

San Bernardino County Flood Control District

825 East Third Street, Room 108
San Bernardino, CA 92415-0835
(909) 387-7995 - FAX (909) 387-1858



Inspection Phone:
(909) 387-7995

Inspection office shall be notified two working days prior to commencing permitted use. FAILURE TO OBTAIN INSPECTION SHALL BE CAUSE TO VOID THIS PERMIT.

PERMIT

Permit Issued:

Permit Expires:

**File:
Permit No:**

Permittee:

Filing Fee: \$431.00
Inspection Fee Deposit: \$2,000.00
(Nonrefundable) \$2,431.00

Contact/Phone:

Permit Activity: Perform soil removal operations within District right-of-way
Facility:
Location:
City/Community:

1. The proposed permit activity shall be in accordance with the Plans (Exhibit "A"), and the Special, Standard and General Provisions, all of which are attached and made a part of this permit.
2. **AT LEAST 48 HOURS NOTICE SHALL BE GIVEN TO THE DISTRICT BEFORE STARTING ANY WORK UNDER THIS PERMIT.** Contact the District's inspector at (909) 387-7808; failure of notification is cause for revocation of this permit.
3. This permit, or a certified copy thereof, shall be kept at the job site throughout the period of operations within District right-of-way and shall be shown to any District Representative or any law enforcement officer upon demand. Exercise of this permit shall indicate acceptance of and agreement to comply with all provisions included herein. Violation of any provision shall be cause for immediate revocation of permit.

PERMITTEE'S ACCEPTANCE:

Signature by the Permittee or Permittee's Authorized Agent of this Permit shall indicate acceptance of all of the provisions of the permit.

DISTRICT APPROVAL:

Permittee's Signature Date

KEVIN BLAKESLEE Date

Deputy Flood Control Engineer

PRINT

TITLE

cc: Fish and Game
FC Operations Supt
Inspector

SPECIAL PROVISIONS

1. The permit can be revoked or cancelled at any time upon written notification from the District. Upon cancellation, the Permittee shall cease all activities and restore District right-of-way to the satisfaction of the District.
2. The District requires written confirmation from the City of [REDACTED] approving the haul route ingressing and egressing from within District right-of-way.
3. The District's objective is to remove the stockpiled material as quickly as possible. The expected rate of removal as provided by the Permittee shall be an average of [REDACTED] cubic yards of material per [REDACTED]. Any future requests for time extensions shall be evaluated based on Permittee's performance.

STANDARD PROVISIONS

1. **The term of this permit is for [REDACTED].** The District will coordinate an extension(s) to the permit term upon receipt of a completed **Flood Control Permit Amendment Application** at least thirty days prior to the expiration date.
2. No revisions to the approved plans shall be made during construction without review, written approval and/or permit amendment from the District.
3. No floatable materials or stockpiling shall be maintained within District right-of-way, and equipment shall be kept out of District right-of-way except when in use during working hours.
4. The existing access gates shall be locked after hours and on weekends by interlocking Permittee's lock with the District's lock to allow District access.
5. The proposed activity within District right-of-way shall be in compliance with all City ordinances for noise and operating hours.
6. The Permittee shall not have exclusive use of the permitted area. The District may allow other Permittees access to the area to engage in permitted activities.
7. All applicable fees required for this permit shall be in accordance with the District's current Schedule of Fees Ordinance in effect on the first day of the month in which the required fee is due.
8. An access gate with locks shall be installed, if needed, to control public access during the evenings and on weekends. The Permittee shall ensure that the gate remains locked at all times except when authorized access is required.

9. No more than one-third (1/3) of any flood control facility may be obstructed during the period October 15 to April 15, nor more than two-thirds (2/3) of any facility may be obstructed during the remaining period. The term "obstruction" shall include all temporary or permanent structures, falsework, excavated material, and equipment connected with the construction. For the purpose of computing the area of an obstruction, dimensions shall be taken normal to the channel flow of the actual physical outline of the obstruction.
10. Stop signs shall be placed at all exits to the property.
11. All loads and vehicles accessing the permit site shall comply with applicable State Motor Vehicle requirements.
12. Traffic control signs shall be installed at all locations entering public right-of-way in accordance with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) 2003 as amended by the MUTCD 2003 California Supplement, to prescribe uniform standards and specifications for all official traffic control devices in California.
13. All loads, haul roads and stockpiles shall be watered down to preclude dust at all times, including periods of inactivity. Loads shall maintain a minimum of 6-inches of freeboard or shall be covered prior to leaving the job site.
14. Any spillage on public streets shall be required to be cleaned up by sweeping.
15. Ingress and egress shall take place on approved routes only. Any other proposed routes will have to be reviewed and approved by both the City of [REDACTED] and the District.
16. Sufficient on-site parking and circulation areas to accommodate trucks entering and exiting the site and waiting to be loaded shall be provided.
17. All stockpiles and spoils placed within the basins shall be field coordinated with the District's inspector.
18. **The District makes no guarantee as to the actual quantities available or the quality of material. Permittee shall furnish the District, for approval, quantities of material removed from the borrow site on a monthly basis.**
19. The hours of operation shall be limited to between 7:00 AM and 4:00 PM, Monday through Friday. No equipment shall be started or operated before 7:00 AM.
20. The proposed excavation will be graded in such a manner that the excavation area will drain.
21. As excavation progresses, it shall be performed in a neat and orderly manner in accordance with Exhibit "A". Vertical surfaces will be only as approved by the District and in accordance with Mining, Safety and Health Administration regulations.
22. If removal of mature vegetation is determined to be unavoidable, the Permittee shall consult the District prior to such action.

23. The daily load counts for the previous month are due on or before the 10th of every month. Failure to provide quantities by the specified due date shall be cause for immediate suspension and possible revocation of the permit. Upon suspension, all activities authorized under this permit shall cease until a written notice to commence activities is issued by the District.
24. Written approval shall be provided from the City of [REDACTED] for any temporary construction offices, temporary screening plant or any type of portable plant.
25. No oil, fuel or flammable liquid of any kind shall be stored in any area within 100-year high water elevation mark and no asphalt plant shall be set up within District right-of-way.
26. The Permittee representative and District inspector shall meet to identify the actual area of District right-of-way to be used. The area shall be delineated to prohibit trespassing outside the permitted area. The method of delineation shall be agreed upon and field coordinated with the District inspector.
27. At any time during the life of this permit, the District may revise, modify or add provisions to this permit as may be required to meet the flood control, water conservation and safety responsibilities of the District.
28. Activities allowed under this permit may require improvements to the District's existing access road or the construction of additional access roads to meet the Permittee's needs or standards. The Permittee shall incur any and all construction costs and shall be solely responsible for securing all required environmental approvals necessary to upgrade any existing access road or for the construction of additional access roads to meet the needs of the Permittee.
29. Either the District or Permittee may terminate this permit by giving the other party sixty days written notice of its election to terminate.
30. Should maintenance activities be required at anytime, the Permittee shall coordinate the permit activity with the District's Flood Control Operations Division.
31. Excavation of all pits shall be in a uniform manner with exterior slopes and floors trimmed as borrow operations proceed. Excavation shall be conducted so as to leave them in a reasonably neat and trim manner at all times, and all rock to be stored or placed on District right-of-way shall be at the direction of the District. Final pits shall be trimmed in accordance with the excavation plan and to the satisfaction of the District.

GENERAL PROVISIONS

1. Exercise of this permit, by Permittee or Permittee's authorized agent, shall indicate acceptance of all of the provisions of this permit. Permittee shall make all contractors doing work on this project familiar with all of the requirements of this permit. Violation of any provisions of this permit shall be cause for immediate revocation of the permit.
2. **INSURANCE** - This permit shall not become valid until the Certificate of Insurance has been completed by your contractor's insurance company and approved by the Flood Control District. If the permit activity is to be completed by Permittee's forces, the Certificate of Insurance shall be completed by Permittee's insurance company and approved by the Flood Control District.

3. The Permittee shall indemnify and hold the District and all officers, employees and agents of said public body free and harmless from any and every claim, demand or action for damages, or injury to any person or persons or property of any kind whatsoever, and any cost or expense in connection therewith, and agrees to defend the Flood Control District, the County of San Bernardino, and all officers, employees and agents of said public body against any claims or demands which may arise out of or result from Permittee's construction, operation, use or activities on District right-of-way.
4. A copy of this permit will be sent to the State Department of Fish and Game, who may require a permit for this type of activity. It is the responsibility of the Permittee to obtain any required permits and approvals prior to starting any activity authorized in the permit. State Department of Fish and Game may be contacted at the address below.

Department of Fish and Game
Region 6, Environmental Services
4665 Lampson Avenue, Suite J
Los Alamitos, CA 90720
(562) 430-7212

A completely executed copy of the State Department of Fish and Game permit shall be kept at the permit site at all times while work is being performed. Permittee shall make all contractors doing work on this project familiar with all of the requirements of the State Department of Fish and Game permit.

5. Prior to beginning any activity authorized in this permit, the Permittee and/or Permittee's authorized agent, shall notify Underground Service Alert (USA) at 1-800-422-4133 at least 48 hours in advance to coordinate the permit activity on District right-of-way.
6. In accepting this permit, the Permittee agrees to replace any existing improvements which may include but not be limited to access road pavement, irrigation pipelines, chain link fencing and landscaping with acceptable products, installed to size, line and grade as the existing products removed and as approved by the District.
7. Work done in the absence of prescribed inspection may be required to be removed and replaced under the proper inspection, the entire cost of removal and replacement, including the cost of all materials used in the work thus removed, shall be borne by the Permittee, regardless of whether the work removed is found to be defective or not. Work covered up without the authority of the District, shall upon order of the District, be uncovered to the extent required, and the Permittee shall bear the entire cost of performing all the work and furnishing all the equipment and materials necessary for the removal and subsequent replacement of the covering, as directed by the District.
8. Should installation or maintenance activities be required during the period October 15 to April 15, work shall be undertaken within a 5-day clear weather forecast. Permittee shall maintain and provide for a flood watch when storm conditions threaten, and have personnel and equipment available on a 24-hour schedule and provide the District with the names and after-hours phone numbers of responsible supervisory personnel.
9. Any survey monuments which will be disturbed or destroyed shall be located, referenced and a corner record filed with the County Surveyor prior to the start of construction. The monuments shall be reset in a surface of the new construction, with a suitable monument box placed thereon, or set with permanent witness monuments. A corner record shall be filed with the County Surveyor for reset of monuments and evidence submitted prior to finalizing the permit. All work shall be performed under the direction of a licensed land surveyor or registered civil engineer at the expense of the Permittee.
10. Access to the District's levees, channels and patrol roads shall remain open and free to vehicular traffic at all times. Alternate access to the facilities shall be provided when existing access is severed or impaired. Permittee must prevent the public or unauthorized persons from entering the construction area or the District's right-of-way.
11. The Permittee shall perform, at Permittee's own expense, all construction surveying and engineering necessary to control construction to limits defined in the Plans and Exhibit "A". The construction surveying and engineering will be performed to the District's satisfaction.

12. Permittee shall, at all times, exercise proper dust control and dust abatement.
13. At any time during the life of this permit, the District may revise, modify or add provisions to this permit as may be required to meet the flood control, water conservation and safety responsibilities of the District.
14. The location of any temporary construction roadways or ramps which the Permittee may wish to build within District right-of-way shall be subject to the approval of the District. Roads shall be constructed so as to wash out during any appreciable flows.
15. This permit is valid only to the extent of the Flood Control District's jurisdiction. Permits or other approvals required by other cognizant agencies or underlying fee owners of District easement lands shall be the responsibility of the Permittee. Nothing contained in this permit shall be construed as a relinquishment of any rights now held by the Flood Control District.
16. If the Permittee should refuse or neglect to comply with the provisions of the permit, or the orders of the District, the District may have such provisions or orders carried out by others at the expense of the Permittee.
17. If the Permittee fails to comply with any obligation contained herein, Permittee shall be liable to the District for any administrative expenses and attorney's fees incurred in obtaining compliance with this permit and any such expenses and fees incurred in processing any action for damages or for any other remedies permitted by law.
18. No part of the activities authorized under this permit shall be accepted in phases. All work within District right-of-way must be completed prior to District acceptance of improvements within District right-of-way.
19. At the completion of the construction activities, the area shall be cleaned, graded and dressed to the satisfaction of the District. A joint inspection (Permittee/District) shall be made to determine if the work has been completed in accordance with permit requirements.
20. This permit is valid only for the purpose specified herein. All proposed changes shall be submitted, in writing, for District review and approval.
21. Activities under this Permit are subject to any instructions of the Flood Control Engineer or his representative. ALL INSTRUCTIONS MUST BE STRICTLY OBSERVED.
22. District activities shall take precedence at all times and, when any work or activity must be performed to carry out the functions and purposes of the District, Permittee must allow same to be done without interference.
23. Any damage caused to District facilities or structures by reason of the exercise of the Permit shall be repaired at the cost of the Permittee to the satisfaction of the District. Permittee will be billed for the actual cost to the District should Permittee neglect to make such repairs promptly.
24. Any District right-of-way monuments that are removed, disturbed, or destroyed as a result of activity under permit will be replaced by the District. Permittee will be billed and agrees to immediately pay all costs of such replacement.
25. Unless otherwise specified herein, this permit is subject to all prior permits, agreements, easements, privileges or other rights, whether recorded or unrecorded, in the area specified in this permit. Permittee shall make his own arrangements with holders of such prior rights.
26. The permitted activities shall be in accordance with:
 - a. The San Bernardino County Department of Public Works, Transportation and Flood Control Standard Specifications, available at the Department of Public Works, 825 E. Third Street, San Bernardino, California; and
 - b. all applicable provisions of the "Construction and Safety Orders" issued by the State Division of Industrial Safety and "Manual of Accident Prevention in Construction" issued by the Associated General Contractors, Inc.

27. All work associated with the activities authorized under this permit shall conform with all Cal-OSHA requirements. Prior to any shoring activity, the Permittee or Permittee's authorized agent shall submit shoring plans, signed and approved by a registered engineer, and copies of required permits.
28. It shall be the responsibility of the Permittee and/or the Permittee's authorized agent to insure that all personnel performing work authorized under this permit are adequately trained and have appropriate safety gear and equipment before entering any confined space.
29. The Permittee shall comply with the District's Stormwater Ordinance 3588 and all applicable National Pollutant Discharge Elimination System (NPDES) requirements to reduce or eliminate pollution of stormwater discharges into waters of the United States. In this regard, the Permittee shall utilize best management practices in the operation and storage of equipment, machinery, fuels, etc., to prevent any pollutants from being discharged into any storm drain and/or channel systems. In addition, pollutants (including sediment) generated as a result of the activity authorized by this permit shall not be discharged into the drainage system.
30. Should future activities of the Corps of Engineers and/or the District so require, the Permittee shall, at Permittee's expense, relocate all or any part of the subject works as so required.
31. The District will consider time extensions to the permit upon receipt of a written request from the Permittee thirty days prior to expiration.
32. The area disturbed by permitted activities shall be kept to minimum and shall be limited to that area actually being worked.
33. No nuisance shall be allowed on any of the premises and the Permittee shall exercise diligence in precluding any dumping operations in the area by patrolling or installing barriers to deter unauthorized access when the premises are not supervised.
34. Any unauthorized structure or portions thereof placed on District right-of-way or which affect District structures, must be removed by Permittee without cost to the District.
35. Violation of any provision contained therein, without written consent of the District, shall be cause for immediate revocation of this permit after written notice to the Permittee of any violation not remedied within thirty days following said written notice.
36. Upon cancellation or revocation of this permit, for any cause whatsoever, Permittee shall immediately cease all activities authorized hereunder, shall restore District right-of-way, structures and facilities to the satisfaction of the District, and shall vacate the District's premises. Should Permittee neglect to restore the premises, structures and facilities to a condition satisfactory to the District, the District will perform such work and Permittee agrees to reimburse the District for all actual costs of work performed.
37. If the permit term is extended, an annual inspection fee shall be due each year on the anniversary date of the permit. The annual inspection fee shall be based on the District's current Schedule of Fees Ordinance in effect on the anniversary date of the permit.
38. It is expressly understood that the area involved under this permit is subject to inundation from storm, flood and/or conservation flows at any time, and that the District shall not, in any way, be obligated to afford protection against said flows, or to assume any cost for damages. The District reserves the right to divert any storm or flood flows upon any land under this permit any time, and no diversion of such shall be made by the Permittee without the consent of the District.
39. All concrete shall conform to Section 201-1 of the Standard Specification for Public Works Construction, latest edition, unless otherwise specified in this permit. Curing compound shall conform to the provisions of Section 201-4.1 of the Standard Specifications for Public Works Construction, latest edition, Type 1-clear or translucent with red fugitive dye.
40. If applicable, the Permittee shall provide a wheel shaker or other approved device at the entrance of the job site to minimize debris track out on public streets.
41. The Permittee shall comply with all provisions of Rule 403-Fugitive Dust of South Coast Air Quality Management District.

42. The permit activities allowed under this permit may require the Permittee to use a pre-emergent within District right-of-way in order to control the growth of weeds. The District currently uses the following pre-emergent for this purpose: Landmark XP @ 9 oz/acre, Milestone VM @ 7 oz/acre, Reign (Aid in Suspension) @ 1 pt/acre. The necessity to use this or a similar type of pre-emergent shall be at the discretion of the District's inspector, and the type and method of use of the pre-emergent shall be submitted by the Permittee for review and approval by the District's inspector prior to use. Please contact Emilio Lopez, Supervising Agricultural Standards Officer for the San Bernardino County Agriculture Department at (909) 387-2131 with any questions or concerns regarding the proper application of the required pre-emergent.
43. The District's Schedule of Fees Ordinance is subject to change by the County Board of Supervisors. The Board typically considers changes in the Schedule of Fees Ordinance to take effect at the beginning of each fiscal year (July 1). Should the borrow fee rate be adjusted at any time during the life of this permit in accordance with changes to the Schedule of Fees Ordinance, the Permittee shall have the right to continue soil removal based on the new rate or request cancellation of their permit prior to the effective date of the new rate. Upon cancellation, the Permittee shall be responsible for restoring the work area to the satisfaction of the District prior to vacating District right-of-way. The District shall not be responsible for any impact to contractual obligations the Permittee may have with any clients as a result of revisions to the District's Schedule of Fees Ordinance.
44. The Permittee is hereby advised that the District's inspector shall make routine, periodic visits to the construction site commencing upon the date of permit issuance. Such site inspections shall be performed to ensure that permit activities have not been initiated without proper notification to the District. As such, the District shall have its inspector charge the appropriate time for such site visits, whether work is being performed or not, and inspection fees for the permit may be assessed accordingly based on the time necessary to conduct the necessary site visits.
45. It shall be the responsibility of the Permittee to ensure that all applicable Federal, State and local regulatory requirements are adhered to during the entire term of this permit.

**Vicinity
Map
to be
inserted
here**

SHEET 1 OF 4

EXHIBIT MAP "A"

ATTACHED TO

PERMIT NO. P-120120xx

**San Bernardino County Flood Control District:
Sand and Gravel Operation BMPs**

1. Best Management Practices (BMPs) must be implemented for all pollutant sources.

- a. SWPPP
 - i. Contractor must have an approved SWPPP on site at all times.
 - ii. Contractor must comply with the District's Stormwater Ordinance.
- b. Contractor responsible for all BMP implementation and maintenance.
- c. Contractor responsible for monitoring and addressing all employee and subcontractor activities.

2. Typical pollutant sources for Sand and Gravel operations:

- a. Wind-blown fugitive dust (SCAQMD Rule 403 and SW Ordinance and Permits)
 - i. Unpaved roadways
 - ii. Stockpiles
 - iii. Disturbed or non-vegetated sediment/soil areas
 - iv. Sediment/soil loading or processing activities
 - v. Earth-moving activities
- b. Construction and Processed Material Storage
- c. Sediment tracking onto roadways
- d. Equipment maintenance
- e. Equipment operation
 - i. Fueling
 - ii. Lubricating, cooling, hydraulic fluids
- f. Waste handling
- g. Employee activities
 - i. Sanitation (porta-potty)
 - ii. Trash
 - iii. Safety

3. Minimum required BMPs:

- a. Fugitive dust
 - i. Temporary
 - 1. Preserve existing vegetation
 - 2. Sprayed water application; frequency of application is dependent upon conditions—water application equipment (e.g. water truck) must be available at all times during activity.
 - 3. Chemical dust suppression
 - a. Consult with District for accepted product types
 - ii. Long-term
 - 1. Hydroseeding of areas as appropriate
- b. Construction and Processed Material Storage
 - i. Store in lee areas or offsite
 - ii. Provide containment for loose materials

SHEET <u>2</u> OF <u>4</u>
EXHIBIT MAP <u>"A"</u>
ATTACHED TO
PERMIT NO. <u>P-120120xx</u>

1. Cover or stabilize loose piles to prevent erosion from wind or rain
2. Establish temporary curb or sandbag containment area to prevent runoff of loose materials.
- iii. Provide appropriate containment and coverage for hazardous materials (used oil, rags, filters, chemicals); comply with RCRA handling procedures.
- c. Sediment tracking
 - i. Stabilized operational entrance
 - ii. Street sweeping
 - iii. Road stabilization
 1. Gravel stabilization
 2. Chemical stabilization
- d. Equipment maintenance
 - i. Immediately clean up any spills or leaked materials.
 - ii. Maintenance conducted offsite if possible
 - iii. Prevent soil contamination from leaking equipment
 1. Use drip pans or impermeable ground cover beneath stored/parked equipment at all times
 - iv. Prevent maintenance fluids from contaminating soils
 1. Use impermeable ground covering when conducting maintenance
 2. Use absorbent pads or materials to contain fluids
 - v. Properly contain and dispose of used fluids and equipment parts
 1. Provide secondary containment
 2. Maintain spill response kit at the site
 - vi. Equipment cleaning should be done offsite; equipment wash water cannot be discharged to surface waters.
- e. Equipment Operation
 - i. Immediately clean up any spills or leaked materials.
 - ii. Inspect equipment frequently for leaks
 - iii. Fueling
 1. Fuel offsite if possible
 2. Maintain a spill kit and absorbent materials at fueling location at all times
 3. Provide drip pan or impermeable ground cover beneath fueling location
 4. Stored fuel must have secondary containment
 5. Fueling equipment must meet industry safety standards
 - iv. Lubricating or hydraulic fluids
 1. Provide drip pan or impermeable ground cover beneath equipment in operation
 - a. Inspect frequently--absorb any drips/spills
 2. Stored fluids must have secondary containment

SHEET	<u>3</u>	OF	<u>4</u>
EXHIBIT MAP	<u>"A"</u>		
ATTACHED TO			
PERMIT NO.	<u>P-120120xx</u>		

- f. Waste handling and storage
 - i. Wastes must be properly contained, labeled and disposed of
 - ii. Contaminated soils must be stored, transported and disposed of in accordance with all applicable regulations.
- g. Employee activities
 - i. Sanitation (porta-potty - PP)
 - 1. PP should be located and maintained on the dry side of the levee, where they cannot drain into the system.
 - 2. PP should be secured from being pushed over by equipment, vandalism or excessive wind conditions
 - 3. PP should be equipped with secondary containment pan,
 - ii. Trash
 - 1. Container should be provided for collection of non-hazardous trash generated on site (i.e. fast food containers, soda cans, cigarette butts, etc.)
 - 2. Container should be covered at all times and emptied on a regular basis.
 - iii. Safety
 - 1. Ensure safety and health of public and employees by maintaining BMPs (i.e. sediment ponds must drain within 48 hours).
- h. Training
 - i. Permitted operators must be trained in pollution prevention techniques

SHEET <u>4</u> OF <u>4</u>
EXHIBIT MAP <u>"A"</u>
ATTACHED TO
PERMIT NO. <u>P-120120xx</u>