EXHIBIT "E"
Final Conditions of Approval

Date: December 14, 2010 **File No.:** PLP04-0046
Applicant: Dutra Materials, Inc.
APN: 019-220-001, 019-320-022 and 023
Address: 3355 Petaluma Boulevard South, Petaluma

Proposed Project Description: This proposal is for a Use Permit and Design Review Permit for an asphalt batch plant with a maximum production capacity of 225,000 tons per year and an aggregate and sand distribution facility with a maximum annual export capacity of 345,425 tons resulting in a facility with a total capacity of 570,425 tons per year with the inclusion of asphaltic oils and crumb rubber (components of the asphalt). 500,000 tons of aggregates and sand for the facility shall be imported annually through an adjacent existing barge off-loading facility on the Petaluma River and brought by conveyor to the facility. The interim trucking of materials to the site shall be permitted for a maximum period of three years commencing at the time building permits are issued for any structures on the project site. Once the conveyor is operational, trucking will cease to be used to import aggregates and sand from the Landing Way Depot facility or any other aggregate facility or mining operation.

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

BUILDING:

The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.

2. Project design and construction shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4). In addition, project design shall follow the recommendations of the site-specific geotechnical investigation report. The report provides specific design criteria for construction of the project in response to expected seismic events.

3. The applicant shall engage a Fire Protection Engineer to perform a code analysis and submit a comprehensive fire protection plan for the proposed project for review by the SCPRMD and the County Fire Marshal. The submittal shall include an evaluation of the project's compliance with the uniform fire code requirements relating to storage of hazardous materials (including above ground tanks), the need for fire suppression system, alarm systems, storage of flammable or combustible materials, containment basins around hazardous materials, and compliance with hazardous materials regulations. Both hazardous materials at the proposed asphalt plant and those for the SAVFD shall be considered in the review.

4. The grading of the project site shall be conducted in conformance with the approved Grading Plan. All recommendations for grading presented in the site-specific geotechnical reports shall be incorporated into the grading activities.

HEALTH:

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

PRIOR TO BUILDING PERMIT ISSUANCE

5. Prior to the issuance of any building permit, evidence of appropriated water rights approval from the State Water Resources Control Board - Division of Water Rights or the U.S. Army Corps of Engineers shall be obtained for use of river water on any parcel that has a physical connection or borders the Petaluma River. If applicant is unable to obtain the rights to use Petaluma River water, provisions shall be made for delivery of recycled water or of delivery from another alternative source. Proof of available or alternative sources of water for dust suppression must be demonstrated to PRMD staff.

6. Prior to building permit issuance, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Division that all required septic system testing and design elements have been met.

7. Application for wastewater discharge requirements shall be filed by the applicant with the San Francisco Bay Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/

8. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.

9. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restroom shall be submitted to Project Review Health prior to issuance of building permits.

10. Prior to issuance of a building permit, the project developer shall provide the County with the name and telephone number of the individual empowered to manage construction and operational noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.

11. The building plans shall include the following noise reduction features which shall be maintained in good operating condition:

    a. Baghouse fan stack silencer. Install a silencer between the baghouse fan and the exhaust stack. The silencer shall be designed to reduce the A-weighted sound level of the fan exhaust by 20 dBA when the fan is operating in the range of 70-100% of maximum airflow.

b. Baghouse fan casing barrier or enclosure. Install a barrier along the west side of the baghouse fan casing. The barrier shall be made of sound absorptive steel panels or mass-loaded quilted vinyl (1.5 pounds per square foot). The barrier shall be 12 feet tall and located within 3 feet of the fan casing. It shall return along the south and north sides of the baghouse fan casing. Alternatively, a ventilated enclosure can be used that is constructed of sound absorptive metal panels and designed to achieve an A-weighted noise reduction of 15 Dba.

c. Fiberbed fan stack silencer. Install a silencer between the fiberbed fan and the exhaust stack. The silencer shall be designed to reduce the A-weighted sound level of the fan exhaust by 15 dBA when the fan is operating at 100% of maximum airflow.

d. The asphalt plant drum mixer and burner shall be completely enclosed within a building and ventilation and air filtration systems shall be installed within that enclosure. The building shall enclose the gear reducer for the asphalt burner and the air compressor and at a minimum, reduce noise from those sources by 20 dBA.

e. Air cylinder silencers. Install air cylinder silencers at the batcher and discharge gates designed to reduce the air release noise by a minimum of 20 dBA.

f. Installation of non-metallic aggregate sorting screens and screening panels on the conveyor. Non-metallic materials such as neoprene, rubber or high-density polyethylene (HDPE) can significantly reduce the noise generated by the aggregate bouncing on the screens.

g. Line all unenclosed hoppers and chutes on the conveyor and the aggregate unloading hopper at which aggregate materials fall onto a metal surface with a sound deadening material such as heavy neoprene, rubber or HDPE.

h. Enclose the conveyor belt from the Landing Way Depot facility to the stockpiles on Area C. Also, enclose all transfer points along the conveyor system(s) where material transfers from one belt to another by means of a hopper. The enclosure material shall have a minimum surface density of 1.5 pounds per square foot.

i. Asphalt plant stockpiles along loop road. The loop road included in the proposed development plan shall be relocated to the west to allow for the asphalt plant stockpiles to be placed between the loop road and railroad tracks. A 16 foot sound/retaining wall and landscaping (including climbing vines on the walls - e.g. Boston ivy) shall be placed along the easterly property line abutting the aggregate piles and wrap around on the northerly side of the asphalt plant, adjacent to the access road that leads to the residential uses along the river.

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

12. To provide noise mitigation to adjacent residential properties and prior to building permit issuance, the applicant shall notify property owners of the affected residences (APNs 019-220-040, 019-220-041, 019-320-003, 019-320-010, 019-320-011, 019-320-016 and 019-320-021) that the applicant is offering to upgrade specified windows. The upgrade shall offer windows rated for a noise reduction that is a 10 dBA improvement over the existing window's noise reduction for the homeowners along the River and at the hillside west of Highway 101, for all habitable rooms on the side of the residence facing the project site. The applicant shall provide specifications for the windows to the homeowner. The homeowner will then be responsible for receiving 3 bids from qualified contractors to purchase and install the windows. The applicant shall promptly pay the homeowner for the cost of the lowest bid after the windows are installed and accepted by the homeowner. The applicant shall warn the homeowner that the offer only pays for normal installation of the windows but will not pay for any additional work necessary to allow installation of the window, such as repair of dry rot or termite damage.

13. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to Building Plan Check. (Fees may apply). Note that trash

trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

CONSTRUCTION PHASE REQUIREMENTS:

14. The project developer shall implement measures to reduce the noise levels generated by construction equipment operating at the project site during project grading and construction phases. The developer shall include the following requirements or measures shown to be equally effective in construction contracts:

    a. All construction equipment shall be equipped with improved noise muffling, and have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine isolators in good working condition.

    b. Stationary construction equipment that generates noise levels in excess of 65 dBA Leq shall be located as far away from existing occupied residences as possible. If required to minimize potential noise conflicts, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices.

    c. All equipment shall be turned off if not in use for more than 10 minutes.

OPERATIONAL REQUIREMENTS:

15. Connection shall be made to public water.

16. A safe, potable water supply shall be provided and maintained.

17. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.

18. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.

19. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs.

20. A mosquito and vector control plan shall be prepared by a qualified professional and submitted to the Marin-Sonoma Mosquito and Vector Control District for approval (telephone 707-285-2200). The approved plan shall be submitted to SCPRMD prior to on-site earthwork activities and shall be implemented as part of the proposed project. The plan shall specify areas where mosquito larvae are likely to be present on-site (e.g., in areas with standing water) and mosquito management methods. The management methods may include the use of chemicals (i.e., pesticides), biological methods (e.g., use of mosquito fish in water bodies, or Bacillus thuringiensis), and/or control of excess runoff and areas where water can accumulate. The Project Review Health Specialist shall receive a copy of the vector control plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

21. All tugboats hauling material owned or operated by the applicant or any of its subsidiaries, agents, or assigns shall utilize EPA certified 900 horsepower Tier-2 or lower emitting main engines and Tier-3, 132 horsepower auxiliary engines. In addition, the tug operators shall commit to using Tier-3 engines, 10 years after commencement of operations, or as soon as they are available after the 10 year period.

22. The following noise reduction features shall be maintained in good operating condition:

    a. Utilize and maintain non-metallic aggregate sorting screens and non-metallic screening panels on the conveyor. Non-metallic materials such as neoprene, rubber or high-density polyethylene (HDPE) can significantly reduce the noise generated by material bouncing on the screens.

    b. Line and maintain all unenclosed hoppers and chutes on the conveyor at which aggregate materials fall onto a metal surface, with a sound deadening material such as heavy neoprene, rubber or HDPE.

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

    Asphalt production, aggregate and sand distribution, and truck loading operations shall not exceed the adjusted daytime maximum L_{50} of 55 dBA or adjusted nighttime maximum L_{50} of 50 dBA, as measured at the exterior of the nearest noise sensitive receptors.

24. Install an OSHA approved strobe light back-up notification system on front-end loaders that are used at the asphalt plant. Use the strobe lights exclusively instead of beepers during nighttime hours. Back-up beepers shall be prohibited at night.

25. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then a qualified acoustical consultant, to be hired at the applicant's expense, shall conduct a noise study to determine if the current operations meet noise standards and identify any additional feasible noise mitigation measures. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional feasible mitigation measures needed to meet noise standards.

GRADING AND STORMWATER:

The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

26. Grading and/or building permits require review and approval by the Grading and Stormwater Section of the Permit and Resource Management Department prior to issuance.

27. Drainage improvements shall be designed by a civil engineer in accordance with the Sonoma County Water Agency Flood Control Design Criteria, and included with the improvement plans, and shall be submitted to the Grading and Stormwater Section of the Permit and Resource Management Department for review and approval.

28. A drainage report shall be prepared by a civil engineer and be submitted with the grading or building permit application. The drainage report shall include, at a minimum, a project narrative, on and off-site hydrology maps and drainage calculations, hydraulic calculations and analysis for all pertinent existing and proposed drainage facilities, and a 100-year overland release route map.

29. A building setback line along the waterway shall be measured from the toe of the stream bank outward, a distance of 2 ½ times the height of the stream bank plus 30 feet, or 50 feet outward from the top of the stream bank, whichever distance is greater. Construction within this setback line is permitted but may require additional engineering to ensure that erosion from the drainage does not affect building footings. Any creek setbacks, including but not limited to building setbacks or riparian corridor setbacks, shall be shown and noted on the improvement plans.

30. The project is located within a Special Flood Hazard Area. No fill shall be placed in any Special Flood Hazard Area, unless an engineering analysis demonstrates that no reduction in flood storage

capacity within the Special Flood Hazard will result form the fill placement and related improvements.

31. Any land subject to inundation by a 100-year flood shall be delineated and shown on the construction plans as "SUBJECT TO INUNDATION".

32. The site is affected by flooding from the Petaluma River. The 100-year base flood elevation is estimated to be at 7 feet above mean sea level. The lowest floor elevation of any habitable structure must be at 8 feet or higher above mean sea level. Elevations are based on the National Geodetic Vertical Datum of 1929 (NVGD 29).

33. The design engineer shall include a grading plan which clearly shows all existing and proposed land features, elevations, roads, driveways, buildings and drainage facilities such as swales, channels, closed conduits, or drainage structures. Additionally, the grading plans must show the finished floor elevation of any proposed buildings.

34. The design engineer shall include an erosion prevention/sediment control plan that clearly shows all best management practices, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system.

35. Residue or polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system.

36. Polluted runoff or debris from stockpiled materials shall not be allowed to drain directly to the storm drain system.

37. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading and Stormwater Section of the Permit and Resource Management Department prior to permit issuance.

38. As recommended in Section V.G (Hydrology and Water Quality) of the Draft EIR, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and project-related non-point discharge into waters on the site. The plan shall contain detailed measures to control erosion of exposed soil, provide for revegetation of graded slopes before the start of the first rainy season following grading, address non-point source pollutants to protect wetlands and water quality in the drainage, and specify procedures for monitoring of the effectiveness of the plan. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).

39. All necessary permits shall be secured to allow for modifications to wetlands, drainage channels, and the shoreline of the Petaluma River on the site, including the proposed conveyor extension. Evidence of permit authorization from the Joint Aquatic Resource Permits Application Center or JARPA (which may include the U.S. Army Corps, RWQCB, BCDC, CDFG and others) shall be submitted to the PRMD prior to issuance of any grading or building permits by the County to ensure compliance with applicable State and federal regulations.

40. The applicant shall retain a qualified geotechnical engineering firm to fully evaluate the potential for aggregate stockpiles (both new and recycled) to cause overloading and instability of the underlying bay mud. The geotechnical firm shall design and construct a stockpile storage area that is stable under both static and dynamic (i.e., seismic) conditions in accordance with current standards of practice. The geotechnical design shall include over-excavation of the bay mud and replacement with engineered fill, placement of geogrid reinforcement under the stockpiles, or other means to

ensure that the stockpiles would not cause rotational failures or damage to the nearby railroad tracks. Controlled settlement over time at the stockpile storage area is acceptable. The design shall allow for no displacement within the railroad right-of-way. Post-construction monitoring of the performance of the geotechnical solution, including detailed measurement of settlements, shall be required and conducted on a yearly basis for five years after the grading permit is issued. The applicant shall ensure that annual monitoring reports are submitted to PRMD Engineering Division for review and approval. Any unexpected failures or settlements exceeding those that were predicted in the geotechnical study shall be addressed by prompt corrective action within 60 days of the report date at the operator's sole expense (at no cost to the County). If at the end of five years, the geotechnical consultant and the County are in agreement, the monitoring and reporting may be terminated. If determined necessary by PRMD, monitoring shall be continued at the applicant's expense. The geotechnical design shall be reviewed and approved by the County technical staff prior to approval of the grading permit for the project.

41. Reduction in the potential for damage due to soil lurching and resulting surface cracking shall be achieved by either soil improvements techniques, such as deep soil mixing, the replacement of unstable soils with engineered fill, or a minimum of 25-foot setbacks for all improvements from channel banks as recommended by the geotechnical reports.

42. The recommendations of the geotechnical investigation report regarding settlement shall be implemented for all grading and building permit activities. The specific recommendations for mitigation of potential settlements associated with native soil, bay mud and fill boundaries shall be implemented, such as excavation of the soft compressible bay mud and replacement with compacted fill.

43. The SWPPP required for the project (see Mitigation Measures in the Hydrology and Water Quality Section) shall include emergency procedures for incidental hazardous materials releases. The procedures shall include necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board.

44. The SWPPP shall also include Best Management Practices, which shall include requirements for hazardous materials storage during construction to minimize the potential for releases to occur (see Mitigation Measures in the Hydrology and Water Quality Section). All use, storage, transport and disposal of hazardous materials during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.

45. Prior to construction, the owner/operator shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities. A SWPPP shall be prepared for construction activities. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted by the applicant. The SWPPP shall be submitted to PRMD and the San Francisco Bay Regional Water Quality Control Board.

46. The applicant shall repair or replace the existing partially blocked culvert under the railroad right-of-way to improve tidal circulation subject to review and approval from SMART and prior to commencement of operations on the project site. The function of the culvert shall be maintained for the life of the project. A maintenance program for all culverts shall be developed and incorporated into the site's SWPPP.

47. Prior to commencement of operations, the owner/operator shall prepare a site-specific SWPPP for the operational period of the project and submit the SWPPP to the SFBRWQCB. The SWPPP shall meet all requirements of the most recent statewide Industrial Storm Water General Permit. At minimum, the SWPPP shall include design, operation, and maintenance specifications for:

    a. Off-loading procedures shall include provisions for eliminating the creation of dust (e.g.. continuous misting so that newly exposed aggregate surfaces stay wet, but not so much water application that runoff is created). The conveyor system shall be enclosed and fitted with dust control devices (e.g., misting units). Aggregate exiting the conveyor system shall

be moist to wet so that dust is not generated as it drops from the conveyor to the storage piles.

b. The entire parcel adjacent to the river (Area A) shall be modified to provide enhanced water quality protection for the river and tidal inlet. A limited access zone shall be established within 50 feet of the High Tide Line and within 10 feet of the top of bank to the slough. This will allow for limited access roads along the conveyor system to be constructed. The roads shall be placed at the maximum feasible distance (but not less than 50 feet) from the tidal inlet to provide a water quality buffer. If it is necessary for any road to be elevated above the surrounding grade, the escarpment created by the road shall be protected by riprap and/or bioengineering techniques so that the road is stable if the site is inundated during flooding. Permitted improvements within this zone shall be clearly identified and mapped, and no industrial or commercial activities other than those proposed by this project shall be permitted on this parcel. The remainder of the parcel shall be regraded so that shallow stormwater bioswales border the access roads on either side. The bioswales shall be designed and constructed in accordance with the requirements of the County PRMD. The existing baserock shall be removed from the parcel and the existing soils either amended or new planting medium imported so that vegetation can be re-established over the entire parcel (except at the road locations). The applicant shall ensure that no net fill occurs on the site (i.e. any fill imported to the site must be offset by an equal or greater volume of material export out of the floodplain).

c. A treatment catch basin and sand filter (or multiple basins and filters) that will capture and treat all runoff from all processing and storage areas for at least the 10-year design storm event. Discharge from the catch basin and sand filter shall be visibly clear (i.e., not turbid) and meet applicable water quality standards. If turbid water is observed to be discharging from the catch basin and sand filter, the system shall be expanded and/or redesigned in coordination with the County and RWQCB so that adequate pretreatment is achieved. Only visibly clear water that meets applicable water quality standards should be discharged to the wetland areas. The SWPPP shall include specifications for regular maintenance of the basin and sand filter and procedures for disposal and/or reuse of the used filtration material.

d. An emergency shutoff system that will allow the plant operator to stop discharge from the catch basin should a chemical spill occur at the facility. A gate valve or similar structure that can shut off flows out of the catch basin shall be included in the basin design. The method for engaging the shutoff system shall be simple and the procedure provided to all appropriate plant employees as part of routine training.

e. As required by the general permit for industrial activities, the applicant shall conduct regular inspections of the facility BMPs and collect storm water runoff samples during storm events where a discharge occurs. These data shall be reviewed for compliance with applicable published U.S. EPA benchmark values for storm water runoff. If the analytical results from the sampling events indicate that benchmark values are being exceeded, corrective action shall be implemented by the applicant in coordination with the RWQCB within 60 days of the report.

OPERATIONAL REQUIREMENTS:

48. The following are operational requirements for the project:

a. All activities and operation of storm water runoff BMPs are subject to regular inspection by the County and the RWQCB. If the County inspectors observe practices that do not protect surface water quality to the maximum extent practicable, then they are empowered to and shall require the operator to implement corrective action.

b. Residue or polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system.

c. Polluted runoff or debris from stockpiled materials shall not be allowed to drain directly to the storm drain system.

TRANSPORTATION AND PUBLIC WORKS:

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

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE

49. Prior to any Building Permit issuance or commencement of operations, the applicant shall dedicate right-of-way for the new frontage road improvements or enter into an agreement with Caltrans/SCTA to pay a "fair share" contribution towards any unfunded portion of the planned construction of the Highway 101/Petaluma Boulevard South Interchange Project (PBS I/C). This is a planned Caltrans improvement intended to serve existing traffic and background growth in traffic. The project's fair share computed as a proportion of near term cumulative traffic is estimated at 4.3% of the interchange costs that are attributed to the new development.

50. The project sponsor shall install an actuated signal or other design feature deemed acceptable to Caltrans and the County at the new intersection of Petaluma Boulevard South and the project driveway or construct a portion of the future off-ramp and frontage road in the same configuration as the PBS I/C design requirements at the new intersection of Petaluma Boulevard South at the project driveway. Regardless of which approach is pursued, the constructed improvements shall meet Caltrans and County requirements in conformance with Caltrans/AASHTO road design standards, and shall be subject to approval by Caltrans, SCTA and the County. In particular, such design shall consider the need to reduce motorist's speed for compatibility with the operation of the applicant's driveway.

51. If an actuated signal is constructed, outbound right turns from the driveway shall not be permitted on red. The applicant shall get Caltrans' comments on the signalized intersection mitigation for a.m./p.m. signal timing in order to give priority to exiting Highway 101 northbound traffic and avoid excessive queuing. Advance signal detection warning devices shall be required for off-ramp traffic combined with long green times and short recall times for the northbound through movement. All future maintenance costs for signal maintenance shall be borne by the applicant. An agreement between Caltrans and the County shall be necessary for operational control.

52. The project sponsor shall provide a plan for the improvements within the public right-of-way to accommodate a paved right turn lane from Landing Way to Petaluma Boulevard South and for a temporary traffic signal to allow for left turn movements from Landing Way onto Petaluma Boulevard South. Improvements shall include a "keep clear" designation on the pavement of Petaluma Boulevard South to allow for left turn movements. All improvements shall be designed to County standards.

53. Prior to commencement of hauling rock over Landing Way to the asphalt plant by truck, the Applicant shall install a traffic signal at the intersection of Petaluma Boulevard South and Landing Way. The signal shall be designed in accordance with Caltrans guidelines, subject to review and approval by DTPW. The applicant shall reimburse DTPW for all costs incurred by the department related to design and installation of the signal. The developer shall enter into an agreement with DTPW to provide funding for continued maintenance and operational expenses.

54. In conjunction with the signalization of the Petaluma Boulevard South-Landing Way intersection, the Applicant shall construct and install the following:

a. The pavement return radius at the intersection shall accommodate the wheel path of inbound and outbound right-turn truck movements.

b. Concrete curb or asphalt dikes shall be placed as directed to protect signal poles and associated hardware.

c. Final traffic signal detector loops shall be cut into the new pavement. The contractor shall grind the existing pavement to a depth of 0.50 feet for the full width of the lane(s) for a distance of 65 feet outward from the limit line locations. New loops shall be cut into the first lift of new pavement and overlaid with 0.20 feet of asphalt concrete pavement. Advance detector loops shall be placed in the same manner. Pavement grinding shall cover the full lane width to the location of the detector hand-hole.

d. During construction of the MSN B2 project, pavement delineation at this intersection will change several times prior to project completion. The Applicant will bear the cost of all signal modifications resulting from these changes.

e. The Applicant shall coordinate the installation and operation of this signal with Caltrans prior to issuance of a county encroachment permit.

f. Prior to final pavement delineation of Petaluma Boulevard South, the applicant shall provide a 0.20 foot overlay for the full width of the roadway extending from the MSN B2 pavement conform for a distance of 200 feet northerly of the northwesterly edge of Landing Way.

g. Install traffic signs, roadway striping, pavement markers, etc., as required.

55. The Applicant shall construct a northbound right-turn lane on Petaluma Boulevard South at Landing Way, in conformance with Caltrans standards. The entrance taper shall not extend beyond the northerly end of the future Retaining Wall No. 2 as located on the plans for "Route 101 Marin Sonoma Narrows Petaluma Boulevard South Interchange (Contract B2)." Improvements shall include:

a. A twelve (12) foot wide paved right-turn lane;

b. A four (4) foot wide paved shoulder;

c. Sufficient storage length for two trucks;

d. Sufficient additional paved width to provide for a future six (6) foot wide bike lane to be located between the ultimate northbound through lane and right-turn lane;

e. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Petaluma Boulevard South is 11.0. This condition is waived with a design based on an R-value of 5.0.

f. The existing pavement shall be milled, repaired and overlaid as necessary to make a smooth transition between the existing pavement and the new pavement.

56. The exclusive northbound left-turn lane from Petaluma Boulevard South onto the Highway 101 southbound on-ramp shall be re-striped as a shared left turn/through lane.

57. The Developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and any new pavement.

58. Prior to commencement of operations, the operator shall enter into a "Roadway Maintenance Agreement" with Sonoma County providing for payment of their proportionate share of the road maintenance costs attributed to excessive road wear from loaded trucks entering and leaving the facility. The fee shall be based on the tonnage of aggregate and recycled materials imported to the facility from all sources. These road maintenance costs shall only be paid in the event that the Board of Supervisors establishes a per-ton road maintenance fee that is applicable to businesses in the aggregate industry. The road maintenance fee shall be established by the Board of Supervisors for businesses in the aggregate industry, but shall not exceed $0.10 per ton/year in

2008 dollars. This amount shall be adjusted annually based on changes in construction costs as reported in the Engineering News Record (ENR) Construction Cost Index for the previous year, or based on other adjustment factors approved by the Board of Supervisors.

59. The developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signals, signs, roadway striping, pavement markers, etc.

60. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.

61. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Chapter 26, Article 98 of the Sonoma County Code.

62. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.

63. This proposal accesses the public road system using a road under State of California jurisdiction. Therefore, Caltrans shall review this development proposal for improvement requirements. If Caltrans determines that improvements to the roadway are necessary, the Developer shall obtain a State of California Encroachment Permit before making any improvements within the state highway right of way.

64. To allow for the smooth and safe movement of trucks entering exiting the public road that provides access to the property, entry to Petaluma Boulevard South shall conform to AASHTO standards. More specifically, the Developer shall construct a driveway meeting the following criteria:

    a. A minimum throat width of 24 feet

    b. Pavement curve returns having a radius to accommodate the inside wheel path of the AASHTO WB-40 design vehicle

    c. The driveway surface shall be paved a minimum distance of 25 feet from the edge of roadway pavement

    d. The driveway shall be perpendicular to the public road

    e. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Petaluma Boulevard South

    f. The driveway improvements shall be in place prior to commencement of the approved activity

65. Any gate installed on the Developer's frontage with a public road shall be located a minimum distance of 30 feet from the edge of the traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.

66. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

67. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.

68. The Developer shall submit improvement plans for all required improvements to the Office of the County Surveyor in the Permit and Resource Management Department for review and approval. The Director of the Department of Transportation and Public Works shall sign the improvement plans prior to the issuance of a Grading, Building or Encroachment permit.

69. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

OPERATIONAL REQUIREMENTS:

70. Northbound Highway 101 trucks shall not be permitted to enter or exit the project site during the PM peak period (4:00 p.m. to 6:00 p.m.). If an actuated signal is constructed, outbound right turns from the driveway shall not be permitted on red. All temporary signal installation costs and future costs for signal maintenance shall be borne by the applicant.

71. The operator shall report annually to PRMD all aggregate materials brought to the site for processing and their origin/source, including recycling materials. This information shall be deemed proprietary.

PLANNING:

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

PRIOR TO BUILDING/GRADING PERMIT ISSUANCE OR COMMENCEMENT OF OPERATIONS

72. Prior to issuance of grading or building permits, this project shall submit building and landscape plans for all new structures (including the volunteer fire station) to the Design Review Board for final design review and approval.

73. The applicant shall pay all applicable development fees prior to issuance of building permits.

74. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval indicating that required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.

75. The owner/operator, shall create, establish and grant an irrevocable offer to the County of Sonoma for a public safety easement for the specific purpose of providing a location for facilities for the San Antonio Volunteer Fire Company for training and the housing or storage of fire apparatus, and for an ingress and egress easement to such facilities. The easement shall include a dedicated area of land approximately 10,000 square feet in area, suitable for a single-story utility building not to exceed 4,000 square feet in area to house fire apparatus, and at least four parking spaces. The public safety easement shall automatically be vacated when the parcel ceases to be used for the storage or housing of fire apparatus for a period of more than one (1) year. The public safety easement shall be in a form satisfactory to county counsel.

76. Separate Plan submittals and building permits are required for each of the following installations:

    a. Fire sprinkler systems

    b. On-site underground fire lines, hydrants and appliances

    c. Fire alarm systems

    d. Asphaltic oil storage tanks.

77. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of $50 (or latest fee in effect at time of payment) for County Clerk processing, and $2,792.25 (or latest fee in effect at the time of payment), because a Environmental Impact Report was prepared, for a total of $2,842.25 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

78. Prior to issuance of a Use Permit Certificate and building/grading permits, the applicant shall submit to the Permit and Resource Management Department a condition compliance review fee.

79. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and condition compliance fees are paid in full.

80. The applicant shall include these conditions of approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.

81. Prior to issuance of building permits, an exterior lighting plan, prepared by a qualified lighting consultant, shall be submitted for review and approval by the Design Review Committee and PRMD Project Review staff. Exterior lighting shall be low mounted and downward casting and fully shielded. Lighting shall not "wash out" structures or any portions of the site and shall not spill over onto adjacent properties, or into the night sky. Light fixtures shall be full cut-off fixtures, take ground fog into consideration, shall not be located at the periphery of the property and shall shut off automatically when the use is not operating. Security lighting shall be motion-sensor activated. All lighting shall be installed in accordance with building codes and the approved lighting plan during construction. Lighting outside of the asphalt production area shall shut-off between the hours of 6:00 p.m. and 6:00 a.m. No lighting shall be directed toward residential areas, the egret/heron colony on Area B of the site plan, Shollenberger Park, or open space areas across the river.

82. An air quality permit required for the individual operations (e.g. the asphalt batch plant and the aggregate distribution) shall be obtained from the Bay Area Air Quality Management District. The operator shall prepare and implement a comprehensive dust control program to reduce the potential for dust generation associated with grading and ongoing operation of the aggregate facility, which includes an on-site water truck, an active watering program, and a maximum on-site traffic speed of 15 miles per hour. In addition, wheel washers or some other washing method (e.g., water sprayers or use of a water depression crossing) and grates shall be installed after the scales so that the tires of all trucks leaving the site are cleaned of dirt and gravel to minimize tracking of these materials onto public roads. The applicant/operator shall provide evidence that the necessary "Permit to Operate" from BAAQMD has been obtained prior to issuance of any Occupancy Permits or commencement of operations.

83. This approval is subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. Specifically it is known that the applicant will need to obtain clearances for potential impacts to wetlands and sensitive plant and animal species. The County's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval.

84. Prior to issuance of grading/building permits or commencement of any operations, a Lot Line Adjustment (LLA) shall be recorded to relocate the property line between Area A (APN019-220-001) and the Landing Way Depot property (019-220-015). The portion to be conveyed from the Landing Way Depot property to the Area A property shall be large enough to accommodate the entire conveyor from the existing barge off-loading operations to the conveyor system on Area A. Once the LLA is recorded, the owner/applicant shall purchase wetland creation credits at an approved wetland mitigation bank equal to the size and type of wetland habitat lost. The

applicant/operator shall submit verification of Army Corps permit approval for wetlands mitigation or proof of purchase of wetland mitigation credits for the displaced on-site wetlands.

85. A landscape plan shall be submitted to the Design Review Committee for review and approval prior to issuance of Building or Grading Permits. The proposed landscape plan shall include irrigation details and additional landscape planting in the following areas as identified on the approved project site plan:

    a. along the northern, western and southern edges of Area A (landscaping along the western edge of Area A shall be outside the existing 50-foot easement);

    b. along the northern, eastern and southern edges of Area B;

    c. clustered trees native to the project area in landscape planters around the offices and parking areas associated with the asphalt plant;

    d. along the eastern side of Area C along the railroad tracks; incorporate trees with ground cover within Area C to further screen the proposed project from off-site views; along the entire western boundary of Area C between the plant and the frontage and access roads.

    e. screen plantings shall borrow from naturally established form, line, color and texture so that the visual characteristics are compatible with their surroundings.

    f. landscaping shall be irrigated with reclaimed/recycled water where feasible.

    g. landscape the berm that parallels the Petaluma River to provide additional screening for the conveyor on the newly adjusted parcel.

    The landscape plan shall also incorporate a 7 1/2-foot high, 30-foot wide irrigated landscaped berm (maximum 2:1 slopes) where feasible along the portion of the site that fronts Highway 101 and adjacent to the frontage and access roads. In no case shall the landscape berm along the frontage road be less than 15 feet in width with a 2:1 berm. Landscape screening on the berm shall be sufficiently dense to screen the asphalt plant from the freeway, as determined by PRMD. The portions of the site plan affected by the 30-foot wide landscape buffer (i.e., stockpiles, access road, etc.) shall be reconfigured to accommodate the landscaped buffer. This berm shall be located outside of the future Caltrans right-of-way for the Petaluma Boulevard South/Highway 101 Interchange project.

86. Landscaping improvements along the east side of Petaluma Boulevard South/frontage road shall conform with the South Petaluma Gateway Project Plan landscaping requirements.

87. Existing trees in the area between the project site and Highway 101 shall be preserved to the greatest extent possible.

88. Landscaping along the street frontage shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits.

89. Prior to building or grading permit issuance, all structures, landscaping, lighting and signage shall be subject to review and approval by the Sonoma County Design Review Committee. All structures shall conform to the following design criteria:

    a. Colors used for exterior building surfaces shall match the hue, lightness, and saturation of colors of the immediately surrounding trees and vegetation.

b. All buildings and structures shall consist of non-reflecting material or be painted with non-reflective paint.

c. Proposed improvements at the entrance to the site and vicinity of the fire station shall be redesigned to retain most of the existing blue gum eucalyptus trees that provide visual screening of the existing egret/heron colony, including the row of three existing trees in the parking lot between the proposed fire station and the parking stalls to the south.

d. Roadway and building improvements shall be set back the minimum distances indicated in the EIR (75 to 200 feet from nesting birds depending on the species present) to the stand of trees supporting the colony.

e. All doorways and windows in the future fire station shall be oriented away from the colony.

f. Any required outdoor use areas for storage and other station operations shall be effectively screened by fencing to obscure a direct line of sight between the outdoor use and the colony.

g. Dense landscaping shall be provided to further screen the station, parking lot, and outdoor use areas from the colony.

h. All lighting shall be designed to minimize light intrusion beyond the operation areas on the site in order to protect sensitive wildlife habitat areas along the Petaluma River, the egret/heron colony, and the proposed wetland mitigation area.

90. An eight foot high solid wood fence shall be constructed along the southerly property line of parcel 019-220-001 (Area A) to screen the residence on parcel 019-320-010.

91. All necessary permits and authorizations shall be secured from regulatory agencies as required to allow for modifications to jurisdictional waters on the site, including any necessary consultation with the USFWS and NOAA Fisheries regarding a take determination. Evidence of permit authorization through the JARPA process shall be submitted to the PRMD prior to issuance of any grading or building permits by the County to ensure compliance with applicable State and federal regulations. The applicant shall comply with all conditions therein that are not otherwise included as mitigation measures in this Draft EIR or as conditions of project approval by the County.

92. Although the potential for occurrence of special-status plant species in areas of coastal salt marsh and brackish water on the site is remote, the applicant shall conduct systematic surveys to confirm absence in advance of any in-channel disturbance. The supplemental surveys for special-status plants shall include the following components and shall meet the following standards:

a. Systematic surveys shall be conducted by a qualified botanist in spring and summer (April and June) to confirm absence of any special-status plant species in areas of coastal salt marsh and brackish water marsh. This shall include the segment of Area A along the shoreline of the Petaluma River and portions of Areas B, C, and D along the drainage ditch on the west side of the railroad right-of-way.

b. If populations of any special-status plant species area encountered, a mitigation program shall be prepared by the qualified botanist for any listed species or those maintained on Lists A, 1B, or 2 of the CNPS Inventory. The mitigation program shall be prepared in consultation with the CDFG, and shall include any appropriate authorizations from the CDFG and/or the USFWS for any species listed under the Endangered Species Acts. Measures taken in the mitigation program shall be based on the life history of the species encountered, successful mitigation treatments used for this species in the past, and legal protective status. These measures shall include one or more of the following components as negotiated with agency representatives: avoidance of the population; collection of seed or vegetative material during the appropriate developmental stage of the plant; procedures for sowing, establishment, or translocation of the species; development of a maintenance and monitoring program specific to the environmental conditions necessary for survival of the new population; and

identification of a funding source to provide for implementation of the plan, and for long-term management and maintenance of the mitigation area.

c. Potential impacts on any species that are maintained on Lists 3 and 4 of the CNPS Inventory would not be considered significant and no additional mitigation would be required for these species.

93. The proposed Wetland Mitigation and Monitoring Plan (WMMP) shall be revised and implemented to include restoration and enhancement of habitat along the shoreline of the Petaluma River on Area A of the site, and ensure its protection as part of long-term operations. The revised WMMP shall include the following:

a. A limited access zone shall be established along the Petaluma River within 50 feet of the High Tide Line and within 10 feet of the top of bank to the slough.

b. All areas outside of the permitted improvements shall be designated for habitat restoration and enhancement. Fills shall be removed to create additional coastal brackish marsh, transitional upper-zone marsh, and upland buffer habitat.

c. The entire habitat enhancement/restoration area shall be designed, revegetated, monitored, and maintained as part of the proposed WMMP for the site.

d. A fence shall be installed along the perimeter of the habitat enhancement/restoration area to separate sensitive habitat from permitted industrial use. The fence shall consist of permanent 4-foot high wildlife friendly fencing.

e. Permanent signage shall be installed at 50 foot intervals along the perimeter fencing that reads "Sensitive Marsh Habitat/No Disturbance Zone."

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

a. Expand the proposed wetland mitigation area to include the additional habitat protection and creation specified under Mitigation Measure BIO-2 as well as enhancement of the drainage channel along the west side of the railroad right-of-way, a portion of which was previously believed to be off-site when the draft WMMP was prepared. This may provide options to increase the acreage of created or enhanced brackish marsh wetlands and adjacent uplands habitat, and possibly improve circulation in the southeastern portion of the proposed wetland mitigation area.

b. Incorporate provisions for the control of invasive exotic species from the wetland and upland enhancement mitigation area in Sections 5, 6, and 8 of the WMMP, and expand this program for invasive exotic species control over the entire site, based on input from the Corps, RWQCB, and CDFG. This shall include monitoring and maintenance provisions that call for periodic inspection and removal in spring and summer, and a success criteria that specifies successful control of target species within five years of initial construction of the wetland mitigation area. Target species to be controlled in the wetland mitigation area and remainder of the site include: sweet fennel, poison hemlock, Italian thistle, pampas grass, French broom, Scotch broom, eucalyptus outside the heron/egret roosting colony, stinkwort, giant reed, non-native cordgrass, pepperweed, and acacia, among others.

c. Provide appropriate soil testing and amendment as part of the landscape plan and revise the maintenance measures in Section 8 to include additional provisions related to upland habitat created and enhanced as part of the WMMP. Soil amendment shall be provided as necessary to ensure successful establishment of desirable native species, as reflected in on-going monitoring and maintenance requirements of the WMMP.

d. Require repair or replacement of the existing partially blocked culvert under the railroad right-of-way as part of the WMMP to improve tidal circulation in the proposed wetland mitigation area. The size and design of the new culvert shall be based on a detailed hydrologic assessment conducted by the applicant's consulting hydrologist, as reviewed and approved by the permitting agencies and the property owner. Sizing of the culvert replacement shall consider any possible water diversion demand proposed for dust control and its affect on surface water levels in the mitigation area, and the affects of possible sedimentation on the long-term viability of the created wetlands.

e. Ensure that any proposed water diversion for dust control does not adversely affect the feasibility and success of tidal and brackish marsh to be created in Area D. This shall be demonstrated on an annual basis as part of on-going monitoring and maintenance defined in Sections 8 and 9 of the WMMP. Diversion shall be curtailed or an alternative method secured if performance standards and success criteria defined in the WMMP for areas of tidal and brackish marsh are not met due in part or wholly because of the proposed water diversion.

f. Include minimum setbacks from the top of bank to the drainage channels to be retained in Areas C and D where they border proposed industrial uses. A minimum 5 foot setback shall be provided from the top of each bank to provide for improved enhancement and prevent inadvertent fill of these features. A fence shall be installed along the perimeter of the top-of-bank setback to separate sensitive habitat from permitted industrial use. The fence shall consist of a permanent 4-foot high wildlife friendly fencing that shall be open in nature to allow for passage of wildlife through or under the structure with a minimum six inch clearance at the bottom. Permanent signage shall be installed at 100 foot intervals along the perimeter fencing that reads "Sensitive Marsh Habitat/No Disturbance Zone."

95. A containment system shall be designed and installed to catch and collect any side-cast gravels from the conveyor between the Landing Way Depot facility and Area B to prevent inadvertent fill of the jurisdictional waters. The containment system shall be regularly maintained as part of normal operations during the life of the project.

96. The conveyor used to transport aggregates from the Landing Way Depot site to the processing plant shall be enclosed and designed to minimize disturbance to the nearby egret/heron colony. The conveyor shall be designed as close to the ground as possible within 300 feet of the colony and the enclosure material shall have a minimum surface density of 1.5 pounds per square foot. It shall have removable or hinged sections to allow access and cleaning. The conveyor motors shall also be completely enclosed within the conveyor enclosure or separate enclosures. Ventilation openings required for the motors shall be treated with acoustically lined ducts or louvers. Rubber covered conveyor belt clips at belt splices shall be used rather than all steel clips and the rubber covering shall be on the side(s) of the belt that contact the rollers. A solid roof (metal, fiberglass, or opaque plastic) shall be constructed over the conveyor system, and a walkway/maintenance access be provided along the conveyor from the railroad crossing to the existing access road across Area B on the site. The covering shall extend down at least the upper half of the west wall facing the egret/heron colony and the east wall facing the river to provide additional visual screening. Human access shall be restricted to the covered area along the conveyor during the nesting season (February 15 through August 31) except as noted under Condition #125. All footings for the conveyor shall be placed outside of any water or PG&E easements.

97. An employee education program shall be prepared and implemented to prevent inadvertent disturbance to the egret/heron colony during the nesting season (February 15 through August 31). Permanent signs shall be installed around the perimeter of a setback zone around the egret/heron

colony at a minimum 100-foot interval to alert workers and the public that access to the area is restricted during the nesting season. Signs shall extend along the northern boundary of the site, east edge of the fire station improvements, north side of the cross-site access road, and west side of the railroad right-of-way. The signs shall read "Nesting Colony/No Disturbance Zone/February 15 through August 31."

98. A comprehensive monitoring program for the egret/heron colony shall be developed and implemented by the applicant's consulting biologist. This monitoring program shall provide data on trends in the condition of the colony, responses to project-related activities, and recommendations for necessary adjustments to project operations. Details associated with the monitoring program shall include the following:

    a. Periodic monitoring shall be conducted to assess heron and egret behavior in advance of project implementation, under normal project operations, during conveyor operations, and during night-time lighting operations. Notes on heron and egret behavior and activity and any changes in activity (i.e. signs of nervousness or flight) shall be recorded. Monitoring shall be provided for a minimum of five years following project implementation, and a minimum of three years following construction of the fire station, conveyor belt structure, and the night-time lighting structures and other improvements on Area A and B.

    b. Monitoring frequency and duration shall be modified based on site observations and need to provide conclusive data on project-related disturbance. To observe behaviors during the entire nesting season, a minimum of three monitoring visits shall be provided to observe each of the conveyor operation, barge/night-time lighting, and normal operations during each of the 1) nest selection/pair bonding period (typically from mid-February to mid-March), 2) initial hatching period, and 3) subsequent nest occupation/pre-fledging period.

    c. Annual monitoring reports shall be submitted to the PRMD by December 31 of each monitoring year, and made available to the public. The annual report shall summarize monitoring dates and methods, nesting behavior and success rates, and observations regarding disturbance and other factors affecting the colony. Adjustments in on-going project operations made during the previous years as part of adaptive management and recommendations for adjustments to or additional controls on continued operations shall be specified in the annual report.

    d. If the on-site colony is abandoned as the nesting location at some point in the future during implementation of the above required monitoring program, monitoring shall continue for at least two years to confirm whether individuals have completely abandoned the location. If the colony has been completely abandoned for the two year period, on-going monitoring and the development restrictions associated with protection of the eucalyptus grove and nest location shall no longer be in effect. However, the protective measures described in Condition No. 116 shall continue to be in effect to protect the sensitive habitat along the Petaluma River and parklands to the east.

99. Preservation through historical documentation of the former house and barns shall be completed, following the Secretary of Interior's Standards for the Treatment of Historic Properties. Site documentation shall be updated and brought to the level of current professional standards, subject to review and approval of PRMD-Project Review staff.

100. Prior to earth disturbing activities, archaeological deposits and other features associated with the house shall be identified using techniques including remote sensing techniques and/or searching for features with a backhoe equipped with a smooth-edged blade under the direction of a professional archeologist. Following the conclusion of the archaeological monitoring, a Final Report of Findings shall be prepared by the archaeologist which describes the monitoring process, including the final disposition of impacts to archaeological site Ca-Son-1465H and descriptions and analysis of any formal or diagnostic artifacts recovered as a result of the project. This Final Report of Findings shall be completed to the satisfaction of Sonoma County PRMD, abiding by the guidelines specified in Archaeological Resource Management Reports (ARMR) Recommended

Contents and Format, developed by the California Office of Historic Preservation (OHP), February 1990.

101. All employees shall undergo a cultural resources orientation and awareness training prior to commencing work activities on the site. Such training shall include familiarization with the stop-work restrictions, noticing, and handling procedures, and ultimate disposition of artifacts as described below. The operator shall provide PRMD with a verification list of the employees completing the orientation.

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

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

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

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

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

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

104. The observed fill material containing brick and fire debris shall be sampled prior to soil disturbance by an environmental professional to assess the presence of hazardous materials and the potential risk to human health and public safety from the contamination (if any). The sampling shall be conducted by a qualified environmental professional in accordance with state and local guidelines and regulations, with oversight from the Sonoma County Department of Environmental Health (SCDEH). The findings of the soil sampling investigation shall be documented in a written report and submitted to SCDEH and PRMD.

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

105. River water supply intakes shall be designed and constructed to minimize agitation and entrainment of sediments. This may be accomplished by elevating the intake above the river bottom and/or providing an energy dissipation structure around the intake. Water shall not be pumped from an inland tidal waterway when the tide is low, as pumping could expose the channel bottom, potentially increasing erosion and scour. The potential for backflow to occur through the system shall be minimized by the incorporation of one or more check valves (backflow prevention devices).

106. The project sponsor shall obtain the necessary entitlement from SMART to allow for a crossing at Landing Way and for the overhead conveyor system, prior to issuance of building or grading permits for the project.

107. The owner/operator shall make an irrevocable offer to the County of Sonoma for a 50-foot access and utility easement parallel to the SMART railroad tracks on APN 019-220-001 for the purposes of ingress, egress and utilities.

108. The operator shall provide neighboring residents an all-weather vehicular access route to Petaluma Boulevard South/the frontage road. Access shall be designed, operated, maintained and recorded to the satisfaction of DTPW, PRMD and the County Fire Marshal prior to building permit issuance.

109. Prior to commencement of operations or issuance of a Vesting Use Permit Certificate, a 16 foot structurally engineered sound wall shall be constructed with a County Building Permit between the asphalt plant operations and the railroad right-of-way and a 10 foot wide landscape planter shall be planted between the wall and the railroad right-of-way. The wall shall wrap around the aggregate piles and extend westward adjacent to the south side of the access road. The wall shall also continue northward on the north side of the access road into the hillside at the northerly end of the property. The wall shall be designed by a qualified acoustical and structural engineer to minimize noise to the residents and park users.

110. Prior to issuance of Building Permits, the applicant/developer shall submit a greenhouse gas reduction plan that will ensure there is no net increase in greenhouse gas emissions compared to the previously existing plant. As identified in the EIR, the necessary reduction is an estimated 8,060 tons of CO_2 equivalent per year. The plan shall utilize all feasible strategies to achieve this reduction, including but not limited to the use of more fuel efficient trucks, the use of alternative energy resources to offset increased demand of fossil fuels, reduced truck idling times and/or off-site mitigations. The plan shall give priority to on-site measures first and rely on off-site measures only after all feasible on-site measures have been implemented. The plan shall not claim reduction credit for measures that would have otherwise been required at the previously existing plant site. The plan, subject to review and approval by PRMD, shall quantify the project's annual emissions

and expected reductions and shall be verified and certified by an independent entity with expertise in this field.

CONSTRUCTION PHASE REQUIREMENTS

111. The applicant shall construct an appropriate gravel pad at all exits used by construction equipment or trucks to minimize soil and gravel adhering to the vehicle tires or tracks from leaving the construction site. The pads shall be constructed by placing crushed aggregate (greater than 3 inches and smaller than 6 inches) over geotextile fabric to at least 12 inches in depth. The pad shall be a minimum of 20 feet wide and 50 feet in length. During periods when trucks are transporting soil to or from the site, dirt that may have been tracked off the site shall be removed daily from the street. The area to be cleaned shall extend to the limit of noticeable dirt tracked from the site or for a distance of 75 feet on each side of a vehicle entrance or exit, whichever is greater. If water is used to clean the street, then the quantity of water used shall not result in sediment being washed into the storm sewer catch basins. Street sweepings shall be disposed of as a waste along with waste soil in accordance with applicable regulations. To further reduce dust generation during construction, the following measures shall be implemented:

    a. All active construction areas shall be watered at least twice daily.

    b. All access roads, parking areas, and staging areas at the construction site shall be paved; otherwise, water or non-toxic soil stabilizers shall be applied to all unpaved access roads. In addition, paved access roads, parking areas, and staging areas shall be swept daily with a water sweeper. Streets shall be swept daily with a water sweeper in areas where visible soil material is carried onto adjacent public streets.

    c. The applicant shall hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded area inactive for ten days or more).

112. The applicant shall terminate excavation and grading activities when winds exceed 25 mph or when fugitive dust emissions are visible for a distance of 100 feet or more from the origin of such emissions, and there is visible evidence of wind driven fugitive dust. Wind speed would be determined when an on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period.

113. Construction hours are limited to 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on weekends. The idling time of all construction equipment used at the site shall not exceed five minutes.

114. The applicant shall require construction contractors to install particulate traps when appropriate on diesel engines and the applicant shall use the minimum practical engine size for construction equipment. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.

115. Initial grubbing, grading, and construction shall be prohibited within 50 feet from the bank of the Petaluma River during the nesting season (February 15 through August 31) to protect the stand of coastal brackish marsh on Area A that may provide habitat for California clapper rail, California black rail, saltmarsh common yellowthroat, and San Pablo song sparrow. This zone shall be fenced and signed as a "Potential Nesting/No Disturbance Zone" in advance of any construction on the remainder of Parcel A to ensure equipment and workers remain outside the area. Construction within this zone may proceed during the non-nesting season (September 1 through February 14), but must consider other possible restrictions associated with in-channel construction activities.

116. Any active raptor nests or nests of other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act in the vicinity of proposed grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling initial grubbing and grading during the non-nesting period (September 1 through February 14) or, if this is not feasible, by conducting a pre-construction survey for raptors

and other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

a. If construction is scheduled during the active nesting period (February 15 through August 31), a focused survey for nesting raptors and other birds protected under State Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified wildlife biologist no more than 15 days prior to initiation of grubbing or grading to provide confirmation on presence or absence of active nests in the vicinity.

b. If no active nests are identified during the survey period, or if construction is initiated during the non-breeding season (September 1 through February 14), grading and construction may proceed, unless prohibited by the provisions in Condition No. 98.

c. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. The perimeter of the nest-setback zone shall be fenced with temporary construction fencing or adequately demarcated, and construction personnel restricted from the area. Signage shall be installed along the perimeter of the nest-setback zone at a minimum 100-foot intervals that read "Nesting/No Disturbance Zone." Fencing and signage shall remain in place until the qualified biologist has determined that any young have fledged. The distance between the active nest and edge of the "Nesting/No Disturbance Zone" shall depend on the nesting species, with a minimum distance of at least 200 feet for more sensitive species such as raptors and at least 75 feet for more common passerine birds.

d. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the "Nesting/No Disturbance Zone" until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date.

e. A report of findings shall be prepared by the qualified biologist and submitted to the PRMD for review and approval prior to initiation of grading and construction in the "Nesting/No Disturbance Zone." The report shall either confirm the absence of any active nests or shall confirm establishment of a designated "Nesting/No Disturbance Zone" setback during the breeding season for any active nests. Supplemental reports shall be submitted to the PRMD for review and approval to allow construction to proceed within these zones after any young birds have fledged.

117. Any in-channel construction work within the Petaluma River shall only occur between July 15 through October 15 when out-migrating smolts and migrating adults would most likely be absent along this reach of the Petaluma River. The USFWS and NOAA Fisheries will be involved in the review of the project application because of the potential wetland impacts as part of the Section 404 consultation process, and these agencies may impose additional restrictions to protect essential habitat for special-status species as part of the Section 7 consultation required as part of the Endangered Species Act. This would include screening of any intake for the pumping from the River, and restrictions on pumping when migrating individuals would most likely be present in the River segment bordering the site.

118. If required by the CDFG and USFWS as part of the permit process, a pre-construction survey shall be conducted by a qualified biologist to determine if western pond turtle is present in the vicinity of proposed in-channel improvements along the Petaluma River and slough. If required by the agencies, a qualified biologist shall be present on-site during construction of in-channel improvements to ensure that any turtles within the vicinity of proposed work are not harmed.

119. An artificial egret/heron colony shall be constructed within the proposed 19-acre mitigation area of the project site regardless of the disposition of the existing colony. The artificial colony plan shall follow the recommendations of the Heron/Egret Rookery Impact Assessment and

Recommendations Report ("H/ERIAR report") prepared by LSA in April 2007 (see Appendix E of the DEIR) and shall be subject to review and approval by PRMD prior to initiation.

120. Proposed construction shall be restricted away from the known egret/heron colony and from potential nesting habitat along the shoreline of the Petaluma River during the general nesting season (February 15 through August 31) to prevent possible nest abandonment and ensure compliance with the Migratory Bird Treaty Act during the active nesting season, except as noted under Condition #125. Construction activities in Areas A and north of the cross-site access road on Area B shall be restricted to the non-nesting season (September 1 and February 14), unless surveys indicate that nesting has been completed before that time period. This includes installation of all improvements on Area A (conveyor, access, and wetland enhancement) and the septic leachfield, fire station and associated parking improvements in Area B.

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

121. The easement boundaries for the PG&E gas lines and any water easement on the Landing Way Depot property and Area A shall be marked and no construction equipment shall be permitted on top of the easements.

PRE-OPERATIONAL REQUIREMENTS

122. Prior to commencement of operations, the applicant shall submit an application for a Use Permit review/modification. A report shall be prepared by PRMD after the facility has been in operation for one year. The report shall include a summary of monitoring activities and any violations that have occurred as well as recommendations on any changes to improve the operating conditions at the facility or revocation of the Use Permit. The report shall be submitted to the Board of Supervisors for review at a noticed public hearing.

123. Prior to operations, the owner/operator shall make application for a General Plan Amendment/rezone on the wetland area (Area D) to LEA or other appropriate designation, and shall record a protective open space easement or covenant protecting the area in perpetuity.

124. Prior to commencement of operations, the aggregate operations at the Landing Way Depot (210-222 Landing Way) shall be found by PRMD in compliance with current Building Codes and with the existing Use Permit (UPE03-0110).

OPERATIONAL REQUIREMENTS:

125. This Use Permit and Design Review Permit is for an asphalt batch plant with a maximum production capacity of 225,000 tons per year and an aggregate and sand distribution facility with a maximum annual export capacity of 345,425 tons resulting in a facility with a total export capacity of 570,425 tons per year. The 225,000 tons of asphalt may include up to 56,250 tons of recycled asphalt and concrete. The project also involves the construction of a conveyor system from the existing aggregate distribution facility on the Landing Way Depot site to annually import 500,000 tons of materials to the facility. Another conveyor system shall allow for the offloading of materials by truck into a below grade hopper for the sorting of those materials into the piles. The interim trucking of materials to the site shall be permitted for a maximum period of three years commencing at the time building permits are issued for any structures on the project site. Once the conveyor is

operational, trucking will cease to be used to import aggregates and sand from the Landing Way Depot facility or any other aggregate facility or mining operation.

The asphalt batch plant facilities shall include the following:

- Cold feed assembly with seven bins that hold different sizes and types of aggregate materials
- Counter flow drum mix assembly, which dries and heats aggregates by tumbling it through hot air then moves it to a mixer where it is coated with heated asphalt cement and thoroughly mixed
- Multiple Incline Conveyors to move materials
- Two heated and insulated asphaltic oil storage tanks; 30,000 gallon capacity
- Heating oil plant
- 500 gallon fuel tank for equipment
- Baghouse with exhaust vent (includes an inertial separator to separate dust from gas stream) - this is the emission control system, which traps and removes fine sand and dust particles and returns them to the mix
- Fiberbed Mist Collector (blue smoke control system)
- Four 100 -ton capacity silo towers for temporary asphalt storage
- Command Control Center
- Two 10' x 140' Truck Scales
- Maximum height of the batch plant shall be 62 feet from finished grade

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

The operations shall conform to the following:

- Five full-time and five part-time employees
- Normal hours of operations for the asphalt plant and aggregate and sand sales are from 7:00 a.m. to 5:00 p.m., Monday through Friday
- Importation of materials shall only be permitted between the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday but may extend to 10:00 p.m. on weekdays if needed for public projects. In no case shall importation of materials occur on the weekend or between 10:00 p.m. and 7:00 a.m., Monday through Friday
- Exports of aggregates, sand and other materials (other than asphalt) shall only be permitted between the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, except that 24 hour/seven days a week exports shall be permitted where necessary to meet the scheduling requirements for public projects
- Exports of asphalt may occur Monday through Friday from 7:00 a.m. to 10:00 p.m., except that 24 hour/seven days a week exports shall be permitted where necessary to meet the scheduling requirements for public projects
- Under no exception shall annual asphalt production exceed 225,000 tons. Peak hourly production shall be limited to 300 tons per hour
- Conveyor operations are only permitted during daytime hours between sunrise and sunset (see note below) and up to six nights per year during non-nesting season (September 1 through February 14), except as noted below
- Maximum of 250 trucks per day entering the project site

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

The nighttime conveyor restrictions may be lifted for the following circumstances and subject to PRMD review and approval:

a. If the rookery is no longer occupied for a period of two years, then the conveyor operations may occur any six nights throughout the year,

b. If the dwellings are removed, the nighttime conveyor hours will be restricted only during the nesting season (February 15 through August 31), from sunset to sunrise,

c. If both the rookery is unoccupied for two years and the residences removed, nighttime conveyor restrictions would no longer apply, provided that no new residences or nesting birds are affected.

The use shall operate in accordance with the proposal statements dated January 29, 2010, April 8, 2010 and June 10, 2010; site plans dated June 2010; other supporting technical documents provided with the application located in File# PLP04-0046; in the FEIR; and as modified by these conditions.

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

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

128. Based on the conclusions in the HRSA dated October 2, 2008, the updated HRA dated September 21, 2009 and further review of the project's operations by BAAQMD, the following operating conditions shall be applied:

- All tugboats hauling material owned or operated by the applicant or any of its subsidiaries, agents, or assigns shall utilize EPA certified 900 horsepower Tier-2 or lower emitting main engines and one Tier-3, 132 horsepower auxiliary engine. In addition, the tug operators shall commit to using Tier-3 engines, 10 years after commencement of operations, or as soon as they are available after the 10 year period.
- The asphalt truck loading area shall be enclosed.
- Properly tuned engines, minimizing idling times of diesel powered equipment to two minutes, use of add-on emissions control devices, use of alternative powered construction equipment, use of alternative fuels and use of engines that are compliant with the respective EPA/CARB 2010 standards
- the loading controls in the truck loading tunnel shall be electrically interlocked with the tunnel emission containment doors to prevent the loading of hot asphalt mix if the doors are not closed.
- all loaded trucks leaving the truck loading tunnel and aggregate trucks leaving the site shall be covered.
- the plant shall shut down production and loading of trucks if equipment designed to capture and abate emissions from these operations become inoperable or malfunctions.
- all five on-site mobile sources of diesel PM emissions and the trucks hauling materials from Landing Way Depot to the facility shall utilize one of three options:

  a) use Tier 4 certified engines at start-up (if available,

  b) use Tier 3 engines, retrofitted with diesel particulate filters that achieve at least 85% reduction in diesel PM emissions,

  c) use Tier 3 engines (w/o diesel PM retrofits) for no more than 10 years, and then switch to Tier 4 engines

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

a. All trucks hauling soil, sand, and other loose materials shall be covered with tarpaulins or other effective covers.

b. All access roads, parking areas, and staging areas shall be paved; water or non-toxic soil stabilizers shall be applied to all other unpaved areas. In addition, paved access roads, parking areas, and staging areas shall be swept daily with a water sweeper.

c. The applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

d. The applicant shall limit traffic speeds on unpaved surfaces and roads to 15 miles per hour.

e. The applicant shall minimize drop heights while loading/unloading aggregate to the maximum extent feasible.

f. The applicant shall apply water as needed to maintain visible dust to less than No. 1 on the Ringelmann Chart measured over a three-minute period.

130. Off-road mobile diesel equipment, including the Caterpillar front-end loader, Kubota tractor, Caterpillar excavator, 10-wheel dump truck, and 10-wheel water truck, shall use diesel fuel consisting of 20 percent biodiesel (B20 diesel). The use of B20 has been shown to reduce emissions of DPM from off-road mobile equipment up 10 percent.

131. The project shall comply with any applicable strategies adopted by CARB through promulgated regulations.

132. To the extent feasible, the applicant shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

133. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. A visual survey of all in-operation equipment shall be made at least weekly throughout the duration of the project construction. A record of the inspection shall be maintained on-site. The BAAQMD and/or other officials may conduct periodic site inspections to determine compliance.

134. Project operations associated with running the conveyor and illumination beyond that necessary for essential security purposes shall be restricted to the minimum necessary during the nesting season (February 15 through August 31) except as noted under Condition #125, to protect the sensitive nesting habitat in the egret/heron colony and the on-site marshland habitat along the shoreline of the Petaluma River.

(Note that sunset and sunrise times change with the seasons and will range from approximately 5:30 p.m. to 7:00 a.m. in early February, to 8:30 p.m. to 6:00 a.m. in mid-June, to 7:30 p.m. to 6:30 a.m. in late August. Official sunrise and sunset times shall be obtained from a reputable source, such as the National Weather Service.)

135. In order to ensure compliance with the conditions of approval, qualified consultants shall be retained by the County, at the applicant/operator's expense, to conduct inspections and ensure that the project is constructed and operated in accordance with the specifications provided in the BAAQMD Health Risk Screening Assessment dated October 1, 2008 and in the conditions of approval. Inspections shall be conducted randomly, four times each year, for a minimum period of five years. Additional annual inspections may be required by PRMD staff after the five year period expires, if deemed necessary.

136. Any malfunction to the asphalt plant's emissions equipment shall result in the immediate shut-down of the asphalt plant operations until the malfunction is corrected.

137. The owner/operator shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.

138. Storage of equipment, materials, tools, aggregate, miscellaneous debris, etc. shall not be permitted on the riverfront parcel nor in the wetlands area.

139. No junk, debris, non-operative vehicles or equipment unrelated to the proposed project operations shall be stored on the project site.

140. The existing billboard on the property shall be removed when the lease expires.

141. All truck traffic entering and exiting the site shall utilize Highway 101 and the closest freeway access ramps unless the trucks are providing materials to sites within the City of Petaluma or to points directly west of the City.

142. Prior to the one-year review of the facility and subject to review and approval of the City of Petaluma, the applicant shall install an informational/interpretive sign at Shollenberger Park across from Area A that outlines the history of the Haystack Landing area. If the City of Petaluma determines that no sign is desired, then this condition shall no longer apply.

143. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as determined by the Director. Such changes may require a new or modified Use Permit and full environmental review.

144. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, regulations and permit requirements. A violation of any applicable statute, ordinance, rule, or regulation shall be a violation of the Use Permit, subject to revocation.

145. In order to secure compliance with these conditions of approval and to deter future violations of these conditions and in addition to any other remedy allowed by law or this permit, in the Director of the Department of Permit and Resources Management's sole discretion, any violation of this permit may be punishable by a fine not to exceed $2,500 per day from the date of issuance through December 31, 2015 and $3,125 per day from January 1, 2016 through December 31, 2030. Thereafter the maximum daily penalty shall increase by 25% every fifteen years. The amount of a penalty imposed under this condition shall be proportional to the gravity of the violation and shall comport with the "Penalty Calculation Sheet" or other penalty calculation policies, as approved by the Sonoma County Board of Supervisors. Each day that the violation exists shall constitute a separate and distinct violation, punishable to the fullest extent allowed by law or this permit.

    The Permittee may appeal any penalty imposed under this paragraph to a Sonoma County Administrative Abatement Hearing Officer and either the County or the Permittee may appeal the hearing officer's decision to a court in the time and manner required by law. In the event that the County, or its designee, successfully proves that the Permittee or its agents violated a condition of this permit to an administrative hearing officer or in a court of law, Permittee shall indemnify County for all costs and attorney fees incurred as the result of enforcing the conditions of approval of this permit.

146. Upon reasonable notice, Permittee hereby authorizes the County, or its designee, to enter and inspect the parcel for compliance with these conditions and the Sonoma County Code.

147. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

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