

1. GENERAL BACKGROUND INFORMATION

1.1 Purpose and Scope

This Revised Conditional Use Permit & Reclamation Plan has been prepared pursuant to the City's Municipal and Development Codes, the Surface Mining and Reclamation Act of 1975 (SMARA, PRC §2710), and the California Code of Regulations for Implementation of SMARA (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, §§ 3500-3800) and other applicable codes.

The applicant, Vulcan Materials Company – Western Division (VMC), is the parent corporation of Azusa Rock, Inc, the real property and mineral rights owner for the Azusa Rock Quarry. The State of California, Office of Mine Reclamation (OMR), identifies Azusa Rock Quarry as State Mine ID Number 91-19-0035.

VMC proposes revisions to the historic Azusa Rock reclamation plan for its 270^(+/-) acre surface mining property in the City of Azusa (City). The property is situated at the northerly terminus of Encanto Parkway and Fish Canyon Road. Currently, VMC's existing reclamation plan identifies approximately 190 acres of the total 270^(+/-) acre reclamation plan to be mined and reclaimed.⁵ To date, however, actual site disturbance from operations on the property is less than the 190 acres.

The Revised Conditional Use Permit & Reclamation Plan, upon approval by the City Council and subsequent concurrence by OMR, will allow VMC to modify its operations and reclamation approach. VMC would now extract mineral resources from the most westerly 80-acres of the 270-acre property, discontinue further mining on the easterly acreage of the site, and alter the reclamation and revegetation approach by initiating an aesthetically and environmentally superior design across the entire property. Reclamation of the east side of the existing mine would commence immediately upon approval of the revised permit and amended plan.

The purpose of this revised conditional use permit and reclamation plan is to modify the existing 1988 Reclamation Plan. This authorization would additionally be joined to a commitment from VMC to shift mining to less visible portions of the 270-acre site. This environmentally superior plan would result in recontouring and revegetation of the existing "*Step-Benching*" reclamation plan in favor of a "*Micro-Benching*" design that results in reclaimed slopes and contouring in appearance and function compatibility to the natural slopes and vegetation of the setting. The end-result of micro-benching is a recontoured landform that more closely mimics the surrounding, un-mined slopes than does step-benching. The essence of the shift in mining would be to abandon authority to mine the easterly slopes in favor of a previously un-mined 80-acre portion of the property to the west. This allows for replacement of the valuable resource that would be relinquished on the east by recovery in the west. Other than the dramatic changes in reclamation techniques, other operations would remain as approved under current permits. The

⁵ See Appendix 4, herein; Azusa Rock Reclamation Plan, 1988; authored by Barratt Consulting Group, Inc for Azusa Rock, Inc.

transport of material would continue to be via the existing overland conveyor in-lieu of on-road haul trucks, and all material processing and sales would occur off-site at the central processing facility located in the City of Irwindale.

These documents are focal instruments in a proposed Development Agreement, prepared and submitted pursuant to California Government Code §65864 – 65869.5, et seq., and the City of Azusa Development Code, Article 5, §88.53. The development agreement would be adopted by ordinance to fully bind the enduring interests of the City of Azusa and Vulcan Materials Company – Western Division (aka, Azusa Rock, Inc.). This Revised Conditional Use Permit & Reclamation Plan provides details for the proposed amendment to the existing reclamation plan. It is prepared in recognition of, and consistent with, changes, to the governing laws and regulations of the State and City, occurring over the 20-year span since approval of the current 1988 Reclamation Plan for Azusa Rock Quarry.

1.1.1 Reclamation End Use Summary

Upon completion of mining and reclamation, the property will conform to the City’s General Plan goal for Open Space use. A more precise description of what form of Open Space the City might desire is absent in the General Plan goals, objectives, policies, and implementation measure narratives. The City controls land use through the numerous provisions of the City's Development Code. The Development Code classification for the property is also Open Space. This is not a significant change from the existing 1988 Reclamation Plan, which called for the reintroduction of native vegetation at strategic locations, and designation of the future end use as open space and passive recreation.

The inherent primary objective of reclamation is to provide for the restoration and/or reuse of the mining property in a manner compatible with the existing area, character and environmental setting. That setting is significantly defined by the Angeles National Forest land on the immediate periphery. A key to reclamation success in relationship to the setting will be the establishment of horizontally and vertically articulated slopes.

1.1.2 Reclamation Phasing Summary

The discussion of reclamation in this document refers to a bifurcation of the property into “east side” and “west side” phases. (See discussion and graphic representations in Section 2.5: Environmental Features, & Figure 10) These zones are convenient descriptors resulting from the presence of the Fish Creek and the Fish Canyon floor area, which separates the property into two distinct sides. The Revised Conditional Use Permit & Reclamation Plan includes two reclamation phases (East and West) with two sub-phases on the east side, and five reclamation sub-phases on the west side. East side reclamation (no mining, reclamation only) will occur simultaneously in two discrete areas of the site. West side mining and reclamation will occur in five sectors of the site.

1.2 Azusa Rock History

Upon enactment of SMARA in 1975, the City of Azusa complied with its provisions by accepting applications for vested site reclamation plans prior to the State-mandated deadline of March 31, 1988. The Azusa Rock mine is one of those for which a reclamation plan was submitted to the City.

Quarry operations have been ongoing at the Azusa Rock site since the 1920s and within the San Gabriel Canyon vicinity since the mid-1800s. The quarry was actively operated during the first half of the century, and in 1960, Kirst Construction Co./Azusa Rock, Inc. assumed the operator's role and began increased production from the quarry.

Following annexation of the Azusa Rock site and surrounding area into the City in November 1956, the Azusa City Council adopted Resolution 3546, which approved a Special Use Permit ("Azusa Rock CUP") for the 270-acre site and vested the right to mine the entire property.

In February 1988, the City approved a Reclamation Plan for the site (Planning Commission Resolution Number 2540), in accordance with the requirements of SMARA (§2770(b)). Prior to that time, the existing permits assured the right to mine, but the responsibility to oversee the operator's reclamation became a shared responsibility between the City and operator in cooperation with the Department of Conservation, Office of Mine Reclamation. In 1988, the Azusa City Council established a 50-year term for the mine, unless extended through a subsequent discretionary process.

As part of the 1988 reclamation plan approval, the City deferred mining and reclamation consideration for an 80-acre area on the western side of the Azusa Rock site to an undefined future date. The following figure depicts the phasing plan and identifies the "Future Mining Area" as stated in the controlling 1988 Reclamation Plan authorized by City Planning Commission Resolution No. 2540. (See Appendix 4, herein)

In the early 1990's, Azusa Rock, Inc. was co-owned by CalMat Co and Owl Rock Products, an acquisition of the joint entities. Subsequently, in 1995 CalMat Co purchased Owl Rock Products' interest in Azusa Rock, thus becoming the sole owner of Azusa Rock, Inc. Azusa Rock remains a wholly-owned operating unit of CalMat Co, which was acquired by Vulcan Materials Company (Birmingham, Alabama) in 1999, at which time CalMat Co became known as "Vulcan Materials Company, Western Division" (VMC).

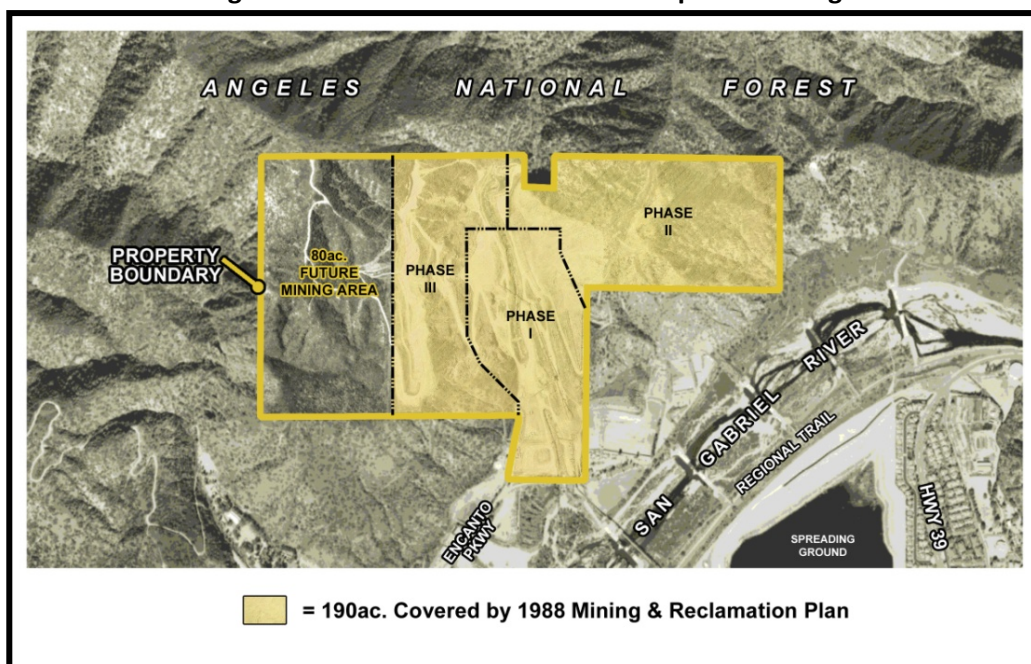
In 1995, Azusa Rock, Inc. initiated the operation of an overland conveyor system pursuant to City and federal permits to transport aggregate mined from the Azusa Rock site to the Reliance processing plant then owned and operated by CalMat Co and situated approximately 2.5 miles to the south in the City of Irwindale. Operation of the conveyor eliminated the need for material to be trucked on local streets or overland to the Reliance processing facility. The conveyor also obviated the need for sales at the Azusa Rock site, thus eliminating material truck traffic for this

property along Encanto Parkway, a primarily residential-serving local street. Materials mined at the quarry are sized (crushed and screened) for placement and transport on the overland conveyor to the Reliance facility.

SMARA (§2777) requires an amendment to the reclamation plan to be considered and authorized when an operator seeks substantial changes to those operations. As such, this application will revise the 1988 Reclamation Plan by:

- Shifting mining away from the east side slopes to the west side (specifically including the 80-acre “Future Mining Area”), and,
- Incorporating state-of-the-art reclamation techniques within the entire site 270-acre site.

Figure 1: 1988 Reclamation Plan Conceptual Phasing



Upon approval of the revised conditional use permit and reclamation plan, VMC will terminate mineral production on the eastern portion of the property and immediately initiate the environmentally superior reclamation design. However, should the request for a revised conditional use permit and reclamation plan be disapproved, the 1988 permit and reclamation plan will be exercised through to its completion.

1.2.1 Project Historical Milestones

A number of historical milestones are associated with the Azusa Rock facility, which includes various entitlements, approvals, a change in site’s Mineral Resource Zone designation, and

annexation into the City. The following table provides a summary of the key milestones in the history of the Azusa Rock facility.

Table 3: Summary of Historical Milestones

Milestone	Date
Mining began in the San Gabriel Canyon	1854
City of Azusa incorporates	1898
Azusa Rock begins mining operations	1920s
Azusa Rock property and surrounding area annexed to City of Azusa	1950s
City Council grants Special Use Permit (Resolution No. 3546) for the mining, rock crushing plant, ready-mix concrete plant, and hot-mix asphalt plant	November 27, 1956
The portion of the Azusa Rock facility lying within the San Gabriel Creek channel was designated as Mineral Resource Zone 2 as a Regionally Significant mineral resource by the Department of Conservation, Division of Mines and Geology's (now California Geological Survey) <i>Mineral Land Classification of the Greater Los Angeles Area, Part IV, Classification of Sand and Gravel Resource Areas, San Gabriel Valley Production-Consumption Region</i> (Special Report No. 143)	1982
Azusa General Plan adopted	April 1983
Reclamation Plan for Azusa Rock, Inc. submitted to the City	December 16, 1987
City Planning Commission Approves the Reclamation Plan for Azusa Rock, Inc. (Resolution No. 2540)	February 17, 1988
City public hearing for possible revocation of Special Use Permit (Resolution No. 3546) and change of zone	April 20, 1988
Continuation of City public hearing for possible revocation of Special Use Permit (Resolution No. 3546) and change of zone	June 20, 1988
Azusa Rock, Inc. submits a Petition for Classification-Designation of Mineral Lands to the State Mining and Geology Board	June 21, 1988
City Planning Commission Approves change of zone (Case Z-88-3-A, Resolution No. 2593) from M-2 (General Manufacturing) to CF (Community Facilities)	August 17, 1988
State Mining and Geology Board formally accepts the Azusa Rock, Inc. Petition for Classification-Designation of Mineral Lands at its September 1988 Regular Business Meeting	September 30, 1988
State Mining and Geology Board informs the City of its formal acceptance of the Petition for Classification-Designation of Mineral Lands, submittal to the Division of Mines and Geology (now California Geological Survey) for classification, and the requirement for the City to include the revised classification into its mineral resource management policies	October 3, 1988
City Council ratifies original Special Use Permit and adds additional conditions of approval (Resolution No. 8553)	December 19, 1988

Milestone	Date
Department of Conservation, Division of Mines and Geology (now California Geological Survey) publishes the <i>Mineral Land Classification of the Fish Canyon Quarry, Azusa Quadrangle, Los Angeles, California for Portland Cement Concrete Aggregate and for Base Aggregate</i> (Open File Report No. 88-23)	December 1988
State Mining and Geology Board formally accepts <i>Mineral Land Classification of the Fish Canyon Quarry, Azusa Quadrangle, Los Angeles, California for Portland Cement Concrete Aggregate and for Base Aggregate</i>	March 10, 1989
State Mining and Geology Board informs Azusa Rock, Inc. of its formal acceptance of the reclassification of the Azusa Rock facility and the requirement for the City to include the revised classification into its mineral resource management policies	March 20, 1989
Overland Conveyor EIR/EIS adopted and Use Permit granted for the construction and operation of an overland conveyor to transport semi processed material from the Azusa Rock Quarry to the Reliance Processing facility; this action allowed Azusa Rock to discontinue the use of on-road haul trucks.(Resolution No. 8979, Certifying FEIR for Azusa Rock Conveyor / Haul Road; Resolution No. 8980, Approving CUP C-89-20 and Precise Plan of Design P-89-181 for Construction)	December 17, 1990
City Council amends original Special Use Permit and adds additional conditions of approval (Resolution No. 8978)	December 17, 1990
Building permits issued for overland conveyor construction (September 17, 1991). The conveyor leg from the mine site, across the River, was completed and operational in 1993. Conveyor segment from Todd Avenue to the processing facility became operational in 1995. The entire conveyor system was complete at that time. ⁶	1993 & 1995
Azusa General Plan Adopted, including modified mining and reclamation goals and policies, including specific performance criteria for mining activities	April 2004
Azusa City Council amends the conditions of approval to eliminate the bicycle / haul road overcrossing, and, to change the annual compliance review to bi-annual compliance review	October 2004
Azusa Development Code Adopted	August 7, 2006
Revised Conditional Use Permit & Reclamation Plan Application Filed	October 2008

1.3 Lead Agency Entitlements

The City of Azusa is the Lead Agency for both land use determinations within its jurisdiction and for implementation of the California Environmental Quality Act (CEQA) pursuant to the provisions of PRC §21000 et seq., and CCR §15000 et seq. (CEQA Guidelines). The City has determined that the proper instrument for evaluation of this application under the provisions of CEQA is a project-

⁶ City of Azusa Planning Commission; Staff Report, Annual Review of Azusa Rock Quarry, 3901 Fish Canyon Road, December 14, 1994; pages 1 and 2 of 10; s: Roy E. Bruckner, Director of Community Development.

level Environmental Impact Report, independently prepared by or under the direction of the City, as a document separate from this Revised Conditional Use Permit & Reclamation Plan.

SMARA statutes and regulations mandate that a proposed revised conditional use permit and reclamation plan approval must emanate from a local lead agency. This mandate recognizes the prevailing police powers of cities and counties guaranteed by the State Constitution. Such approval may only be granted through a permit process and only after referring the application to the State of California Department of Conservation (DOC) Office of Mine Reclamation (OMR) for a 30-day review of the amended reclamation plan and a 45-day review of the accompanying financial assurance calculation/estimate.⁷ The lead agency must additionally grant OMR a formal 30-day notice prior to the final public hearing at which time the Revised Conditional Use Permit & Reclamation Plan may be adopted.

SMARA allows surface mining in locations only where the lead agency has adopted a mining and reclamation ordinance consistent with the State Model Ordinance Guidelines. Azusa is an agency recognized by the State of California as having a certified ordinance and, therefore, has standing to award mining permits and oversee reclamation. The City governs surface mining and reclamation within its jurisdiction through its Development Code, Article 4, §18.44 et seq.

1.3.1 Entitlement History

As described above, in the late 1980s Azusa Rock began operating under the authority of the 1956 Special Use Permit (Resolution No. 3546). Previous operations at the quarry were vested at the time the City issued the Special Use Permit. In addition to this Special Use Permit, the following table identifies the existing entitlements associated with Azusa Rock.

Table 4: Summary of Existing Permits and Approvals

Agency	Entitlement / Approval	Identification	Description
<i>Permits</i>			
City of Azusa	Special Use Permit	City Council Resolution No. 3546, November 1956	City Council granted a Special Use Permit for the excavation and removal of rock, sand and gravel, operation of a rock plant, rock crusher plant, operation of a ready-mix concrete plant, and a hot-mix asphalt plant subject to seven conditions
City of Azusa	Special Use Permit	City Council Resolution No. 8553, December 1988	City Council granted a Special Use Permit for the ratification of the 1956 Special Use permit and added conditions

⁷ SMARA §2774(d)(1-2)

Agency	Entitlement / Approval	Identification	Description
City of Azusa	Special Use Permit	City Council Resolution No. 8978, December 1990	City Council amended the original Special Use Permit and added conditions
U.S. Army Corps of Engineers	License	USACOE License DACW09-3-92-09 issued in 1992 and renewed in 2003	Operation of the overland conveyor system across the San Gabriel River
State Water Resources Control Board	Notice of Intent (NOI)	The NOI was processed on March 31, 1992 Waste Discharge Identification Number 4-19S002248	Application for coverage under the NPDES Industrial General Storm Water Permit
South Coast Air Quality Management District	Permit to Operate	Permit No. F46097 November 3, 2001	Permit to Operate air pollution control system
South Coast Air Quality Management District	Permit to Operate	Permit No. F41456 July 7, 2001	Permit to Operate air pollution control system
South Coast Air Quality Management District	Permit to Operate	Permit No. F46099 November 3, 2001	Permit to Operate air pollution control system
South Coast Air Quality Management District	Permit to Operate	Permit No. F46096 Renewed February 1, 2008	Permit to Operate aggregate crushing, screening, and conveyor system
South Coast Air Quality Management District	Permit to Operate	Permit No. F95204 Renewed February 7, 2008	Permit to Operate aggregate crushing, screening, and conveyor system
Approvals			
City of Azusa	Azusa Rock Reclamation Plan	Planning Commission Resolution No. 2540 February 17, 1988	Planning Commission adopted the Mitigated Negative Declaration prepared in accordance with CEQA and approved the Azusa Rock Reclamation Plan
State Mining and Geology Board	Reclassification of Mineral Resource to MRZ-2	Open File Report No. 88-23 accepted at the March 10, 1989, Regular Business Meeting	The State Mining and Geology Board formally accepted Open File Report No. 88-23 that reclassified the site from MRZ-3 to MRZ-2 (PCC) and MRZ-2 (Base)

Agency	Entitlement / Approval	Identification	Description
Agreements			
State Department of Fish & Game	Streambed Alteration Agreement	Notification No. R5-2001-0079 April 11, 2001	Restoration / Re-creation of historic Fish Creek alignment, habitat and function (northerly reach)

1.4 Applicant & Operator Information

Applicant/Operator

Vulcan Materials Company – Western Division (VMC)
 3200 San Fernando Road
 Los Angeles, CA 90065
 Ph: (323) 258-2777 Fax: (323) 258-3041
 Contact: Jim Gore, Permitting Manager

Owners of Surface Rights

Vulcan Materials Company – Western Division (VMC)
 3200 San Fernando Road
 Los Angeles, CA 90065
 Ph: (323) 258-2777 Fax: (323) 258-3041
 Contact: Brian Ferris, VP, Assistant General Counsel

Owner of Mineral Rights

Vulcan Materials Company – Western Division (VMC)
 3200 San Fernando Road
 Los Angeles, CA 90065
 Ph: (323) 258-2777 Fax: (323) 258-3041
 Contact: Brian Ferris, VP, Assistant General Counsel

Applicant's Special Counsel

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 Ph: (310) 203-8080 Fax: (310) 203-0567
 Contact: Joel Deutsch, Esq.

Applicant's Engineer

Vulcan Materials Company – Western Division
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Los Angeles, CA 90065

Ph: (323) 258-2777 Fax: (323) 258-3041

Contact: Larry Lao, RCE; Project Manager

Applicant's Entitlement Agent

RGP Planning & Development Services

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Irvine, CA 92618

Ph: (949) 450-0171 Fax: (949) 450-0182

Contact: Rick Goacher, Founder

Ricardo Meza, Planner

Geotechnical Consultant

ENV America Incorporated

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Ph: (415) 989-9933 Fax: (415) 989-9934

Contact: Voytek Bajsarowicz, Principal

***Vegetation / Restoration
Consultant***

Martha Blane & Associates

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Air Resource Consultant

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Ph: (805) 644-7976 Fax: (805) 644-5929

Contact: John Hecht

1.5 Lead Agency Information

Lead Agency / Contact	City of Azusa Department of Economic & Community Development Planning Division 213 E. Foothill Boulevard Azusa, CA 91702 Ph: (626) 430-2200 Fax: (626) 962-4209
State Mine ID No.	91-19-0035
Coordinates	Latitude: 34.1611, Longitude: 117.9231
Commodity	PCC-quality Aggregate, Rock, Stone, & Construction Base
Entitlement Instrument	Conditional Use Permit City Council Resolution No. 3546, November 27, 1956, et seq.

1.6 Legal Description

The subject property is fully described in a formal legal description prepared by Alan D. Frank, PLS 7172 (California Registered Professional Land Surveyor), a copy of which is attached as Appendix 3, herein. The land described in the Appendix is all or part of Sections 21 and 22, Township 1 North, Range 10 West, San Bernardino Meridian, County of Los Angeles, State of California, totaling 273.421 acres. The property is also contained within Los Angeles County Assessor Parcel Maps including all or parts of those listed below:

Table 5: Los Angeles County Assessor Parcels

Assessment Parcel Number	Acres
8684-008-013	3.151
8684-009-007	10.000
8684-009-018	3.020
8684-009-012	97.110
8689-006-006	80.000
8689-006-008	80.160

Reviewers of this application are directed to a notation of a reclamation easement situated adjacent to the southeasterly permit boundary line. The reclamation easement extends onto VMC's adjacent owned property, and is necessary to achieve the proposed environmentally superior reclamation design. Specifically, reduction of the reclamation slopes from 30-to-40 feet high benches at a 51° angle, down to 1-to-2 foot high benches at a 45° angle requires an easterly shift to the adjacent property to achieve the proposed visually softer reclamation design. The easement constitutes an area of 6.16 acres of APN 8684-008-014.

Figure 2: Assessor Parcels

