more than 180 days.
- b. Periodic application of water or environmentally-safe dust control agents to 1) onsite unpaved roadways, staging areas, and vehicle parking areas to minimize fugitive dust generated by vehicle travel, and 2) material stockpiles to minimize wind-generated dust.
- c. Enforcement of a 15 MPH vehicle speed limit on unpaved surfaces.

- d. Application of water to areas under active excavation operations, including the mine working face, if necessary to control dust.
- e. Use of misting equipment on conveyor belts.
- f. Excavation and other dust producing activities shall cease when wind speeds exceed 30 mph over a one hour period or during other "high wind events." High wind events are defined as wind of such velocity as to cause fugitive dust to be blown from the facility to offsite areas. If fugitive dust is observed to be transported off of the project site, the Permittee shall initiate additional watering. These limitations do not apply to mining activities conducted to respond to an emergency as determined by the Planning Director.

Documentation: The Permittee shall submit the EDCP to the County Planning Division for review and approval.

Timing: The EDCP shall be submitted and approved prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: County Planning Division staff, in consultation with the Ventura County Air Pollution Control District (VCAPCD), shall review, and if found adequate, approve the submitted EDCP. Permittee's use of any chemical dust stabilizer must have prior approval of the LA Regional Water Quality Control Board and the VCAPCD. County staff and/or VCAPCD staff may periodically review Permittee's implementation of the EDCP through site inspections to assure compliance with the CUP and approved Reclamation Plan. The VCAPCD has primary responsibility to investigate, respond, and resolve any citizen complaints regarding dust from the project site.

Note: Previously approved mitigation plans may alone satisfy this condition or be incorporated into the required EDCP to satisfy this condition.

25. Air Pollution Control District Rules and Regulations

Purpose: To ensure that project operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations, in particular Rule 10, (Permits Required), for certain types of new and modified equipment and operations that require APCD permits prior to installation, including but not limited to addition of a new industrial sand processing plant.

Requirement: The Permittee shall obtain an Authority to Construct prior to installation and a Permit to Operate prior to operation. All APCD Permitting requirements shall be satisfied prior to any operations commencing onsite. To

contact APCD Permitting, please contact the Engineering Division at 805-303-3688 or by email at engineering@vcapcd.org.

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

Timing: The Permittee shall submit the appropriate applications and supporting documentation to APCD for review and approval prior to beginning construction or installation or prior to beginning operation. The Permittee shall provide the Planning Division these APCD permits, or written confirmation from APCD that the permits are not needed, prior to the issuance of a Zoning Clearance for use inauguration and/or installation.

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

26. Hauling of Aggregate to Minimize Spillage

Intent: In order to minimize the spillage or inadvertent escape of dust, debris, and aggregate material from aggregate material hauling trucks, all loads must be hauled in trucks which conform to applicable State law and regulation.

Requirement: All aggregate material hauling trucks loaded with aggregate materials must comply with all applicable requirements of California Vehicle Code Section 23114, especially regarding the transport of aggregate materials. The Permittee shall prominently install signage on the subject property to inform all aggregate material hauling truck drivers of the legal requirements set forth in Vehicle Code section 23114 at the scales, entrance and exit of the facility.

Documentation: The Permittee shall provide to the County Planning Division with photographs demonstrating that the required signs have been properly installed.

Timing: The required signage shall be installed prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: County Planning Division staff shall review the submitted photographs to assure proper installation of required signage. The maintenance of the required signage shall be monitored by County staff during site inspections and through response to complaints. *(Note: The Permittee is not responsible for violations of the Vehicle Code committed by independent aggregate material hauling truck drivers.)*

27. Condition not imposed.

28. Groundwater Recharge

Intent: In order to minimize any adverse effects on groundwater recharge, fine-grained material placed in permanent fills shall have a minimum level of permeability or otherwise not affect groundwater recharge.

Requirement: Fine-grained material that is placed in permanent fills as part of ongoing operations or as part of final site reclamation shall be demonstrated to have sufficient permeability to allow, or otherwise not affect, percolation of recharge water to the underlying aquifer in a manner roughly consistent with pre-mining conditions. The Permittee shall have either (1) a Technical Report prepared by a California-licensed Engineer or Geologist that shows permanent fills will not affect groundwater recharge or (2) a Fill Permeability Monitoring Plan prepared by a California-licensed Engineer or Geologist that outlines the procedures for testing fine-grained fills as they are placed to ensure adequate permeability is maintained. The Plan must identify the permeability of the underlying native materials, the testing method and frequency, a recommended residual permeability rate for the fill material, and reporting procedures.

For Option #2 above, the results of any testing conducted, and a map identifying the test locations, shall be included in the annual Compliance Report required by Condition of Approval No. 3.

Documentation: The Permittee shall submit a Technical Report (TR) or a Fill Permeability Monitoring Plan (FPMP) to the Planning Division for review and approval.

Timing: The Permittee shall obtain approval of the TR or the FPMP prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: The submitted TR or FPMP shall be reviewed for adequacy by the Planning Director in consultation with the Watershed Protection District-Groundwater Section. Compliance with this condition will be assured by County staff through review of site operations and reclamation during the annual inspection process required by the Surface Mining and Reclamation Act (SMARA).

The Permittee submitted, and the County approved, a Drainage Report (Change Consultants, September 12, 2016) which identified no impacts to groundwater recharge. This condition has been satisfied.

29. Design of Maintenance Areas

Intent: In order to protect groundwater quality, all new or modified maintenance areas shall be designed to avoid seepage of pollutants into the ground.

Requirement: All new or modified fuel storage, refueling, washout and equipment maintenance areas shall be placed on bermed concrete surfaces, which are underlain by 80 mil high-density polyethylene (HDPE). The HDPE seams shall be sealed and the edges turned up. If the bermed concrete surfaces drain to a sump, the sump shall be cleaned and the waste fluids disposed of in compliance with all applicable laws and regulations. If the bermed concrete surfaces do not drain to a sump, routine cleaning shall be conducted to prevent the surface from becoming slippery. The cleaning solutions and wash water shall be handled in the same manner as the sump fluids. Areas designated for washing functions shall be at least 100 feet from any riparian storm drain, water body or sensitive biological resources.

The Permittee shall prepare a Maintenance Area Plan that describes the location and design of all new or modified onsite maintenance areas.

Documentation: The Permittee shall submit the Maintenance Area Plan to the County Planning Division for review and approval.

Timing: The Permittee shall obtain approval of the Maintenance Area Plan prior to the designation or use of any new fuel storage, refueling, washout or equipment maintenance areas or the modification of any such existing areas.

Monitoring: Compliance with this condition of approval will be verified by County staff as part of required periodic site inspections.

30. General Industrial Stormwater Permit

Intent: In order to prevent water pollution, the Permittee shall comply with stormwater regulations.

Requirement: The Permittee shall maintain the mining facility in compliance with all water quality provisions set forth in an individual NPDES permit or in NPDES General Permit No. CAS000001 and State Water Resources Control Board Water Quality Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Industrial Activities*, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

The SWPPP shall address all issues required by regulation including the following:

- Storage and containment of fuels, solvents, and any other fluids that may contaminate soils;

- Fueling operations and maintenance and repair of vehicles and equipment;
- Procedures and employee training to respond to accidental spills;
- Prevention of downstream sedimentation due to mining operations

Documentation: The Permittee shall provide to the *Public Works Agency – Watershed Protection District* proof of coverage (compliance) in the form of a current Notice of Intent (NOI) and a copy of the required annual report that includes all water quality monitoring data.

Timing: The required documentation shall be provided by July 1st of each year.

Monitoring: Watershed Protection District staff shall review the submitted reports to determine if the Permittee is in compliance with regulations. County Planning Division staff may review required reports as part of ongoing checks of compliance with this CUP.

31. Flood Control Facilities

Intent: In order to assure that onsite drainage is conveyed in a non-erosive manner and does not contribute to offsite flooding, a detention basin shall be constructed and maintained in accordance with established standards.

Requirement: The Permittee shall cause a drainage facility design report and associated plans to be prepared by a Civil Engineer licensed to practice in the State of California. The plans must clearly provide design details (length, width, height, depth of water, outlet works, etc.) on a detention basin that are sufficient for construction. The drainage report must conform to the District's hydrology and hydraulics (design) manuals. At a minimum, the Permittee is required to detain all peak flows over the pre-developed Q10 level.

The Permittee shall construct the improvements described in the design report ultimately approved. Once approved and constructed, the drainage improvements must be maintained in the approved configuration.

Documentation: The Permittee shall submit the required design report and plans to the Watershed Protection District for review and approval. The report and/or plans must include a timing schedule for construction. After construction of the drainage improvements, the Permittee shall provide as-built plans to the Watershed Protection District and Planning Division.

Timing: The design report and associated plans shall be submitted to, and approved by, the Watershed Protection District prior to the issuance of the Zoning Clearance for Use Inauguration. The required improvements shall be constructed within the schedule specified on the design report and/or plans. Once constructed, the improvements shall be maintained in accordance with the approved design until final reclamation of the site is completed in accordance with the Approved Reclamation Plan.

Monitoring: Staff of the Watershed Protection District shall review the submitted documentation for compliance with regulatory requirements. County Planning Division staff may review the required reports as part of ongoing checks of compliance with this CUP.

Note: The existing drainage improvements at the CEMEX mining facility and available documentation was found adequate to satisfy this condition when CUP PL16-0134 was granted in 2017. The addition of the industrial sand plant to the CEMEX facility requires new review and approval by the WPD. Maintenance of the drainage improvements is an ongoing responsibility of the Permittee.

32. Slope Design Requirements for Reclamation

1. Reclamation slopes shall be shown by the project geotechnical engineer and geologist to be grossly stable under both static and pseudo-static conditions. The slopes must also be shown to be surficially stable using results obtained from low normal weight shear tests.
2. For slopes that have a slope ratio equal to or greater than 3:1 (h:v) the minimum setback shall be 20 feet regardless of the height. The lower one-third of the slope shall be concave to blend with the floor of the mine.
3. For slopes that have a slope ratio between 3:1 and 2:1 (h:v) the minimum setback shall be 30 feet up to a height of 100 feet, and an additional 30 feet for each 100 feet of height. The lower one-third of the slope shall be concave to blend with the floor of the mine.
4. For slopes steeper than a 2:1 ratio, the minimum setback shall be 20 feet up to a height of 50 feet, 50 feet up to a height of 100 feet, and an additional 50 feet for each 100 feet in height unless demonstrated that the slope surface is not subject to erosion and the surface can be successfully revegetated (SMARA Section 3704-d). In these cases, the setback shall be provided by the project geotechnical engineer and geologist. The lower one-third of the slope shall be concave to blend with the floor of the mine.

5. Drainage terraces or benches are not required for slope gradients that mimic the adjacent natural slopes. For slopes that exceed the natural slope gradients, drainage benches and terraces shall not be perpendicular to the slope face and shall provide for drainage diagonally across the slope face at gradients to minimize erosion and shall be designed by the project civil engineer.

(Note: Implementation of the Approved Reclamation Plan satisfies this mitigation measure as the design measures listed above have been incorporated therein.)

33. Habitat Management and Compensation Plan

The following condition is reproduced verbatim from the permit (CUP 4633) that initially authorized the operation of the CEMEX mining facility in its current configuration.

Condition: The proposed project would result in the following significant impacts that cannot be mitigated to a less than significant level: 1) short-term loss and long-term degradation of 80 acres of coastal sage scrub and 7 acres of alluvial scrub at the mine site; 2) contributes to cumulative habitat loss; and 3) short-term loss and long-term degradation of wildlife populations at and near the mine site.

Based on the short-term and long-term cumulative nature of these impacts and the broad area adversely affected outside of the mine site, the permittee shall prepare a Habitat Management and Compensation Plan that provides for habitat enhancement and preservation efforts within Happy Camp Canyon Regional Park, or within the immediate area (i.e., within a 1 mile radius) of the project site. This Habitat Management and Compensation Plan shall be prepared by a qualified biologist, who is approved by the County and retained by the permittee. The Habitat Management and Compensation Plan shall include a description of permittee obligations and requirements that reasonably relate to the project-related identified impacts described in the Final EIR and shall include an implementation summary and time schedule.

The Habitat Management and Compensation Plan shall describe long-term habitat enhancement and presentation measures commensurate with the long-term wildlife habitat impacts of the project (i.e., 146 acres of habitat being disturbed) through a renewal of 146 acres of native vegetation over the life of the permit. Potential enhancements may include, but not be limited to: 1) purchase and installation of wildlife guzzlers; 2) purchase and installation of fencing of sensitive areas; 3) purchase of an open space easement on adjoining lands that have habitat value; 4) fund revegetation efforts in disturbed areas of the mine site, particularly areas disturbed prior to 1976; and 5) dedication of land in fee.

The Habitat Management and Compensation Plan shall be submitted to the Planning Director for review and approval prior to the issuance of the Inaugural Zoning Clearance. Prior to its approval, the Habitat Management and Compensation Plan shall be made available to the Eastern Ventura County Conservation Authority (EVCCA) review and comment, as the Plan may relate to the Happy Camp Canyon Regional Park or other properties being managed by, the EVCCA. Prior to its approval, the Habitat Management and Compensation Plan shall also be made available to the California Department of Fish and Game for review and comment.

The permittee shall implement, or cause implementation of, the Habitat Management and Compensation Plan in accordance with the schedule, obligations and requirements described therein.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: The Habitat Management and Compensation Plan shall be submitted to the Planning Director for review and approval prior to the issuance of the Inaugural Zoning Clearance.

Monitoring Work Program/Monitoring Agencies: The Planning Division will be the monitoring agency.

Standard of Success: Implementation of and compliance with a County approved Habitat Management and Compensation Plan.

The above condition of approval was imposed in 1996 with the granting of CUP 4633. It was found to mitigate to the extent feasible the impacts on biological resources identified in the 1996 certified EIR due to the surface mining activities at the CEMEX facility, including the mining excavation of the Phase 3 area currently proposed. A Habitat Management and Compensation Plan (HMCP) was prepared and approved by the County, and implemented by the Permittee. The HMCP (*Chambers Group, March 2000*) resulted in the protection of an 198-acre property located to the northeast of the mining facility.

The protection of the habitat lands, if permanent, shall constitute adequate mitigation for the identified impacts associated with the project authorized by this modified CUP. However, the HCMP includes a 20-year sunset date for protection of the subject habitat lands. In addition, no conservation easement or other mechanism ensures long-term protection of these lands. The lack of permanent protection for these habitat lands renders the HMCP inadequate as mitigation for the project impacts on biological resources. Thus, the following enhancements of the HMCP are required.

Habitat Maintenance Plan: The HCMP shall be augmented with a Habitat Maintenance Plan (HMP) that establishes the measures required to preserve the subject habitat lands. The HMP shall be prepared by a County-qualified biologist and include:

1. A description of the fencing and signage that may be required along sections of the perimeter of the protected lands.
2. A description of the required periodic monitoring and reporting activities necessary to identify and address issues that would adversely affect the habitat value of the protected lands. These issues include:
 - Substantial changes in the land resulting from mining operations or trespass.
 - Degradation of native vegetation due to invasive plant species, cattle, fire, flooding or other cause.
 - Substantial damage to fencing or signage that necessitates repair work.
 - Accumulation of trash or debris.

The HMP shall be submitted to the Planning Division for review and approval. Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall obtain approval of the HMP from the Planning Division.

Note: A HMP was submitted and approved by the County in September 2019. This section of the condition has been satisfied.

Conservation Easement: The Permittee shall ensure the protection and conservation of the HMCP habitat lands in perpetuity by encumbering the lands with a conservation easement in favor of the County of Ventura and/or a County-approved conservation organization. The conservation easement shall be in a form approved by the County. The conservation easement shall be recorded prior to the issuance of the Zoning Clearance for Use Inauguration.

Note: A conservation easement was recorded on the property on October 3, 2019. This section of this condition has been satisfied.

Endowment Fund: The Permittee shall establish an endowment fund sufficient to generate \$6,000 per year at a 3 percent interest rate (i.e. \$200,000). This fund is intended to pay for long-term maintenance and monitoring of the habitat lands. This endowment can either be funded through a single payment of \$200,000 or in annual installments paid during a 20-year period while surface mining activities are ongoing. If paid in installments, the yearly payment shall be \$11,000 and includes a 10 percent

County administrative fee. Prior to the issuance of the Zoning Clearance for Use Inauguration, the Endowment Fund or the first installment of the Endowment Fund shall be paid concurrent with the recording of the conservation easement.

Note: As indicated in the approved HMP, CEMEX paid the County \$11,000 and provided an additional \$200,000 bond in lieu of further payments. This section of this condition has been satisfied.

Transfer to a Conservation Organization: The County of Ventura would initially hold the conservation easement and endowment fund. If the conservation easement area is conveyed to a County-approved conservation organization the HCMP (March 2000) shall be revised accordingly.

Monitoring Reports: The Permittee shall cause the protected lands to be inspected annually (or at a lesser frequency as determined by the Planning Director) by a County-qualified biologist for habitat degradation in accordance with the HMP. Any inspection reports prepared by the biologist should be attached to the Annual Compliance Report required pursuant to Condition of Approval No. 3. Should the conservation easement and endowment fund be transferred to a County-approved conservation organization, the responsibility for monitoring the habitat lands will shift to the conservation organization.

With the above administrative changes to the HMCP, the mitigation measure previously imposed and implemented will remain adequate to address the impacts of the proposed expansion of the CEMEX mining facility. If the conservation easement area is conveyed, the revised HCMP shall state that the intent of the County that the conservation easement and endowment fund will ultimately be transferred to conservation organization.

NOTE: For the purposes of this mitigation measure, the "conservation organization" must meet all of the following criteria:

(a) It must be a public conservation agency, or a private non-profit organization chartered under the US Code, Title 26, Part 501(c)3, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational and/or open space condition.

(b) If it is a private non-profit organization, then it must be either a statewide, national or international organization, or a local community-based organization with a membership of at least 500 individuals and/or businesses.

(c) It must have owned and/or managed natural resource/open space property, at least 50 acres in area, for at least one year. In lieu of meeting this requirement, a Conservation Organization may provide a financial surety to ensure the stewardship of the Conservation Parcel for a period of five years.

(d) It must have the institutional and economic ability to maintain the property.

[The above standards are established in Section 8202-3(f)(1)(B) of the Ventura County Subdivision Ordinance.]

Note: The facility operator has implemented the HCMP since CUP PL16-0134 was granted in 2017. This includes annual inspections of the HCMP lands and the placement of these lands into a conservation easement.

34. Excavation Area Boundary

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

Requirement:

(a) Markers shall be installed along the boundary of the authorized mining excavation area as depicted in the approved Reclamation Plan at no less than 500-foot intervals. Metal barbed wire fence posts shall be used as boundary stakes and extend a minimum of four feet above the ground surface. These stakes shall be numbered, painted white or orange, and labeled with "Mining excavation limit."

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

Documentation: The Permittee shall provide to the County Planning Division a copy of the project site plan that depicts the mining excavation area, the property lines, topographic contours, and the surveyed location of each boundary marker. In addition, the Permittee shall provide photographs that demonstrate that the required boundary markers have been installed.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the required boundary markers shall be installed. The required boundary markers shall be maintained for the effective term of this CUP.

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

35. Limitation on Disturbed Area

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

Requirement: The total area of land disturbed by mining excavation at the subject mining facility shall be limited to a maximum of 270 acres. For purposes of this condition of approval, "land under active mining excavation" refers to land within the authorized area of mining excavation as delineated in the approved Reclamation Plan that has been disturbed by surface mining activities. Portions of

the authorized mining excavation area that have been substantially reclaimed, as determined by the Planning Director, will not count toward the total acreage of land under active mining excavation. "Substantially reclaimed" land is defined herein as portions of the ground surface formally determined to be reclaimed in accordance with the approved Reclamation Plan or land having been excavated to final grade with initial revegetation tasks completed. In addition, disturbed areas that have been treated with environmentally-safe dust control agents or hydroseeding pursuant to Condition of Approval 24a will not count as "land under active mining excavation."

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

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

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

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

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

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

- Prior to ground disturbance of any area that contains native vegetation, the boundaries of the Phase 3 Area shall be clearly delineated by stakes, flags, or other clearly identifiable system.
- Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas slated for disturbance. All areas of native vegetation not slated for land clearing shall be delineated.
- All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris shall be stored in closed containers and/or removed from the site each day. No deliberate feeding of wildlife shall be allowed.

- All pipes, culverts, and like materials stored within the Project area (does not include installed drainage or similar features) with a diameter of greater than 4 inches, shall be capped or taped closed. Prior to capping or taping the materials shall be inspected for the presence of wildlife by a qualified biologist. If encountered, wildlife shall be allowed to escape unimpeded.
- No firearms shall be allowed on the Project site, unless either approved by the County for security personnel or authorized pursuant to a CDFW License.
- Pet animals shall not be kept on the project site during the effective period of this permit. This restriction does not apply to animals determined by the Planning Director to be required for personal (i.e. medical or accessibility) service.
- Procedures for the identification and relocation of special status species including the following:

Coast horned lizard	California leaf-nosed Bat	Southern California rufous-crowned sparrow
Coast patch-nosed snake	Ring-tailed cat	Bell's sage sparrow
Loggerhead shrike	American Badger	Costa's hummingbird
Burrowing Owl	Coastal whiptail	Bell's sage sparrow
Pallid Bat	Cooper's hawk	White-tailed kite
Spotted Bat	Sharp-shinned hawk	California horned lark
		Allen's hummingbird

Individuals of these species that are found during vegetation clearing activities shall be relocated to suitable undisturbed habitat, outside of the areas affected by ground disturbance activities.

- Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the onsite Permittee representative. The representative shall contact the USFWS and/or CDFW by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW or USFWS for care,

analysis, or disposition.

- The development and implementation of a worker training program. This training program shall be provided to all onsite workers to inform them of the sensitive species that may be present on the site and the measures necessary to avoid or minimize impacts on these species.

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

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

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

37. Avoidance of Nesting Birds

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

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

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

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

area to be cleared and a 300-foot wide area outside of the area to be cleared.

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

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. Following vegetation removal activities during the nesting season, the Permittee shall submit to the Planning Division a report prepared by a County-approved biologist that describes the actions taken to avoid nesting birds.

Timing: If vegetation clearing in the Phase 3 area is scheduled to occur during the breeding and nesting season, the Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to the initiation of vegetation clearing in the Phase 3 area. The Permittee shall submit the follow up report within 14 days of completion of the vegetation clearing activities.

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

38. Avoidance of Impacts to Coastal California Gnatcatcher (*Poliioptila californica*)

Purpose: In order to prevent impacts on the coastal California gnatcatcher, surface mining activities shall be regulated.

Requirement: Prior to all vegetation clearing activities in the Phase 3 area (including tree removal), a County-approved biologist authorized under §10(a)(1)(A) of the Endangered Species Act shall conduct protocol surveys for coastal California gnatcatcher in accordance with the United States Fish and Wildlife Service's (USFWS) "*Coastal California Gnatcatcher (Polioptila californica) Presence/Absence Survey Guidelines*" (February 28, 1997). The biologist shall conduct the surveys within one-year of initiating vegetation clearing activities, and surveys are valid for a period of one year. The survey must evaluate all lands that will be subject to vegetation clearing activities and the area within 500 feet of such lands. The biologist shall follow this protocol unless directed otherwise by the Planning Director based on consultation with the US Fish and Wildlife Service (USFWS).

If surveys confirm the presence of coastal California gnatcatcher on the site, and the proposed activities may result in the take of this species, the Permittee shall apply to the USFWS for an incidental take permit, pursuant to §10(a)(1)(B) of the Endangered Species Act. To qualify for the incidental take permit, the Permittee shall submit an application to the USFWS together with a habitat conservation plan (HCP) that describes (at a minimum) how the impacts of the proposed taking of coastal California gnatcatcher will be minimized, and how the plan will be funded. See 50 CFR 17.32 for a complete description of the requirements for a HCP.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist with a Section 10(a)(1)(A) permit under the Endangered Species Act to document the results of the protocol surveys for coastal California gnatcatcher. If coastal California gnatcatcher is observed on the site, the Permittee shall provide (a) an incidental take permit and HCP; or (b) a written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the coastal California gnatcatcher.

Timing: Prior to the initiation of vegetation clearing in the Phase 3 area, the Permittee shall provide to the Planning Division a copy of the Survey Report. If coastal California gnatcatchers are confirmed to be present during the protocol surveys, the Permittee shall also provide (a) an incidental take permit and HCP; or (b) a written concurrence letter from the USFWS.

The biologist shall conduct the protocol surveys within one-year of initiating vegetation clearing activities in the Phase 3 mining excavation area. (*Note: If the surveys reveal the presence of coastal California gnatcatcher, then the survey results shall remain valid for three years. If the surveys do not reveal the presence of coastal California gnatcatcher, then the survey results shall remain valid for one year.*)

Monitoring and Reporting: The Planning Division will review for adequacy the Survey Report and documents issued by the USFWS. The Planning Division has the authority to inspect the Project site to ensure that the Permittee implements the measures set forth in the HCP. If the Planning Division confirms that the Permittee is not maintaining the Project site in compliance with the HCP (if applicable), Planning Division staff has the authority to initiate enforcement actions pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. The County will also ensure compliance through annual inspections of the facility.

39. Recovery of Paleontological Resources

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

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

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

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

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

40. Recovery of Archaeological Resources

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

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

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

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

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

41. Compliance with the Approved Reclamation Plan

All surface mining operations shall be conducted in accordance with the Approved Reclamation Plan, as may be amended by the County of Ventura. All mining excavation shall take place above the final reclaimed surface and shall occur within the aerial limits of excavation depicted on the Approved Reclamation Plan maps and cross sections. All mining excavation shall occur in conformance with the phasing specified in the Approved Reclamation Plan.

42. Compliance with SMARA and SMGB Regulations

All surface mining activities shall occur in conformance with the California Surface Mining and Reclamation Act (SMARA) and the reclamation regulations adopted by the State Mining and Geology Board.

43. Compliance with the Non-Coastal Zoning Ordinance

All surface mining activities shall be conducted in conformance with Section 8107-9 of the Ventura County Non-Coastal Zoning Ordinance.

44. Financial Assurance

Prior to the issuance of the Zoning Clearance for Use inauguration under this permit, or the conduct of any mining operations authorized by this permit, the Permittee (mine operator) shall post a Financial Assurance based on the Approved Reclamation Plan that is consistent with the requirements of SMARA Section 2773.1 and deemed adequate to ensure reclamation of the site by the County of Ventura and the California Department of Conservation. This Financial Assurance must account for the cost of decommissioning, removal and site restoration of the Industrial Sand Plant authorized by this permit.

45. Exceptions to Permit Conditions

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

46. Interim Management Plans

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

47. Copy of Approved Reclamation Plan

A copy of the Approved Reclamation Plan, and any authorized revised version thereof, shall be maintained on the mining site at all times. This copy shall be available for review by Federal, State and County inspectors, other agency staff, and the general public.

48. Proprietary Information

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

49. Restricted Use of Engine Braking

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

Requirement: The Permittee shall inform all drivers of project-related heavy trucks to avoid use of engine braking on any road between SR-126 and SR-118 with the following exceptions:

- a. On SR-23 between the northern entrance to the Grimes Rock (CUP PL16-0097) mining facility and the entrance to the Wayne J Sand and Gravel (CUP PL13-0116) mining facility.
- b. If the Planning Director approves such braking for specific makes and years of trucks if it is demonstrated to the satisfaction of the Planning Director that such braking does not result in significant noise.
- c. During emergency situations.

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

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

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

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

50. Handling of Hazardous Material

Purpose: To ensure that project operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations, in particular Rule 10, (Permits Required), for certain types of new and modified equipment and operations that require APCD permits prior to installation, including but not limited to addition of a new industrial sand processing plant.

Requirement: The Permittee shall obtain an Authority to Construct prior to installation and a Permit to Operate prior to operation. All APCD Permitting requirements shall be satisfied prior to any operations commencing onsite. To contact APCD Permitting, please contact the Engineering Division at 805-303-3688 or by email at engineering@vcapcd.org.

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

Timing: The Permittee shall submit the appropriate applications and supporting documentation to APCD for review and approval prior to beginning construction or installation or prior to beginning operation. The Permittee shall provide the Planning Division these APCD permits, or written confirmation from APCD that the permits are not needed, prior to the issuance of a Zoning Clearance for use inauguration and/or installation.

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

51. Prevention of Mosquito Breeding

Purpose: To ensure site does not contribute to the harborage and/or breeding of potential vectors of disease or create a public nuisance.

Requirement: Manage standing water onsite so it will not create mosquito breeding sources.

Timing: The Permittee shall maintain the Project site so as not to contribute to the harborage and/or breeding of mosquitos, nor the creation of a public nuisance throughout the life of the Project.

Monitoring: Ventura County Environmental Health Division (EHD) staff respond to, and maintain records of, any complaints received which relate to mosquito breeding at the site.

52. Septic Sewage Disposal Systems

Intent: In order to assure that the onsite septic effluent disposal system does not cause an adverse effect on public health, the Permittee shall comply with applicable orders issued by the Los Angeles Regional Water Quality Control Board.

Requirement: The Permittee shall comply with Order No. 01-031 adopted by Angeles Regional Water Quality Control Board (LARWQCB) adopted Order No. 01-031. This Order requires general waste discharge requirements to be issued for septic systems utilized by commercial uses. The Permittee shall obtain from the LARWQCB Waste Discharge Requirements (WDRs) or a Determination of Exemption for the onsite septic sewage disposal system or written authorization that allows the Ventura County Environmental Health Division (VCEHD) to review the subject system and issue necessary permits. *(Notes: These requirements apply to any new or modified system not already subject to WDRs issued by the RWQCB. Only "domestic waste", as defined in the Ventura County Building Code Ordinance, shall be discharged into septic systems.)*

Documentation: The Permittee shall provide to the Environmental Health Division a copy of any WDRs, Determination of Exemption or letter of authorization issued by the LARWQCB. Should the VCEHD be authorized to review and permit any septic systems, the Permittee shall file the established application and fees in accordance with current ordinance.

Timing: Within 180 days of issuance a Zoning Clearance for Use Inauguration (ZCUI) under this CUP, the Permittee shall submit a complete application for WDRs for a septic effluent disposal system (and any other requested documentation) to the LARWQCB. In the alternative, the Permittee shall file an

application for a Determination of Exemption within 90 days of the issuance of the ZCUI.

Within 30 days of the issuance of a determination by the LARWQCB, the Permittee shall submit a copy of the LARWQCB determination to EHD. If EHD is authorized to issue a discharge permit, the Permittee shall submit the required application and fees to EHD for review and approval.

In the event that the Permittee fails to obtain the required authorization for an onsite septic effluent disposal system, the Permittee shall install an alternative system approved by EHD and the County Planning Division. Absent any other approved alternative, the scale house will be required to be licensed as a portable, highway ready vehicle by the Department of Motor Vehicles or replaced by a portable, highway-ready vehicle licensed by the DMV. With the elimination of the scalehouse (and any other habitable buildings) from the site, portable toilets can be used to meet the sewage disposal requirements of the CEMEX facility.

Monitoring: VCEHD staff shall review all submitted documentation and issue necessary permits upon the determination that the subject septic systems will meet established design standards. The Planning Division, in coordination with the Building and Safety Division, will review the status of any vehicle used as a scale house.

Note: The existing CEMEX mining facility includes buildings that are served by permitted septic systems for which WDRs have been issued. Thus, this condition is currently satisfied and no new permits are required unless new or modified buildings are proposed in the future.

53. Portable Toilets

If portable toilets are used at the project site, the Permittee shall provide an adequate quantity of such toilets, and associated hand washing facilities, for use by on-site personnel. All toilets shall be maintained in a sanitary condition at all times.

54. Brush Clearance

All work areas and parking areas shall be maintained free of flammable vegetation and debris at all times. Brush shall be cleared within 100 feet of any permanent structure. No open fires shall be allowed on the project site.

55. Windrow Planting

The permittee shall plant, establish and maintain a windrow of large native trees near the lower retention basin (i.e., at the mouth of the canyon between the project site and Happy Camp Canyon Regional Park) in order to screen the mining site from the view of users of the low lying areas of the Happy Camp Canyon Regional Park.

Note: The project includes a landscape plan which satisfies this condition.

56. Nighttime Lighting

The permittee shall provide lighting for normal operations, maintenance and site security and for conveyor belt operation, processing and other areas to be lit during periods of nighttime processing. The permittee shall submit, to the Planning Director, proposed nighttime lighting performance standards. Said performance standards shall indicate the areas to be lit and describe light designs, the range of wattages, how lighting will be shielded and directed to minimize off-site glare (i.e., particularly to the south and east), and other pertinent information. In preparing this information, the permittee shall consult with the Santa Monica Mountains Conservancy in order to incorporate the considerations needed to minimize impacts to nighttime star-gazers in Happy Camp Regional Park.

Prior to the issuance of the Inaugural Zoning Clearance, the permittee must have first obtained Planning Director approval of the nighttime lighting performance standards. Because changes in the location of nighttime lighting and specifications are anticipated during the life of the project, all changes shall be consistent with the approved performance standards, unless otherwise approved by the Planning Director.

Annually, the permittee shall consult with the Santa Monica Mountains Conservancy and the Ventura County Astronomical Society to obtain the annual schedules of nighttime star-gazing hikes in Happy Camp Canyon Regional Park. The permittee shall then make reasonable effort to avoid nighttime processing during those evenings.

Nighttime processing shall be limited to a maximum of 60 days per year, as authorized under Condition of Approval 4, unless otherwise authorized in advance by the Planning Director. If numerous complaints arise, the Planning Director may require the permittee to quarterly submit, for Planning Director review and approval, a schedule for nighttime processing related to authorized extended hours operations, or those activities that are programmable. Emergencies that relate to public health and safety do not require the submittal of a schedule. The permittee would then be required to limit nighttime processing to those days specified in the approved schedule, as it may be further amended, unless otherwise approved in advance by the Planning Director.

57. Access Roadways

Access roadways shall be maintained at a width of 20 feet, have a maximum gradient of 15 percent, be capable of supporting a 20-ton VCFPD vehicle, and located to allow fire suppression equipment to be placed within 150 feet of any onsite building. A turnaround area for fire suppression vehicles shall also be provided and maintained.

58. Fire Code Compliance

The Permittee shall obtain all Fire Code Permits required by applicable Ventura County Fire Protection District regulations

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

Purpose: In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Permittee shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Land Development Services Division for review and approval. If a grading permit is required, a civil engineer registered in the State of California must prepare and submit the grading plans, geotechnical and hydrology reports as necessary, to Land Development Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all deposits, fees, and materials detailed on Public Works Agency Grading Permit Submittal Checklist, must be submitted to Land Development Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be submitted for review and approval prior to issuance of a Zoning Clearance for development.

Monitoring and Reporting: Public Works Agency staff will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

60. Abandoned Oil Well

The abandoned oil and gas well located on the mining site shall be re-abandoned in accordance with Division of Oil and Gas and Geothermal Resources (DOGGR) standards if encountered by earth-moving equipment during surface mining excavation. The Permittee shall inform the County Planning Division and DOGGR

immediately if the well on the property is encountered during surface mining operations.

61. Explosives

The use or storage of explosives on the project site is prohibited.

62. Noise Standards and Noise Monitoring

To resolve noise complaints, the Planning Director may direct, at permittee expense, noise monitoring by the County or a County approved noise consultant. Such monitoring shall determine ambient noise levels in the immediate vicinity of project site and in close proximity to the residences and/or other sensitive receptors who have registered the noise complaint(s). Having established ambient noise levels, the County or the County's approved noise consultant will monitor project related noise to determine if the project exceeds the following, noise standards:

$L_{eq}1 H$ of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.

$L_{eq}1 H$ of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.

$L_{eq}1 H$ of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

If a noise exceedance is found to exist, the permittee shall take immediately steps to either cease the operations creating the noise exceedance, or implement noise control measures that effectively reduce noise levels to within prescribed noise standards.

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

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

63. Water Supply

- a. To ensure a reliable and adequate water supply, the permittee shall annex the remaining portion of the permit area into Ventura County Water Works District (VCWWD) No. 1. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall provide evidence of recordation of the Local Agency Formation Commission (LAFCO) annexation of the permit boundaries (CUP 4633) into VCWWD No. 1, and a statement from the District about providing reliable and adequate supplies, derived solely from imported water, for the life of the permit issued.

Note: The above condition is reproduced verbatim from CUP 4633 and has been previously satisfied by the Permittee.

- b. Groundwater pumping is prohibited on the project site during the conduct of surface mining activities, including site reclamation. Any future groundwater extractions require a modification of this permit and must be authorized by the Fox Canyon Groundwater Management Agency.

64. Water Conservation Measures

To reduce water use and to ensure effective water conservation practices are employed, the following water conservation measures shall be implemented:

- a. Water discharge from the proposed sand and gravel washing operations shall be recycled on a routine basis (as in the current operations). Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall provide a letter of commitment to use the recycling process.
- b. Pursuant to Ordinances 4 and 5 of the Fox Canyon GMA, no groundwater pumping may occur at the project site during mining or during reclamation.
- c. To the extent feasible, the permittee shall use recycled water for watering roads, stockpiles, and processing equipment dust control. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit a study on the feasibility of purchasing and applying reclaimed water from local sources, including, but not limited to the cities of Simi Valley and Moorpark, and the County of Ventura. *(Note: This condition was previously satisfied by the Permittee. Thus, no new study is required.)*
- d. All water recycling ponds shall be lined or sealed to prevent pollution of, or percolation into, area groundwater supplies. "Sealed" is defined herein to include "sealed by operation" wherein fines deposited during the operation of the water recycling ponds have been deposited to the point of having effectively rendered the ponds impermeable.

Note: This condition has been carried forward verbatim from the previous permit (CUP 4633). The actions required prior to the issuance of the Zoning Clearance for Use Inauguration were previously satisfied. The Permittee is required to continue to operate in compliance with this condition.

65. Sediment Detention Basins:

Design: The permittee shall demonstrate that the capacity and structural integrity of the existing sediment retention ponds are, at a minimum, able to adequately contain the sediments resulting from a 100-year event with a 75% scarified watershed. Documentation of the capacity and structural integrity of each sediment detention pond shall be prepared by a County approved registered civil engineer and submitted to the Public Works Agency for review and approval. Prior to the issuance of the Inaugural Zoning Clearance, the permittee must first receive Public Works Agency approval of the sediment detention basin design.

Maintenance: Whenever accumulated sediment reduces the capacity of any sediment basin by more than 10 percent, the Permittee shall clear the basin(s) of the sediment when conditions allow. Each year, sediments shall be cleared prior to November 1st to ensure adequate basin capacity exists at the start of the winter season.

The condition of all onsite sediment basins shall be described in the annual compliance report required by Condition No. 3 of this permit.

Note: Sediment control basins and other facilities are in place at the existing CEMEX mining facility as authorized under the previous permits. These facilities do not, however, account for the site modification that would result from the installation of the authorized industrial sand plant. Refer to Condition of Approval No. 83 regarding the control of runoff from this new facility.

66. Tree Permit

This condition of approval of CUP PL16-0134 constitutes a discretionary Tree Permit granted by the County of Ventura pursuant to Tree Protection Ordinance (Section 8107-25 of the Non-Coastal Zoning Ordinance).

Purpose: In order to offset the loss of protected trees, compensatory mitigation is required.

Requirements: The Permittee shall prepare a Tree Mitigation Plan. This Plan shall identify the method to be used to meet the requirements of the Tree Protection Ordinance. Either oak trees are to be planted to offset the loss of trees or compensatory mitigation fees are to be paid to the County of Ventura in

accordance with Section 8107-25 of the NCZO. The required mitigation shall be based on the tree survey of the Phase 3 mining excavation area included in the November 13, 2015 Arborist Report prepared by Anna-Maria Huber.

Documentation: The Permittee shall provide a Tree Mitigation Plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain approval of the Tree Mitigation Plan prior to the issuance of the Zoning Clearance for Use Inauguration (ZCUI) under CUP PL16-0134. Compensatory mitigation fees shall be paid, and any replacement oak trees shall be planted, within one year of ZCUI issuance or prior to the initiation of excavation in the Phase 3 area, whichever comes first.

Monitoring: Implementation of this condition will be assured through the annual inspections of the site required by the Surface Mining and Reclamation Act (SMARA) and review of the required Annual Compliance Report.

Conditions of Approval carried over from CUP 4633:

The following conditions of approval implement mitigation measures identified in the 1996 certified EIR and are reproduced verbatim from CUP 4633. They remain in effect except as noted herein.

67. **Slope Stability Analysis and Mitigation (Source: FEIR Section 4.2.5, Mitigation Measure GG-1)**

Condition: Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, the permittee shall submit a slope stability analysis, conducted by a County approved registered geotechnical engineer and/or engineering geologist, that is acceptable to the Public Works Agency. The analyses shall include consideration of the stability of temporary cuts during mining operations, as well as stability of permanent reclaimed cut slopes after mining operations. The investigations shall include recommendations for mitigation of slope failure hazards such as slope configuration, safe excavation procedures, and use of standard engineering practices including buttressing, cut and fill excavation, and control of drainage on any newly exposed landslides. The Annual Status Report submitted to the County shall contain a summary of all activities conducted during the previous year pursuant to the recommendations in the slope stability report.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2. Annual County inspections shall provide on-

site observations of slope conditions. Annual Status Reports submitted by the permittee shall provide written documentation of slope hazard mitigation.

Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the Public Works Agency, shall be the monitoring agency. Cuts and slopes are free of failure hazards or shall be corrected if any hazards develop. No slope failures during the life of the permit.

Note: This condition of approval was previously satisfied by the Permittee. Issues of slope stability are addressed in the Reclamation Plan approved concurrently with this modified permit (CUP PL16-0134). Any issues regarding slope stability identified during mining operations (and any necessary remedial actions) will be described in the Annual Compliance Report required by Condition No. 3 of this modified permit (CUP PL21-0122).

68. Reclamation Plan (Source: FEIR Section 4.2,5, Mitigation Measure GG-2)

Condition: The permittee shall prepare, and submit to the County Planning Division, a revised revegetation plan (a component of the full Reclamation Plan) that: 1) incorporates the results of the 1993 and 1994 revegetation test plots; and 2) meets all applicable SMARA requirements, including but not limited to revegetation, topsoil management, protection of wildlife values, and any newly adopted standards for reclamation. Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, the above said plan must be approved by the Planning Director.

Reclamation shall occur during the fall of each year in areas where mining is completed. Reclamation need not occur if there are no slopes that are mined to finished elevations and grades during a particular year. Mining shall be restricted to one phase at a time until marketable materials have been exhausted. Only one phase shall be mined at any time. Mining shall not move to a subsequent phase until reclamation has been initiated, on the final slopes of the previous phase. The total amount of disturbed land (including active mining areas, processing areas, roads, and stockpiles) in the CUP area shall not exceed 270 acres (refer to Condition 35 - Maximum Allowable Disturbed Acres). Disturbed lands that exceed these acreage limits must either 1) be temporarily reclaimed with annual grass cover until these areas are mined again; or 2) reclaimed to final grade and vegetative conditions.

Once a year, an Annual Status Report shall be submitted to the County for, review and approval. This report contain sufficient information to allow an annual County site inspection pursuant to SMARA, including but not limited to, an accurate map showing the disturbed acreage from the current year, boundaries of actively mined areas, processing facilities, stockpiles, and boundaries of reclaimed areas.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase-2. Annual County inspections shall provide on-site observations of reclamation performance and compliance. The DMG-required Annual Status Reports submitted by the permittee shall provide written documentation of compliance.

Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- Reclamation Plan). Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify reclamation performance is in compliance with the approved Reclamation Plans.

Note: The Approved Reclamation Plan approved concurrently with modified CUP PL 16-0134 addresses all mine phasing and reclamation requirements (including revegetation) set forth in SMARA, the SMGB Reclamation Regulations, and the Ventura County Non-Coastal Zoning Ordinance.

The conditions of approval cited above from CUP 4633 have been revised in this modified permit (CUP PL21-0112) as follows:

- *Condition 80: This condition has been deleted as it is duplicative of the requirements of State law.*
- *Condition 81: This condition has been replaced by Condition No. 3.*
- *Condition 82: This condition has been renumbered Condition No. 35, modified in format, and revised to reflect a total disturbed area of 270 acres. This is consistent with the whole of the project (including the Phase 3 excavation area) evaluated in the certified 1996 EIR. An Annual Compliance Report submitted by the Permittee is required by Condition No. 3 of this modified permit (CUP PL21-0112).*

69. Revegetation Plan (Source: FEIR Section 4.5.5, Mitigation Measure B-1)

Condition: Prior to the issuance of the Zoning Clearance for each phase of mining, a revised revegetation plan (a component of the full Reclamation Plan) shall be submitted to the County Planning Division that incorporates the results of the 1993 - 1995 and subsequent revegetation test plots. The County shall review and approve the first revised revegetation plan prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, to ensure that it meets all applicable SMARA requirements, including but not limited to revegetation, topsoil management, protection of wildlife values, and any newly adopted standards for reclamation.

The permittee's revised revegetation plan shall include the following additional elements:

- Only a native shrub seed mixture shall be used. Seeds shall be collected on-site or from the Santa Susana Mountains if sufficient local seed is not available from native plant and seed retailers.
- A statement on why soil amendments are or are not required, based on the results of the 1993 and 1994 test plots.
- Procedures to avoid the inadvertent introduction of those species described as "non-native plants/escaped exotics" (refer to Appendix 6 of the Ventura County Landscape Design Criteria) during planting.
- A contingency plan to provide supplemental irrigation to newly-planted areas if the use of natural rainfall is determined to be insufficient, or there is one or more dry years that may threaten the survival of revegetated areas.
- Specific performance standards based on the information developed through the analysis of test plot results.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase 2. Annual County inspections will provide on-site Observations of revegetation performance. Annual Status Reports submitted by the permittee will provide written documentation of revegetation success.

Monitoring Work Program/Monitoring Agencies: The Planning Divisions will be the monitoring agency.

Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- **Reclamation Plan**). Annual site visits (refer to Condition 80 - **SMARA Annual Review for Compliance with SMARA and Permit Conditions**) and **Annual Status Report** (refer to Condition 81) verify reclamation performance is in compliance with the approved Reclamation Plans.

Note: The Reclamation Plan approved concurrently with modified CUP PL16-0134 remains in effect and addresses all reclamation requirements (including revegetation) set forth in SMARA, the SMGB Reclamation Regulations, and the Ventura County Non-Coastal Zoning Ordinance.

70. Oak Tree Avoidance Measures (Source: FEIR Section 4.5.5, Mitigation Measure B- 2)

Condition: The permittee shall avoid activities encroaching upon the oak trees, in the large grove on the east side of the project site. Prior to initiating any of the land disturbing activities within the Phase 3 area that are permitted under Condition 1.e. (Permitted Uses), the Permittee shall submit a plan to the County for review and approval, showing the boundary of the oak grove, describing how it will be marked in the field, and describing how avoidance during mining will be accomplished. Avoidance of this area will greatly reduce potential impacts to wildlife, including roosting raptors, as well as reducing the number of oak trees to be removed.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to initiating any of the land disturbing activities within the Phase 3 area that are permitted under Condition 1.e. (Permitted Uses), Annual County inspections will provide on-site observations of avoidance efforts. Annual Status Reports submitted by the permittee will provide written documentation of avoidance program.

Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the Public Works Agency, will be the monitoring agency.

Standard of Success: Approvals of the revised limits of mining for Phase 3. Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify avoidance of the oak trees in the large grove on the east side of the project site.

Note: The Reclamation Plan approved concurrently with modified CUP PL16-0134 remains in effect and satisfies this condition as it has been designed to avoid the oak woodland near the eastern edge of the Phase 3 mining excavation area. The loss of oak trees in other parts of the Phase 3 mining excavation area is addressed through the replacement or mitigation fee requirements of the Tree Protection Ordinance.

The conditions of approval cited above from CUP 4633 have been revised in this modified permit (CUP PL21-0112) as follows:

- *Condition 80: This condition has been deleted as it is duplicative of the requirements of State law.*
- *Condition 81: This condition has been replaced by Condition of Approval No. 3.*

71. Visual Elements of Reclamation Plan (Source: FEIR Section 4.6.5, Mitigation Measure V-1)

Condition:, The Reclamation Plan shall be revised, prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, to include and/or emphasize the following elements in order to minimize the residual visual impacts of the reclaimed mine:

- a. Use gradual and smoothed slopes to create gentle landscape features. Reclaimed slopes shall be graded to create a smooth transition with the adjacent, undisturbed slopes.
- b. Revegetate with native plants that will provide the maximum biomass and areal coverage in order to minimize visual scars from bare soils.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase 2. Annual County inspections will provide on-site observations of revegetation performance. Annual Status Reports submitted by the permittee will provide written documentation of revegetation success.

Monitoring Work Program/Monitoring Agencies: The Planning Division will be the monitoring agency.

Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- Reclamation Plan). Annual site visits (refer to Condition 80 - SMARA, Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify revegetation performance is in compliance with the approved Reclamation Plans.

Note: The Reclamation Plan approved concurrently with modified CUP PL16-0134 remains in effect and addresses all reclamation requirements (including revegetation and slope design) set forth in SMARA, the SMGB Reclamation Regulations, and the Ventura County Non-Coastal Zoning Ordinance.

72. Air Emissions Mitigation Plan (Source: FEIR Section 4.7.5, Mitigation Measure A-1, as amended by the Board of Supervisors on December 10, 1996)

Condition: Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit an Air Emissions Mitigation Plan to the APCD for review and approval which shall contain the following elements:

Ozone (O₃) Precursor Mitigation Measures

- a. At all times, O₃ precursor emissions shall be controlled by ensuring equipment and truck engines are maintained in good condition and in proper tune as per manufacturer's specifications.

PM10 Mitigation Measures

- b. Wind speed monitoring by a stationary anemometer at a location approved by the APCD. Excavation and other dust producing activities shall cease when wind speeds exceed 30 mph average over one hour or during high wind events. High wind events are defined as wind of such velocity as to cause fugitive dust from within the permit area to blow off-site. At any point in time, if it is observed that fugitive dust is blowing off-site, additional watering activities shall be initiated. If watering is insufficient to prevent fugitive dust (i.e., during periods of extreme heat or winds), dust generating activities shall be immediately curtailed until the conditions abate. Mining activities and operations exempt from this condition are those associated with amelioration of either an on-site or off-site emergency.
- c. Fugitive dust throughout the site shall be controlled by the use of a watering truck, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all on-site roads, stockpiles areas, actively excavated areas, and all areas that are temporarily inactive. To prevent fugitive dust, fugitive dust should, under most conditions, not be visible. Environmentally safe dust control agents may be used in lieu of watering.
- d. All active storage piles shall be watered, as needed, or treated with environmentally safe dust control agents. The placement of wind fences, enclosures, or silos to control PM10 may also be appropriate at some locations.
- e. Inactive areas (i.e. 6 months or longer) shall be seeded with native grasses or other native groundcover, approved by the Planning Director, to encourage a temporary vegetative cover to reduce wind erosion. All temporary seeding shall make use of the following seed mix and shall be applied at a rate of 20 pounds per acre (i.e., unless another seed mix/rate of application is proved more effective via on-site test plot/analysis and approved by the Planning Director).

Temporary Seed Mix

Species	Common name	Proportion
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Eriogonum fasciculatum	California Buckwheat	50%
Lotus scoparius	Deer Weed	20%
Hemizonia kellogi	Tarweed	25%
Lupinus longifloris	Bush Lupine	5%

Environmentally safe chemical stabilizers may be used on exposed areas which are not in use and not to the point of being revegetated. Note: Using chemical stabilizers on such areas has shown PM10 reduction efficiencies in excess of 90 percent. Additionally, by applying a compatible chemical stabilizer, post-revegetation can provide a continuous dust control efficiency of greater than 90 percent for revegetated areas.

- f. The facility and all associated equipment shall be operated in accordance with all applicable APCD regulations.
- g. The permittee shall ensure that all trucks leaving the site comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of aggregate and aggregate-related materials spilling onto public streets.

In addition, all trucks operated by the mine, and all trucks that visit the mine, must be free of loose soil, particularly around the fenders, wheels and axles. If necessary, the wheels and tires of trucks leaving the site shall be sprayed and washed free of loose dirt with water before the trucks leave the facility.

- h. Haul trucks shall be limited to an on-site speed of 15 miles per hour. Signs indicating such shall be posted on-site and haul truck drivers shall be instructed not to exceed an on-site speed of 15 miles per hour.
- i. Unpaved roads on the site shall be watered or treated with an environmentally safe chemical dust suppressant/palliative approved by APCD.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: An Air Emissions Mitigation Plan shall be submitted to the County for review and approval prior to the issuance of the Inaugural Zoning Clearance. Annual County inspections pursuant to SMARA requirements will provide an opportunity to observe many of the mitigation measures, particularly those related to dust control on roads and for stockpiles.

Monitoring Work Program/Monitoring Agencies: The APCD will review and approve the Air Emissions Mitigation Plan and any required reports. The APCD will be the

monitoring agency. In lieu of said monitoring by the APCD, a third party monitoring consultant, approved by the Planning Director, may be hired at permittee expense.

Standards of Success: APCD approval of the Air Emissions Mitigation Plan and verification of permittee compliance through monitoring by the APCD or a third party monitoring consultant.

Note: The above condition is superseded and replaced by Conditions of Approval Nos. 24, 25, and 26 of this permit.

73. Vehicle Emissions Mitigation Program (Source: FEIR Section 4.7.5, Mitigation Measure A-2, as amended by the Board of Supervisors on December 10, 1996 and administratively amended August 5, 1997)

Condition: The Air Pollution Control District (APCD) is considering preparing a Countywide Vehicle Emissions Mitigation Program (VEMP). If adopted by the Ventura County Air Pollution Control Board (APCB), the VEMP is intended to mitigate/reduce project-related reactive organic compounds (ROC) and nitrogen oxide (NO_x) emissions (ozone precursors) that are net of the County's CEQA Guidelines thresholds (i.e. 25 pounds per day for ROC and for NO_x), to the maximum extent feasible, utilizing compressed natural gas/low emission vehicles or other equivalent techniques.

If the VEMP is approved by the APCB within five years of the issuance of the Inaugural Zoning Clearance for this project, the permittee shall be subject to the provisions of the VEMP. This project shall not be subject to a mobile emissions mitigation program until such time as a VEMP or equivalent program is adopted for the unincorporated area of Ventura County by the APCB. At the time of project approval, the VEMP is assumed to require the permittee to reduce mobile ROC and NO_x through a combination of one or more of the following:

- a. Use of low emission engines for product and on-site equipment.
- b. Conversion of conventional engines or purchase of low emission vehicles/engines for use by non-project related vehicles.
- c. Contributions to a Countywide or other mobile emissions reduction fund if such a fund is established by the APCB.
- d. Other equivalent measures and/or programs approved by the APCB.

The permittee is encouraged to consult with and, to the extent feasible, work with any other organization, agencies, and/or parties, deemed appropriate by the permittee and the APCD to design and implement the VEMP.

If the APCD adopts a Countywide VEMP as proposed, the Permittee's total cost (Total Program Cost) for the VEMP shall not exceed \$885,950. This cost is based on the California Air Resources Board's estimate of the cost to scrap 1975-1981 automobiles (i.e., \$13,000

per ton). The intent is to achieve an equivalent reduction in project-related mobile emissions, net of County CEQA Guideline thresholds, assuming 312 days operation per year (i.e., 46.7 pounds/day or 7.28 tons/year of ROC, and 390.1 pounds/day or 60.86 tons/year of NOx.). It is understood that the APCD, in adopting a Countywide VEMP, may reduce the permittee's Total Program Cost in accordance with the adopted program. In addition, Total Program Cost may be a lesser amount if the permittee can demonstrate, to the satisfaction of the APCD, that:

- the VEMP has fully mitigated 46.7 pounds/day of ROC and 390.1 pounds/day for NOx; or
- total project-related ROC and NOx emissions subject to mitigation by the VEMP is less than 46.7 pounds/day of ROC and 390.1 pounds/day for NOx. Said demonstration must be based on actual project operations and shall be submitted to the APCD within one year of the approval of the VEMP by the Air Pollution Control Board.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Quarterly status/progress reports to the APCD describing tasks completed and progress made; permittee expenditures toward VEMP implementation; outstanding problems, concerns, or delays; and tasks to be completed during the next reporting period.

Monitoring Work Program/Monitoring Agencies: The APCD will review and approve the VEMP. The APCD will be the monitoring agency. In lieu of APCD monitoring, the permittee may hire, at permittee expense, a third party monitoring consultant approved by the APCD.

Standards of Success: Permittee's successful participation in the APCD approved VEMP and subsequent compliance through monitoring by the APCD or a third party monitoring consultant approved by the APCD.

Note: This condition did not go into effect as a VEMP was not adopted. Emissions reductions for engines and vehicles were achieved through statewide mandates adopted by the California Air Resources Board. No further action by the Permittee is required.

74. Alternative Access Routes (Source: FEIR Section 4.8.5, Mitigation Measure N-2)

Condition: Due to the increased truck traffic and cumulative noise along the streets of the City of Moorpark, particularly Walnut Canyon Road, and the need for various improvements to mitigate future traffic on these streets, as described in the City of Moorpark's Circulation Element, the permittee shall participate in any assessment district or other financing technique, including the payment of traffic mitigation fees, which the County of Ventura may adopt to fund or partially

fund the proposed State Route 23 by-pass extension and/or easterly extension of Broadway. If such a district or other mechanism is created, the permittee shall be required to pay only its pro-rata share of any assessment or other charges.

Implementation Responsibility: Permittee or successor.in interest.

Monitoring Frequency: As needed, when a program is developed by the County.
Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the Public Works Agency, shall be the monitoring agency.

Standards of Success: Acquisition of funds from the permittee.

Note: This condition is not in conformance with the requirements of the Mitigation Fee Act (Government Code Section 66000 et seq.). To date, no fee program has been adopted by the County of Ventura, the City of Moorpark or any other agency for the purpose of funding the proposed SR 23 bypass road.

75. Noise Monitoring Program for Walnut Canyon. Road/Moorpark Avenue (Source: FEIR Section 4.8.5, Mitigation Measure N-3)

Condition: Due to the increased truck traffic and cumulative noise along the streets of the City of Moorpark, particularly Walnut Canyon Road, the permittee shall contribute on a pro-rata basis to a City of Moorpark sponsored traffic noise monitoring program on Walnut Canyon Road/Moorpark Avenue if a reciprocal agreement is implemented between the County of Ventura and the City of Moorpark during the life of the permit. This reciprocal agreement shall be between the County of Ventura and the City of Moorpark to develop, fund, and implement a traffic noise monitoring and enforcement program designed to reduce traffic noise impacts on Walnut Canyon Road/Moorpark Avenue. If such an agreement is developed, the permittee shall be required to pay only its pro-rata share of any assessment or other charges.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: As needed, when a program is developed by the County.

Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the City of Moorpark, shall be the monitoring agency.

Standards of Success: Acquisition of funds from the permittee and the development, funding, and implementation of a traffic noise monitoring and enforcement program designed to reduce traffic noise impacts on Walnut Canyon Road/Moorpark Avenue.

Note: To date, no fee program or related reciprocal agreement has been adopted or approved by the County of Ventura to conduct a traffic noise monitoring and enforcement program on Walnut Canyon Road/Moorpark Avenue. The County cannot

impose this type of fee payment requirement without adopting a fee program and/or stating and explaining the basis for an actual fee amount.

76. Roadbed Maintenance and Repairs Fund (Source: FEIR Section 4.9.5, Mitigation Measure T-1, and administrative changes dated July 31, 1997)

Condition: The permittee shall be responsible for the cost of extraordinary road maintenance and repairs of Happy Camp Road (i.e., that 0.5 mile portion from its intersection With Broadway and Walnut Canyon Road, north to Roseland Avenue) and Grimes Canyon Road (i.e., that 3.66 mile portion between Los Angeles Avenue [SR. 118] and Broadway) within the County's jurisdiction. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall deposit, with the Public Works Agency, \$4,094 into a revolving fund to be used, as needed, for road maintenance and repairs on Happy Camp Road and Grimes Canyon Road. The Maintenance Division of the Public Works Agency shall periodically inspect the condition of the roads and advise the permittee of the needed road maintenance and repairs. The permittee has the option of performing the necessary road maintenance and repairs within 30 days or allowing the County to utilize the revolving fund to affect said maintenance and repairs.

If the permittee elects to perform road maintenance and repairs, said maintenance and repairs shall be in accordance with Public Works Agency standards. If, in the determination of the Public Works Agency, road maintenance and repairs are not to Public Works Agency standards, the County may utilize the revolving fund to affect said maintenance and repair. When this occurs, the permittee shall supplement the revolving fund, in \$4,000 increments, within 30 days of written request by the Public Works Agency.

If the permittee elects to have road maintenance and repairs performed by the Maintenance Division of the Public Works Agency, the revolving fund shall be used at the discretion of the Public Works Agency to make the necessary road maintenance and repairs. The permittee shall supplement the revolving fund, in \$4,000 increments, within 30 days of written request by the Public Works Agency.

The roadbed maintenance and repair fee is based upon the assumption that project related traffic will contribute 9.3% to the traffic along the subject portion of Grimes Canyon Road and 23.2% to the traffic along the subject portion of Happy Camp Road. The roadbed maintenance fee shall be reviewed annually and will be increased or decreased based on the permittee's percentage use, actual maintenance and repair expenditures, and/or inspection of road conditions.

To determine the number of heavy truck trips associated with project operations, the permittee shall maintain daily trip records. Monthly, the total actual number of heavy truck trips shall be summed; then divided by the number of authorized work days that month to compute an average daily truck trips for the month. Each monthly total would be

summed and average daily truck trips calculated for the previous twelve (12) months. In this manner, a "rolling average" will be developed that is reflective of seasonal market variations. These truck trip records shall be made available to the Planning Director and to the Public Works Agency for use in determining the permittee's percentage use as it relates to the calculation of this roadbed maintenance fee.

Implementation Responsibility: The permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit \$4,094 to the Public Works Agency to establish a road maintenance and repairs revolving fund. Other monitoring to occur on an as-needed basis.

Monitoring Work Program/Monitoring Agencies: The Public Works Agency.

Standard of Success: Acquisition of the funds from the permittee, on an as-needed basis, and the performance of road maintenance and repairs, as required.

Note: Road maintenance and repairs are funded through the State fuel tax.

77. SUPPLY OF MATERIAL INVOLVING INDIRECT TRUCK ROUTING

Permittee shall not knowingly supply material to the Broad Beach Geologic Hazard Abatement District or any person or entity acting on its behalf ("Broad Beach") if any material hauling trucks, whether or not loaded, utilize SR-23 north of Broadway Road to supply material for the Broad Beach project, unless and until the County authorizes the use of SR-23 north of Broadway Road by granting a discretionary permit modification. A discretionary permit modification granted by the County that authorizes the Permittee to serve the Broad Beach project by utilizing SR-23 north of Broadway Road shall include conditions of approval to monitor and regulate truck traffic associated with this specific project.

Notwithstanding any term or condition included in any previous permit or in this permit (CUP PL21-0112), this Condition of Approval No. 77 shall become effective and applicable to the subject mining operation on the date the decision granting this permit becomes effective.

78. Fair Share Contribution to future SR-23 bypass project identified by the City of Moorpark. (Applicant proposed)

If a governmental agency(s) completes a final bypass road design, secures a licensed engineer's cost estimate for the construction of the bypass road, secures all real property rights and project approvals necessary to construct the proposed SR-23 bypass, and adopts a fair share contribution funding mechanism that,

together with other documented and secured sources of financing, is sufficient to fully fund construction of the bypass, then the Permittee, together with future projects contributing to SR-23 traffic impacts, shall pay a fee proportional to the CEMEX project's fair share of SR-23 traffic impacts. The Permittee's fair share contribution shall be determined based upon the limit of 980 daily one-way hauling truck trips arriving to or departing from the facility. It is recognized that some or all of the proposed SR-23 improvements may not be feasible due to expense, issues with right-of-way acquisition, technical issues, or lack of required approval from all relevant agencies.

79. Northbound Trucking Limitations (Applicant proposed)

Purpose: To limit project-related truck traffic in the City of Fillmore.

Requirement: The number of material haul trucks travelling northbound on State Highway 23 through the City of Fillmore shall be limited to 10 percent of the truck traffic volume authorized by this conditional use permit. The table below describes the limits on northbound truck traffic emanating from the subject mining facility.

Authorized one-way truck trips on SR-23 north of the mining facility

Truck type	Trip category	Days of the week					
		Monday-Friday		Saturday		Sunday	
		Total	10%	Total	10%	Total	10%
Material haul trucks (e.g. aggregate, Ready Mix, recycle)	Average Daily Trips (ADT)	980	98	200	20	0	0
	Maximum trips in any one day	1180	118*	200	20*	0	0

**CEMEX (or a successor operator) is authorized to exceed the maximum number truck trips on State Highway 23 north of the mining facility for a maximum of 24 days per calendar year. Unused trips shall not accrue for use in future years. In no case, shall project-related truck traffic on SR-23 north of the mining facility exceed 200 one-way trips on any one day.*

Documentation: The Permittee shall maintain a written or electronic record of the destination of each material hauling truck departing from the subject mining facility. Such record shall be provided to the County Planning Division or other public agencies upon request. This record keeping requirement does not apply to non-routine

customers (i.e. “cash sales”) that collectively comprise less than 10 percent of the total authorized truck trips. An estimate of the direction split of truck traffic from non-routine customers shall be included in any traffic report requested by the Planning Division.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall initiate the required record-keeping and provide example documentation.

Monitoring: As part of the required annual inspection of the mining site, County staff shall review truck traffic data as determined necessary based on the current level of operational intensity and in response to any complaints received. A summary of the truck traffic volume shall be included in the Annual Compliance Report (refer to Condition of Approval No. 3) that is due in the first year after the Zoning Clearance for Use Inauguration is issued. Such a summary shall be included thereafter in the Annual Compliance Report upon request of the Planning Director.

80. Roseland Avenue Maintenance (Applicant proposed)

Purpose: The Permittee voluntarily accepts responsibility for private road maintenance.

Requirement: CEMEX (or successor Permittee) shall provide a letter to the owners of the property upon which the private road known as Roseland Avenue is located. The letter shall indicate that CEMEX is committed to perform the reasonable repair and maintenance of the driving surface of Roseland Avenue in at least its current condition as will be defined in the commitment letter.

Documentation: The Permittee shall provide a copy of the commitment letter to the Planning Division along with evidence that the letter was provided to each affected property owner.

Timing: The CEMEX letter shall be provided to the Planning Division prior to the issuance of the Zoning Clearance for Use Inauguration.

81. Fair Share Contribution to SR-23/SR-126 Intersection Improvements (City of Fillmore) (Applicant proposed)

If a governmental agency(s) completes a final intersection design, secures a licensed engineer’s cost estimate for the construction of the proposed intersection improvements, secures all real property rights and project approvals necessary to construct the proposed SR-23/SR-126 intersection improvements, and adopts a fair share contribution funding mechanism that, together with other documented and secured sources of financing, is sufficient to fully fund construction of the proposed improvements, then the Permittee, together with

future projects contributing to traffic impacts at the intersection, shall pay a fee proportional to the Permittee's project's fair share of SR-23/SR-126 intersection impacts. The Permittee's fair share contribution shall be calculated based upon the limit of 98 one-way truck trips per day, Monday through Saturday, arriving to or departing from the facility. It is recognized that some or all of the proposed SR-23/SR-126 improvements may not be feasible due to expense, issues with right-of-way acquisition, technical issues, or lack of required approval from all relevant agencies. This condition shall automatically terminate in the event the County, after the effective date of the decision adding this condition, grants or modifies a conditional use permit of any other mining operation within Grimes Canyon, and following the effective date of that County decision, the other mining operation's conditional use permit does not include an equivalent "fair share" contribution condition for the above-described improvement project.

82. Queuing on area roadways

The Permittee shall provide a notice to all drivers of material haul trucks that queuing on Roseland Avenue, Happy Camp Road, streets in the City of Fillmore, streets in the City of Moorpark, or on the State Highways (SR-23, SR-118, SR-126) is discouraged. This notice shall describe any actions to be implemented by the mine operator to minimize queuing on area roadways such as warnings, temporary bans from entering the CEMEX facility, or permanent bans from entering the CEMEX facility. A copy of the notice shall be provided to the County prior to the issuance of the Zoning Clearance for Use Inauguration to effectuate this permit.

CONDITIONS ADDED UPON GRANTING OF CUP PL21-0112

83. Drainage Plan for Industrial Sand Plant

Purpose: To ensure runoff is discharged in accordance with Ventura County Building Code, Ventura County Public Works Agency, Watershed Protection District, national and state standards.

Requirement: The Permittee shall submit drainage plans and hydrologic and hydraulic calculations, which are prepared by a civil engineer registered in the State of California, to the Public Works Agency's Land Development Services Division for review and approval.

Documentation: Drainage plans and hydrologic and hydraulic calculations shall address the following: quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, debris basins, detention facilities, and drainage courses and mitigation measures devised to manage the drainage. The hydrologic and hydraulic

calculations shall be in compliance with the Ventura County Watershed Protection District's hydrology and design manuals. Detention facilities shall be provided such that proposed developed condition stormwater peak discharge rates do not exceed existing/pre-development conditions. The hydrologic and hydraulic calculations shall demonstrate that structure pads will be protected from flooding based on a 1% annual chance storm.

Timing: All documentation, as specified above, must be submitted for review and approval by Public Works Agency prior to issuance of a Zoning Clearance for development.

Monitoring and Reporting: Public Works Agency staff will review drainage plans and hydrologic and hydraulic calculations for compliance with state and federal laws, as well as Ventura County codes, ordinances and standards. Public Works Agency inspectors will monitor the construction to verify that the work is done in compliance with the approved plans and reports.

84. Flood Acreage Fee

Purpose: To address the cumulative adverse impacts of runoff from development on Watershed Protection District Facilities as required by Ordinance No. FC-24.

Requirement: The Permittee shall deposit with the PWA – Engineering Services Department a Flood Acreage Fee (FAF) in accordance with Ordinance No FC-24 and subsequent resolutions. The fee will be calculated based on the Permittee's information. The Permittee may choose to submit additional information to supplement the information currently provided to establish the amount of the fee.

Documentation: The Permittee shall provide a site plan including a calculation of the new impervious surface being created by the project along with impervious surface for existing construction.

Timing: Permittee shall pay the Flood Acreage Fee (FAF) to the Ventura County Public Works Agency prior to obtaining the zoning clearance for construction.

Monitoring and Reporting: Public Works Agency staff will prepare a quote of the fee amount and provide a receipt when the fee is paid.

85. Containment area for liquid waste and petroleum products

Purpose: In accordance with Ventura County General Plan Policies WR-2.2, WR-2.3, and WR-4.5 a containment area for liquid waste and petroleum products is required.

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

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

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

Monitoring and Reporting: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Containment Area for Liquid Waste and Petroleum Products upon request. (GWQ-3)

86. Containment area for hazardous materials

Purpose: In accordance with the Ventura County General Plan Policies WR-2.2, WR-2.3, and WR-4.5, a containment area for hazardous materials is required.

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

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

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

Monitoring and Reporting: A copy of the approved containment area for hazardous materials site plan will be maintained in the case file. The Permittee shall allow WPD to inspect the Containment Area for Hazardous Materials upon request. (GWQ-7)

87. Stormwater Permit Compliance

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Permittee shall submit to the Watershed Protection District, Surface Water Quality Section (SWQS) for review and approval a completed and signed SW-2 form (Best Management Practices for Construction One Acre and Larger), which is found at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>.

Timing: The above listed item shall be submitted to the SWQS for review and approval prior to issuance of zoning clearance for construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Grading Permit inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-3)

88. NPDES Construction stormwater requirements

Purpose: To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

Requirement: Proper filing of all compliance documents required under the General Construction Permit No. CAS000002.

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

- i. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);

- ii. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- iii. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: The above listed items (i and ii) shall be submitted to the Grading Permit staff for review prior to issuance of zoning clearance for construction. In addition, if applicable, the COI form and a copy of modified SWPPP (item iii) shall be submitted anytime during project duration.

Monitoring and Reporting: Grading Permit staff will review the submitted materials for consistency with the General Construction Permit. Up-to-date and site-specific SWPPP shall be kept on-site for periodic review by Grading Permit inspectors. (SWQ-4)

89. NPDES Permit Compliance

Purpose: To maintain coverage and compliance with the individual NPDES Permit No. CA0059315 as required by the State Water Resources Control Board.

Requirement: Proper coverage and compliance with NPDES Permit.

Documentation: The Permittee shall prepare and submit the following items to the Watershed Protection District – County Stormwater Program Section (CSP) for review:

- i. Verification of current enrollment under the individual NPDES Permit No. CA0059315 including current Waste Discharge Identification (WDID) number and verification of payment for current NPDES Permit coverage year; and
- ii. Copy of the most recent NPDES Permit's Annual Report, if applicable.

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

Monitoring and Reporting: CSP staff will review the submitted materials for consistency with the NPDES Permit. The applicant shall retain a current copy of the documentation for compliance verification by CSWP staff upon request. (CSP-1)

90. Water well destruction

Purpose: To comply with Ventura County Ordinance 4468 and Ventura County General Plan Policies WR-2.2, WR-2.3, WR-4.2, and WR-4.5 to verify that the project shall not significantly impact the quantity or quality of water resources.

Requirement: Pursuant to Ventura County Ordinance 4468, Section 4819, the Permittee shall obtain a well destruction permit from the Ventura County Public Works Agency and destroy State Well Number 03N19W16P01S, if the well is encountered during the proposed grading activities.

Timing: The Permittee shall obtain a well destruction permit and destroy the well if it is encountered during grading activities.

Monitoring and Reporting: The Ventura County Public Works Agency shall observe destruction and sealing of the well and prepare a well seal inspection report, which shall be provided to the Case Planner and maintained on file by the Ventura County Public Works Agency.

91. Fill soil quality

Purpose: Fill soil will be imported from various offsite locations. To reduce the potential for the introduction and leaching of contaminants from new soils to underlying aquifers.

Requirement: Imported fill soil will be screened and assessed for quality prior to placement. The Department of Toxic Substance Control's (DTSC) October 2001 Clean Imported Fill Material Information Advisory guidelines are commonly used for assessment of imported fill to verify the presence or absence of contaminants and impacts.

Timing: The Permittee shall screen and assess imported fill soil prior to placement of the soil.

Monitoring and Reporting: Laboratory analytical reports and corresponding soil volume tabulations and/or tracking manifests shall be provided to the Case Planner and Ventura County Public Works Agency and maintained on file by the Ventura County Public Works Agency.

92. RWQCB requirements

Purpose: To assure compliance with the Los Angeles Regional Water Quality Control Board (LA RWQCB) and the Ventura County Local Agency Management Program for Onsite Wastewater Treatment Systems (OWTS) regarding wastewater discharges.

Requirement: The LA RWQCB is responsible for OWTS discharges from package treatment plants, systems with a projected flow of 5,000-gallons per day or more, and systems serving housing regulated by the California Department of Housing and Community Development. Applicants must complete and submit Form 200 to the LA RWQCB for new discharges or if there is a change in design or operation and change in quantity/type of discharge. Please contact the LA RWQCB directly at 213/576-6600 for more information regarding waste discharge requirements (WDR).

Documentation: Submit WDR Form 200 to the LA RWQCB.

Timing: Prior to use inauguration of the proposed facilities served by the subject OWTS.

Monitoring: EHD staff shall verify Form 200 has been received by LA RWQCB.

93. Documentation of Septic System Feasibility

Purpose: To demonstrate the feasibility for the installation of an onsite wastewater treatment system (OWTS), also known as a septic system or individual sewage disposal system. To demonstrate compliance with state and local regulations related to the design and installation of an OWTS. Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system.

Requirement: Permittee shall submit a soils/geotechnical report and OWTS system design satisfactory to the Ventura County Environmental Health Division, Liquid Waste Program (EHD) staff. Permittee shall also obtain the approval of EHD staff to install an OWTS on the property. During the ministerial permitting process, the proposed OWTS will be required to meet all current building code, system design, and system installation/construction standards at the time of submittal.

Documentation: Submit soils/geotechnical report, OWTS design, and OWTS application to the EHD for review and approval. Submit all applicable documentation, including permit application, site plan, system design, bedroom and fixture unit equivalent worksheet, etc., to EHD for review and approval.

Timing: Prior to the issuance of a building permit pertaining to the project, OWTS design approval and permit to construct the OWTS shall be obtained from EHD.

Monitoring: To assure compliance with this condition, EHD staff shall review and verify all relevant documentation, including but not limited to: geotechnical report, system design calculations, building codes, and historic geological data for the area. Once the OWTS design has been evaluated to the satisfaction of EHD staff, the OWTS plans will be approved and EHD staff shall issue a permit to construct, conduct site inspections, and give final approval of the OWTS.

Ongoing Maintenance: Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and from creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by EHD, and all pumping activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

94. Compliance with VCAPCD Rule 51, Nuisance

Purpose: To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site operations are minimized to the greatest extent feasible.

Requirement: Permittee shall operate in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, stated below:

I. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Documentation: No documentation is required for the purposes of this condition.

Timing: Throughout the life of the permit.

Reporting and Monitoring: Monitoring and enforcement of nuisance provision is enforceable by APCD on a complaint-driven basis.

95. Post-construction stormwater management

Purpose: To ensure runoff from new impervious surfaces does not contribute pollutants or degrade water quality of downstream surface waters resulting in

further exceedances of water quality objectives contained in the Los Angeles Region Basin Plan.

Requirement: The Permittee shall include post-construction stormwater best management practices (BMPs) to retain/treat the new impervious surface runoff, a Maintenance Plan and annual verification of ongoing maintenance.

Documentation: The Permittee shall submit the following items to the Watershed Protection – County Stormwater Program (CSP) for review and approval:

a. A complete site plan prepared and stamped by a California licensed civil engineer or land surveyor that accurately delineates the location of the proposed development, existing and proposed impervious surfaces, storm drain system elements, general drainage patterns, and proposed site-specific Post-Construction Stormwater Management Plan (PCSMP). A drawing detail prepared and stamped by a California licensed civil engineer or architect verifying that the installation of the PCSMP will meet performance criteria defined in Section III of the Part 4.E of the Permit and the 2011 Technical Guidance Manual (TGM), to the maximum extent practicable (MEP).

b. Maintenance Plan (Exhibit “C” of the County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form available at <http://onestoppermit.ventura.org>) for the detention basins shall be prepared in accordance with Section 7 and Appendix I of the TGM. The plan shall include but not limited to the following:

- 1) the location of each device;
- 2) the maintenance processes and procedures necessary to provide for continued operation and optimum performance;
- 3) a timeline for all maintenance activities; and
- 4) any technical information that may be applicable to ensure the proper functionality of this device.

c. Maintenance Agreement (County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form is available at <http://onestoppermit.ventura.org>) signed by the Property Owner including a signed statement accepting responsibility for maintenance of the detention basins. The statement must include written verification that the detention basins will be properly maintained. At a minimum, this statement shall include the following:

- 1) written conditions in the sales or lease agreement, which require the Property Owner or tenant to assume responsibility for PCSMP

maintenance and annual maintenance inspection;
2) written text in project covenants, or
3) any other legally enforceable agreement or mechanism that assigns
PCSMP maintenance responsibility.

d. Completed and signed Annual Maintenance Verification Report (Exhibit
“D” of the County’s “Covenant for Maintenance of Post-Construction
Stormwater Management Control System” form available under the
County Stormwater Program Section tab at
<http://onestoppermit.ventura.org>).

Timing: The above listed items (a, b and c) shall be submitted to the CSP for
review and approval prior to issuance of approval for Zoning Clearance for
Construction. In addition, the Annual Maintenance Verification Report (d) shall be
submitted to CSP annually prior to September 15th after signing off for
occupancy and issuing the Certificate of Occupancy.

Monitoring and Reporting: CSP staff will review the submitted materials to
ensure the project does not contribute to exceedances of water quality objectives
in downstream receiving waters. Maintenance Plan shall be kept on-site for
periodic review by CSP staff. (CSP-M1)

96. Sand Plant Landscaping and Screening

Purpose: To comply with the County’s landscaping requirements.

Requirement: Landscaping that serves the following functions must be provided
and maintained:

- Screens undesirable views, incompatible land uses or uses in natural
settings. The Permittee must install landscaping to screen the sand plant from view
of the surrounding publicly accessible areas.
- Provides visual relief and visual integration. Landscaping must be provided that
softens the building edges, breaks up the expanses of buildings or walls, and
blends structures with their surroundings.
- Shades and improves the aesthetics of paved areas used by the public and
employees. Landscaping must be provided in the parking areas.
- Retains and treats stormwater. Landscaping must be provided to retain and treat
stormwater.

Required landscaping must be designed to require minimal amounts of water and to use required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria, and must achieve the following design objectives:

- Protection of Solar Access. The landscaping must be designed to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells or impair the function of a nearby building using passive solar heat collection.
- Create Viable Growing Environment. Landscape design must address the needs of the plants to ensure their health, long-term viability and protection.
- Species Diversity. The landscape plan must integrate a variety of plant species, heights, colors and textures, as appropriate given the size of the landscape.
- Fire Resistance. Plant material installed in the fuel modification zone must be fire resistant.
- Use Native or Non-Invasive Plant Species.

The Permittee shall:

Post a financial assurance to cover the costs of planting and maintaining the required landscaping for one year. The financial assurance may consist of cash, a time certificate of deposit, letter of credit, or bond in a form satisfactory to the Planning Director. The amount of the financial assurance must be based upon cost estimates in the approved landscape plan. The financial assurance shall designate the Ventura County Planning Division as the beneficiary of the instrument.

Upon satisfactory completion of the provisions of the landscape and screening plan for which the financial assurance is made, the County of Ventura can reassign the financial assurance to the Permittee upon request. If the Permittee fails to carry out the provisions of the landscape plan, the County may use the financial assurance to pay the costs associated with correcting the failure. If the amount of the financial assurance exceeds the cost and expense incurred by the County, the County may refund the Permittee the remaining balance. If the amount of the financial assurance is less than the cost and expense incurred by the County for the offsets, the Permittee shall be liable to the County for the difference.

Reimburse the County for staff and/or consultant costs to monitor compliance with the approved landscape plan. Planning Division staff time and consultant costs to

monitor compliance will be billed to the project's Condition Compliance Account.

Documentation: The Permittee shall submit to the County of Ventura Planning Division for review and approval three sets of a draft landscape plan, prepared by a California registered landscape architect (or other qualified individual as approved by the Planning Director), demonstrating compliance with the above requirements, § 8109-0.6 (Landscaping) of the *Non-Coastal Zoning Ordinance* and the County's *Landscape Design Criteria*. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to the County of Ventura Planning Division a statement from the project landscape architect that all landscaping has been installed as shown on the approved landscape plan. Any changes to approved landscape plans that affect the character or quantity of the plant material or irrigation system design must be approved by the Planning Director prior to installation.

The landscape plan shall include an estimate of the costs to install and maintain the required landscaping for one year. The Permittee shall obtain a Financial Assurance Acknowledgement form from the Planning Division. The Permittee shall submit the required financial assurance and the completed Financial Assurance Acknowledgement form to the Planning Division.

Timing: The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for Construction. If all required landscaping is not installed prior to the request for issuance of a Zoning Clearance for Use Inauguration (i.e. to authorize occupancy of a project phase), the Permittee shall provide an additional financial assurance, as per the existing policy of the Planning Division at the time of the request. The financial assurance must be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved landscape plan, plus an additional 25 percent.

The Permittee shall submit the required financial assurance and the completed Financial Assurance Acknowledgement form prior to the issuance of a Zoning Clearance for Construction. The financial assurance may be released one year after landscape installation if the Planning Division's one-year inspection finds the landscape in substantial conformance with the approved landscape plan.

Monitoring and Reporting: The Planning Division maintains the landscape plans and statement by the landscape architect provided by the Permittee in the project file and has the authority to periodically confirm that the landscaping is maintained by the Permittee in accordance with the approved plan pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance*. RMA Operations maintains copies of the financial documentation submitted by the Permittee.

97. Materials and Colors

Purpose: In order to ensure that buildings and structures blend in with the Project site's surroundings.

Requirement: The Permittee shall utilize building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) on exterior surfaces of all structures.

Documentation: A copy of the approved plans denoting the building materials and colors.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit the building plans with the colors and materials noted on all structures for review and approval by the Planning Division. Prior to occupancy, the Permittee shall paint the structures according to the approved plans.

Monitoring and Reporting: The Planning Division maintains the approved plans in the Project file. Prior to occupancy, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures were treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the approved plans consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.