

DEPARTMENT OF PUBLIC WORKS

COUNTY OF MARIN
www.co.marin.ca.us/pw

ADMINISTRATION
499-6528

ACCOUNTING
499-7877 • FAX 507-2899

AIRPORT
451-A AIRPORT ROAD
NOVATO, CA 94945
897-1754 • FAX 897-1264

BUILDING MAINTENANCE
499-6576 • FAX 499-3250

CAPITAL PROJECTS
499-7877 • FAX 499-3724

COMMUNICATION
MAINTENANCE
499-7313 • FAX 499-3738

DISABILITY ACCESS
499-6528
CALIFORNIA RELAY SERVICE 711

ENGINEERING & SURVEY
499-7877 • FAX 499-3724

FLOOD CONTROL DISTRICT
499-6528

COUNTY GARAGE
499-7380 • FAX 499-7190

LAND DEVELOPMENT
499-6549

PRINTING
499-6377 • FAX 499-6617

PURCHASING
499-6371

REAL ESTATE
499-6578 • FAX 446-7373

ROAD MAINTENANCE
499-7388 • FAX 499-3656

STORMWATER PROGRAM
499-6528

TRANSPORTATION
PLANNING & TRAFFIC
OPERATIONS
499-6528

WASTE MANAGEMENT
499-6647 • FAX 446-7373

ALL AREA CODES ARE 415

P. O. Box 4186, San Rafael, CA 94913-4186 • 415/499-6528 • FAX 415/499-3799 • TTY 415/473-3232

Farhad Mansourian, RCE
Director

September 14, 2010

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Re: San Rafael Rock Quarry

Dear Board Members:

The San Rafael Rock Quarry site has had quarry operations underway continually since the 1870's. In 1971, the County of Marin adopted a surface mining and quarrying ordinance. In 1972, Surface Mining & Quarrying Permit No. 72-03 was issued by the County to Basalt Rock Company with only a few general conditions.

In 1975, the State of California enacted the Surface Mining & Reclamation Act (SMARA) requiring the County and quarries to follow certain state regulations for reclamation. In 1982, an amended reclamation plan was approved by the County which contemplated that Quarry activities would cease and reclamation would commence in 1998. In 1986 the current owners acquired the Quarry and began operations. In 2000, the County issued a notice of non-compliance to the San Rafael Rock Quarry and in 2001, the County, State and other private groups and individuals sued the San Rafael Rock Quarry for nuisance and violations of zoning and building regulations.

In 2004, Marin County Superior Court issued a tentative ruling, which in part stated:

- San Rafael Rock Quarry has a vested right to mine the Quarry Bowl without regard to depth or duration.
- San Rafael Rock Quarry has a right to mine portions of South Hill.
- San Rafael Rock Quarry had exceeded the scope of previous uses as approved in 1982 and had substantially deviated from reclamation plan conditions approved by the County.

The Court issued an order prohibiting the San Rafael Rock Quarry from certain mining activities and limiting Quarry operations while the County completed an administrative process to consider an amended reclamation plan and conditions as to how the Quarry should be operated. In 2005, the Marin County Superior Court judge established interim operating conditions which are to be replaced with conditions to be approved by your Board. On October 27, 2009 your Board certified the Combined Final Environmental Impact Report (FEIR) for the

proposed amended surface mining & quarry permit as well as the amended reclamation plan.

The actions before your Board are:

1. Complete California Environmental Quality Act (CEQA) findings.

- Identify and require mitigation measures for both quarry operations and reclamation. In approving mitigations, we do not have unlimited authority. Federal and State laws limit us to “where there is a clear nexus between the impact and the mitigation measures.” Additionally, there must be a “rough proportionality between the environmental impact caused by the project and the mitigation imposed.”
- Adopt a statement of overriding consideration for those environmental impacts identified as remaining significant.
- Adopt a monitoring and reporting program.

2. Approval of an amended reclamation plan.

State law (SMARA) and county ordinance require that the mined land be reclaimed to a usable condition for subsequent beneficial use, and to prevent or minimize adverse environmental effects.

The San Rafael Rock Quarry has proposed a phased reclamation plan. A revised phased amended reclamation plan to reclaim and re-vegetate the property as outlined in the attached staff report and studied in the FEIR is recommended.

3. Approval of specific operating conditions for surface mining and quarrying.

In preparing conditions of approval, we contacted 49 public agencies throughout California and researched best management practices. We discussed practices in use at these various agencies and obtained copies of their permits or environmental documents dealing with surface mining operations and reclamation. We have incorporated many of these best management practices that are applicable to this site in our recommendation.

Following your Board certification in 2009 of the Combined Final Environmental Impact Report and at your direction, a number of meetings both separately and jointly were held with the Point San Pedro Coalition leaders and the owners of the San Rafael Rock Quarry. Our goal was to better understand community issues and needs as well as Quarry operations and limitations.

Our findings were reported periodically to your Board's sub committee comprised of Supervisor Susan Adams and Supervisor Steve Kinsey. Additionally, in preparing our recommendations to your Board, we listened carefully to the needs of the community and learned operational issues raised to us by the Quarry. We have to balance both sides' valid issues with the “nexus and proportionality” that

State/Federal laws demand, balance these with the required EIR findings, and ensure that they are consistent with the judge's order regarding the imposition by the County of economically viable conditions on the Quarry's mining activities.

Over the last 10 months since the EIR certification, many issues were discussed extensively such as: phasing and extent of reclamation, hours and days of operation, dust and noise impacts to the community, the number of trucks and their operation, and monitoring and enforcement.

Developing long term permit conditions is a very complex process. Balancing everyone's needs within the legal confines as mentioned above has been very challenging. The end result is our present conditions of approval recommendation (Exhibit 2) some 49 pages long and 173 specific conditions.

It is important that your Board recognize the hard work of the following people over the last 10 months:

Community Committee members: David Crutcher, Denise Lucy, Bonnie Marmor and John Edgecomb.

San Rafael Rock Quarry: Aimi Dutra, Bill Dutra, Gary Giacomini

County staff: Tom Lyons (County Counsel), Carey Lando (DPW), and Tim Haddad, Tammy Taylor and Rachel Warner (CDA)

Upon approval by your Board, my department will begin the complex task of quarry inspection and compliance monitoring. Many consultants with different expertise are needed to implement independent monitoring in at least nine different areas, paid for by the Quarry, including: air quality monitoring, noise monitoring, seismic monitoring, biological studies, financial expertise and a marsh restoration plan review, to name a few. Additionally, the Quarry is required to provide funds for an estimated 1.5 full time staff in the next few years that will be needed to insure compliance.

In conclusion, I must report to your Board that drafting recommended conditions of approval for this complex project would not be possible without the ongoing guidance of your Board's subcommittee, Supervisor Susan Adams and Supervisor Steve Kinsey. And finally, I am grateful to the efforts of my right hand in this process, Senior Civil Engineer Eric Steger, who was indispensable in this process.

It is recommended that you approve the various staff recommendations, outlined in the attached comprehensive staff report.

Very truly yours,


Farhad Mansourian
Director

attachments