

FORM APPROVED COUNTY COUNSEL
 BY: *[Signature]*
 GREGORY P. PRIAMOS
 DATE: 12/2/14

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

517B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
December 3, 2014

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DECISION TO SUSPEND SURFACE MINING PERMIT NO. 102 – Appellant: Double D Mining, LLC – Fourth Supervisorial District – Chuckwalla Zoning District – East County - Desert Area Plan: Open Space: Rural (OS-RUR), – Location: ~25 Miles North of Blythe, ~10 Miles West of Midland Road, ~15 Miles South of State Hwy 62 – ~600 Gross Acres - Zoning: Natural Assets (N-A) - APN(s): 809-170-024 and 809-170-025 Related Cases: None; 4th/4th District.

RECOMMENDED MOTION: That the Board of Supervisors:
DENY the Appeal of the Planning Commission's Findings and Decision to suspend Surface Mining Permit No. 102 approved on September 17, 2014.

BACKGROUND:

Summary

The Planning Commission heard this matter on November 6, 2013, January 15, 2014, May 21, 2014, June 18, 2014 and August 20, 2014. During these public hearings, oral and written testimony was presented to the Planning Commission by the Planning Department concerning violations of the Surface Mining and Reclamation Act (SMARA) and of Ordinance No. 555 as well as by representatives of the (continued on next page)

JCP:dj

[Signature]
Juan C. Perez
Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Deposit Based Funds
Budget Adjustment:
For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE
BY: *[Signature]*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 10/21/14

District: 4th/4th

Agenda Number:

16-1

BACKGROUND:

Summary (continued)

owner, Appellant Double D.

In light of the oral and written testimony presented concerning the violations specifically described in the attached Notices of Violation, including mining outside of the limits of the approved reclamation plan, over-steepened mine slopes, blocked drainage and inadequate financial assurances, the Planning Commission suspended Surface Mining Permit (SMP) No. 102 on September 17, 2014, because the owner failed to do the following:

1. present evidence documenting that the mine's activities are within the boundaries of the approved SMP No. 102 and its associated reclamation plan;
2. provide adequate financial assurances to reclaim the mine's disturbed area, and
3. provide an analysis documenting the safety of the mine's slopes.

As a result, the Planning Commission suspended SMP No. 102 until the mine's owner complies with the following:

1. submits a new aerial topographic survey map to the Planning Department showing the boundaries of the mine site and the approved reclamation plan;
2. submits and processes an application for a revised surface mining permit and reclamation plan in accordance with Ordinance No. 555 and SMARA;
3. submits a financial assurance cost estimate to the Planning Department and posts an interim financial assurance mechanism in accordance with Ordinance No. 555 and SMARA;
4. pays any outstanding arrears to the Planning Department; and
5. any other item in the September 27, 2013 Notice and Order to Comply issued by the County of Riverside that is not specifically listed above.

On October 21, 2014 the Planning Commission's Findings and Decision to suspend SMP No. 102 were placed on the Board of Supervisors agenda with a request that the Board receive and file the Commission's Findings and Decision. Thereafter, on October 22, 2014, an appeal of the Planning Commission's decision to suspend SMP No. 102 was timely filed with the Clerk of the Board by Double D Mining, LLP. Ordinance No. 555, Section 7.c. requires that the this appeal be set for public hearing before the Board of Supervisors not less than 13 nor more than 60 days from the date of the filing of the appeal. Accordingly, this appeal has been set for public hearing within the required time period and staff recommends that the appeal of the Planning Commission's Findings and Decision to suspend SMP No. 102 be denied.

Impact on Residents and Businesses

N/A

Contract History and Price Reasonableness

N/A

- ATTACHMENTS:**
- A. Planning Commission Findings and Decision, Report of Actions and Minute Order**
 - B. Double D Mining, LLP Application for Appeal**

ATTACHMENT – “A”

FORM APPROVED COUNTY COUNSEL 9/29/14
 BY: GREGORY P. PRAMOS D.A.

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Planning Department

SUBMITTAL DATE:
 September 25, 2014

SUBJECT: NOTICE OF THE PLANNING COMMISSION'S DECISION TO SUSPEND SURFACE MINING PERMIT NO. 102 – Mine Operator: Sun Services – Fourth Supervisorial District – Chuckwalla Zoning District – East County - Desert Area Plan: Open Space: Rural (OS-RUR), – Location: ~25 Miles North of Blythe, ~10 Miles West of Midland Road, ~15 Miles South of State Hwy. 62 – ~600 Gross Acres - Zoning: Natural Assets (N-A) - APN(s): 809-170-024 and 809-170-025 – Request: Receive and file the Planning Commission's findings and decision. Related Cases: None.

RECOMMENDED MOTION: That the Board of Supervisors:
RECEIVE AND FILE the Planning Commission's Findings and Decision to suspend Surface Mining Permit No. 102 approved on September 17, 2014, attached hereto.

BACKGROUND:

Summary

The Planning Commission's decision is final and no action by the Board of Supervisors is required unless the applicant or an interested person files an appeal with the Clerk of the Board in accordance with Section 7.c of Ordinance No. 555 or the Board assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed or the Board assumes jurisdiction, the Clerk of the Board will set the matter for a future public hearing before the Board in accordance with Ordinance No. 555.

(continued on next page)

JCP:dj


 Juan C. Perez
 TLMA Director/Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Deposit Based Funds	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: | District: 4/4 | Agenda Number:

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**PLANNING COMMISSION
COUNTY OF RIVERSIDE**

**IN THE MATTER OF SUSPENSION OF SURFACE
MINING PERMIT NO. 102**

FINDINGS AND DECISION

The Planning Commission ("Commission") heard the above-referenced matter on November 6, 2013, January 15, 2014, May 21, 2014, June 18, 2014 and August 20, 2014, after giving the required notice. During these hearings, oral and written testimony was presented by the County of Riverside Planning Department and representatives for Double D Mining. Double D Mining operates the Standard Gypsum Mine operating under Surface Mining Permit No. 102 ("SMP No. 102"). Following the oral testimony on August 20, 2014, the Commission closed the public hearing, tentatively suspended SMP No. 102 and directed staff to prepare the following findings. The Commission has reviewed the findings and hereby suspends SMP No. 102 based thereon.

FINDINGS

1. The Standard Gypsum Mine ("Mine") is operating under SMP No. 102 and is located twenty-five (25) miles north of Blythe, ten (10) miles west of Midland Road and fifteen (15) miles south of State Highway 62 in the County of Riverside. Sun Services, Inc. was the previous operator of the Mine.
2. Double D Mining is the current owner of the Mine.
3. During the public hearing on May 21, 2014, it was confirmed that David Maughan was the agent for service of process for Double D Mining.
4. On November 8, 2012, the County of Riverside ("County") issued a Notice of Violation to the Mine for violating the Surface Mining and Reclamation Act which is attached hereto as Exhibit A.
5. On August 22, 2013, the County issued a second Notice of Violation to the Mine for violating

FORM APPROVED COUNTY COUNSEL
BY: 
DATE: 9/29/14
MICHELLE CLARK

- 1 the Surface Mining and Reclamation Act which is attached hereto as Exhibit B.
- 2 6. The violations, more specifically described in the attached Notices of Violation, included
- 3 mining outside of the limits of the approved reclamation plan, over-steepened mine slopes,
- 4 blocked drainage and inadequate financial assurances.
- 5 7. On September 27, 2013, the Riverside County Planning Director issued a Notice and Order to
- 6 Comply with the Surface Mining and Reclamation Act to the Mine which is attached hereto as
- 7 Exhibit C.
- 8 8. Section 10.a. of Ordinance No. 555 provides that the Order to Comply shall not take effect
- 9 until the operator has been provided a public hearing before the Planning Commission
- 10 concerning the violation.
- 11 9. Public hearings on the Order to Comply took place before the Planning Commission on
- 12 November 6, 2013, January 15, 2014, May 21, 2014 and June 18, 2014.
- 13 10. Pursuant to Section 10.b. of Ordinance No. 348, the Planning Commission may affirm, modify
- 14 or set aside the order issued by the Planning Director.
- 15 11. According to the November 8, 2012 Notice of Violation, the August 22, 2013 Notice of
- 16 Violation and the November 6, 2013 staff report, the Mine's operating activities are outside
- 17 the limits of the approved SMP No. 102 and its associated reclamation plan. The Mine's
- 18 operation blocked water drainages and constructed vertical slopes which is not allowed under
- 19 SMP No. 102.
- 20 12. Additionally, according to the August 22, 2013 Notice of Violation and the November 6, 2013
- 21 staff report, the Mine's activities are beyond the limits of what can be reclaimed under the
- 22 current financial assurance of \$53,472.
- 23 13. Following oral testimony on November 6, 2013, the Commission continued the item to
- 24 January 15, 2014.
- 25 14. On January 15, 2014, the Commission affirmed the Order to Comply and provided a sixty (60)
- 26 day compliance period.
- 27 15. On May 21, 2014, the Mine's representative asked for additional time to comply with the
- 28

1 Order to Comply. Following oral testimony, the Commission again affirmed the Order to
2 Comply, continued the item to June 18, 2014, and requested Double D Mining to provide the
3 County with a new aerial topographic survey map showing the boundaries of the Mine site and
4 the approved reclamation plan. The Commission also requested the operator to submit the
5 interim financial assurances in the amount of \$1 million dollars and to pay the outstanding
6 arrears to the County.

7 16. On June 18, 2014, Double D Mining still had not complied with the Order to Comply or with
8 the Commission's May 21st request. The County still had not received the following:

- 9 a. a new aerial topographic survey map showing the boundaries of the Mine site and the
10 approved reclamation plan;
- 11 b. the necessary documents, including exhibits, to revise the permit and associated
12 reclamation plan;
- 13 c. the interim financial assurances; or
- 14 d. plans to demonstrate the safety of existing slopes.

15 17. In light of the above, following oral testimony, the Commission directed staff to begin the
16 suspension procedures in accordance with Sections 7 and 10.b. of Ordinance No. 555.

17 18. On August 20, 2014, a hearing was held before the Planning Commission to consider the
18 suspension of SMP No. 102.

19 19. At the August 20th hearing, the Mine's representative provided that the following steps were
20 taken to comply with the Order to Comply:

- 21 a. a substantial conformance application was submitted to the County on August 19,
22 2014;
- 23 b. slope stability documents were being prepared; and,
- 24 c. a cost estimate of \$216,000 for the financial assurances was submitted to the County.

25 20. At the August 20th hearing, the Planning Department's representative testified that the
26 appropriate interim financial assurance is \$1 million, which is based on calculations provided
27 by the State of California. Also, the amount of disturbed acreage at the Mine's site still needs
28

1 to be determined in order to accurately calculate the appropriate financial assurances.

2 21. Additionally, the new aerial topographic survey map showing the boundaries of the Mine site
3 and the approved reclamation plan requested by the Commission has not been submitted by
4 the Mine's representatives.

5 22. Based on oral and written testimony provided on August 20, 2014, Double D Mining has
6 failed to do the following:

- 7 a. Present evidence documenting that the Mine's activities are within the boundaries of
- 8 the approved SMP No. 102 and its associated reclamation plan;
- 9 b. Provide adequate financial assurances to reclaim the Mine's disturbed area; and
- 10 c. Provide an analysis documenting the safety of the Mine's slopes.

11 **DECISION**

12 1. Based on the above, the Commission suspends SMP No. 102 until the Mine's owner complies
13 with all of the following:

- 14 a. submits a new aerial topographic survey map to the Planning Department showing the
- 15 boundaries of the Mine site and the approved reclamation plan;
- 16 b. submits and processes an application for a revised surface mining permit and reclamation
- 17 plan in accordance with Ordinance No. 555 and the Surface Mining and Reclamation Act;
- 18 c. submits a financial assurance cost estimate to the Planning Department and posts an
- 19 interim financial assurance mechanism in accordance with Ordinance No. 555 and the
- 20 Surface Mining and Reclamation Act;
- 21 d. Pays any outstanding arrears to the Riverside County Planning Department;
- 22 e. Any other item in the September 27, 2013 Notice and Order to Comply issued by the
- 23 County of Riverside that is not specifically listed above.

24 2. In accordance with Section 7.c of Ordinance No. 555 the decision by the Commission is
25 considered final.

EXHIBIT A



COUNTY OF RIVERSIDE
TRANSPORTATION and LAND MANAGEMENT AGENCY



DEPARTMENT OF BUILDING AND SAFETY

Mike Lara
Director

Notice of Violation

November 8, 2012

Standard Gypsum Mine
ATTN: Dave Maughan
19301 Ventura Blvd., Suite 204
Tarzana, CA 91356

RE: CA Mine ID: 91-33-0076
SMP102

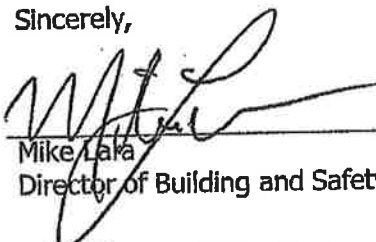
Dear Surface Mine Operator,

The purpose of this letter is to notify you that you are in violation with the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq. (SMARA). The County of Riverside is the lead agency for this surface mining operation. Failure to comply with the corrections identified below with-in the time limits identified may result in revocation of SMP00102. **You have 30 days to comply with this Notice of Violation.**

Violations:

1. Mining outside the limits of the approved mining and reclamation plan damaging natural habitat.
2. Inadequate protection for streams, stockpiles/tailing exposed to stream erosion, materials cast into stream ways.
3. Inadequate protection of waste from wind and water erosion.
4. Open adit along north edge of property.
5. Derelict equipment, tires, metal scraps, debris located along the northwest portion of the site.
6. Vertical slopes in excess of approved and safe heights (estimated at 100 feet vertical).
7. Materials cast into stream ways, partially blocked drainage.
8. Burning trash on-site without permit.
9. Failure to produce required blasting permit.
10. Ponding water and/or groundwater in the bottom of the pit.
Correction-Measures Required.
11. Failure to provide updated Financial Assurance Cost Estimate and Financial Assurance Mechanism.

Sincerely,



Mike Lara
Director of Building and Safety

EXHIBIT B



COUNTY OF RIVERSIDE
TRANSPORTATION and LAND MANAGEMENT AGENCY
DEPARTMENT OF BUILDING AND SAFETY



Mike Lara
Director

Notice of Violation

August 22, 2013

Sent Regular U.S. Mail and
Certified Mail No.
7001 2510 0003 8636 4776

Sun Services
Standard Gypsum Mine
19301 Ventura Boulevard, Suite 204
Tarzana, CA 91356

RE: CA Mine ID: 91-33-0076
RCL00102

Dear Surface Mine Operator:

This notice is to inform you that no later than **July 1st of each calendar year**, you are required by California Law (Public Resources Code 2207) and Riverside County Code 5.48 (County Ordinance 555), to submit to the Director of Building and Safety, Lead Agency for mining activity in Riverside County, a copy of your 2012 Annual Mining Report (MRRC-2). You must submit additional information including applications for your annual Special Inspection Permit and Building Industrial Commercial Storm Water Permit included with the applicable fees.

The purpose of this letter is to notify you that you are in violation with the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq. (SMARA). The County of Riverside is the lead agency for this surface mining operation. Failure to comply with the corrections identified below with-in the time limits identified may result in revocation of RCL00102.

You have 30 days to comply with this Notice of Violation.

Site is found in non-compliance with reclamation standards (California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, Article 9, Section 3007 et seq.)

In addition to the Annual Report all surface mine operators are required to submit the following:


1. Surface Mine Permit/ BIC Permit. (Annual Inspection Permit Application).
2. Annual updated financial assurance cost estimates.
3. Provide a current Statement of Responsibility.
4. New aerial topography with property lines and setbacks identified.

Page 1 of 2

5. Certify all disturbances are within the limits of the Surface Mining/Reclamation Plan.
6. Indicate maximum depth of excavations.
7. Provide quantity in cubic yards and tons of minerals mined during the reporting period.
8. Provide a statement from a Certified Engineering Geologist/Geotechnical Engineer that all slopes (cut & fill), both active and inactive, are within the permitted boundaries, at the approved angles and are stabilized.
9. Provide a copy of your Waste Discharge Identification Number obtained for the project from the State Water Resources Control Board. If exempt, please provide state "Letter of Exemption".
10. Provide a copy all of approved Financial Assurance Mechanisms posted.
11. Provide proof of Annual Inspection Fees paid to the Office of Mining and Reclamation.

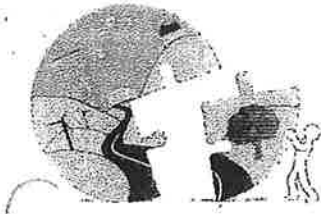
Please contact Chris Trinidad, Environmental Compliance Inspector II, at (951) 955-8116 or Email ctrinida@rctlma.org if you have any questions or need assistance.

Sincerely,



Mike Jara
County of Riverside Building Official

EXHIBIT C



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Carolyn Syms Luna
Director

September 27, 2013

Via Certified Mail

Sun Services, Inc.
Attention: Dave Maughan
19301 Ventura Blvd., Suite 204
Tarzana, CA 91356
818-510-4439

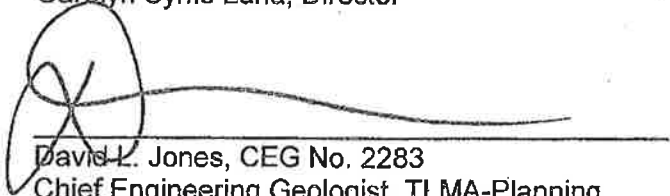
Standard Gypsum Mine (SMP00102)
CA Mine ID #91-33-0076
Notice and Order to Comply

Dear Mr. Maughan,

Enclosed with this letter is a Notice and Order to comply with the California Surface Mining and Reclamation Act (SMARA), Public Resources Code, Division 2, Chapter 9, Section 2719 et seq.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Carolyn Syms Luna, Director


David L. Jones, CEG No. 2283
Chief Engineering Geologist, TLMA-Planning

Encl: Notice, Order, Attachment A

cc: Carolyn Sym Luna, Planning Director
Mike Lara, Building Official
Michelle DeArmond, Chief of Staff – 4th District
Shellie Clack, Deputy County Counsel
Ken Trott, Environmental Program Manager, OMR
J. Curtis Edmondson, Law Offices of J. Curtis Edmondson
File: SMP00102

B:\Geology\SMP\SMARA 2013\Standard Gypsum\Order to Comply 9-13.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-6892 · Fax (951) 955-1811

Desert Office · 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event."

4. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by not providing adequate protection of mine wastes from wind and water erosion.

SMP00102 Exhibit A provides the limits for benching, wastes, and haul roads.

California Code of Regulations 3706(d) states: "Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event."

5. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by constructing and allowing an open adit to remain along the north edge of the property (also outside the limits of the approved mining and reclamation plan).

SMP00102 Exhibit A provides the limits for benching, wastes, and haul roads.

Surface Mining Permit and Reclamation Plan Approval III Proposed Operations.C. states: Mining methods used will be: open pit, multi bench, low level and trucking to processing plan and railroad.

California Code of Regulations Section 3713 (b) states: "Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat."

6. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by placing derelict equipment, tires, metal scrap, and debris along the northwest portion of the site.

SMP00102 Exhibit A provides the limits for benching, wastes, and haul roads.

Surface Mining Permit No. 102 Appendix, item A states: On the mining plan map the area where the waste from the mining operation will be placed is shown. Other than rock, no waste material, machinery or scrap will be accumulated or deposited in these areas. At the railroad siding where the gypsum will be crushed and classified there is no waste material in the process. Any derelict machinery would be removed and sold for scrap.

7. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by constructing slopes in excess of approved heights and slope inclination (vertical).

SMP00102 Exhibit A provides the limits for benching, wastes, and haul roads.

SMP00102 Condition of Approval No. 6. (a-c): Construction Slopes states:

- (a) Where the face is composed of loose or unstable materials, the slope of the face shall not exceed 50 degrees where the height is greater than can be reached by the dipper or bucket of the excavator or loader.
- (b) Where the face is composed of moderately compacted materials that are not firmly cemented or consolidated by which experience indicates will stand well in place, the slope shall not exceed 65 degrees where the height is greater than can be reached by the dipper or bucket of the excavator or loader.
- (c) Where the face is composed of firmly cemented or consolidated materials that experience indicates do not spall or cave readily, the slope shall not exceed 80 degrees where the height is greater than can be reached by the dipper or bucket of the excavator or loader.

Surface Mining Permit and Reclamation Plan Approval, V Reclamation Plan, F. states: As was mentioned previously the gypsum deposits extends to a depth of over 600 feet as demonstrated by core drilling. Current economics dictate an initial development with a series of 25 foot benches. Leaving the excavations open and in good condition would allow continued operation in the future under more favorable economic conditions.

8. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by partially blocking site drainage by casting materials into stream ways.

SMP00102 Condition of Approval No. 9. states: The permittee shall, during the proposed mining operation, ensure that off-site storm run-off through the property outlets at substantially the same location as exists under natural conditions.

Surface Mining Permit and Reclamation Plan Approval, V Reclamation Plan, D.3. states: Waste areas, as indicated on the map, will be in a large gully area. Waste material will be mainly of large size rock with low profile dumps.

Surface Mining Permit and Reclamation Plan Approval, V Reclamation Plan, D.4. states: No major drainage area will be disturbed. In the waste areas channeling would reduce any damming effect.

9. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of the approved reclamation plan by allowing rainwater and/or groundwater to pond in the bottom of the pit.

SMP00102 Condition of Approval No. 8. states: No standing water shall be permitted on the site which could create a hazard to the public.

SMP00102 Condition of Approval No. 9. states: The permittee shall, during the proposed mining operation, ensure that off-site storm run-off through the property outlets at substantially the same location as exists under natural conditions.

10. Sun Services has engaged in surface mining operations as defined by Pub. Res. Code Section 2735 in Riverside County at the Standard Gypsum Mine, SMP00102, CA Mine ID# 91-33-0076 in violation of Public Resource Code Section 2773.1(a)(3) and County Ordinance No. 555 Section 9.a. by failing to provide updated financial Assurance Cost Estimate and Financial Assurance Mechanism..

County Ordinance No. 555 Section 9.a. states: ...The amount of the financial assurance shall be adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan and shall be adjusted annually to account for new lands disturbed, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan....

Public Resource Code Section 2773.1(a)(3) states, "The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan."

11. On November 13, 2012, Sun Services, Inc. received a Notice of violation dated November 8, 2012 by certified mail informing Sun Services, Inc. that mining operations conducted at the Standard Gypsum Mine were in violation of their approved reclamation plan as described in items 2-10 above.
12. As of the date of this Notice and Order, Sun Services, Inc. has not submitted or obtained a revised reclamation plan and financial assurance approved pursuant to SMARA.

IN THE MATTER OF
SUN SERVICES, INC.)

MINING OPERATION)
STANDARD GYPSUM MINE – SMP00102)
CA MINE ID #91-33-0076)

ATTN:)
DAVE MAUGHAN)

NOTICE AND ORDER TO COMPLY WITH SMARA
[Public Resource Code Section 2774.1]

ORDER

Sun Services, Inc. IS HEREBY ORDERED TO COME INTO COMPLIANCE with the California Surface Mining and Reclamation Act, ("SMARA") found at Public Resources Code, Division 2, Chapter 9, beginning at Section 2710 et seq. and associated regulations (the "Regulations") found at Title 14, California Code of Regulations Section 3500 et seq.; Specifically, Sun Services, Inc. is ordered to:

1. Prepare a revised mining permit and associated reclamation plan in accordance the California Surface Mining and Reclamation Act, ("SMARA") found at Public Resources Code, Division 2, Chapter 9, beginning at Section 2710 et seq. and associated regulations (the "Regulations") found at Title 14, California Code of Regulations Section 3500 et seq., County Ordinance No. 555 Section, and specifically include plans to address the 18 conditions set forth in Attachment "A", and submit the reclamation plan to Riverside County for review and approval and to the Department of Conservation ("Department") within 15 days of the effective date of this Order.
2. Post an interim financial assurance mechanism effective through December 31, 2014 in the amount of \$1,000,000 within 15 calendar days of the effective date of this Order. The issuer must submit an original or certified copy of the interim financial assurance mechanism to Riverside County and the Department.
3. Provide an original or a certified copy from an independent financial institution authorized to do business and located within California of proof to both Riverside County and the Department that the current financial assurance mechanism has been renewed in full through July 31, 2014 within 10 calendar day from the effective date of this Order.
4. Provide an amended reclamation plan that fully responds to and incorporates any comments or requirements from the County and/or the Department no later than 15 calendar days after receipt of any comments or requirements from Riverside County and/or the Department regarding the revised mining permit and associated reclamation plan originally submitted pursuant to paragraph 1 above.
5. Submit a financial assurance cost estimate in accordance with SMARA, and the Regulations and Financial Assurance Guidelines adopted by the State Mining and Geology board, to Riverside County for approval and the Department within 5 calendar days of the approval of a revised mining permit and associated reclamation plan.

6. Provide an amended financial assurance cost estimate that fully responds to and incorporates any comments or requirements from Riverside County and/or the Department no later than 5 calendar days after receipt of any comments or requirements from Riverside County and/or the Department regarding the financial assurance cost estimate originally submitted pursuant to paragraph 5 above.
7. Provide a financial assurance mechanism in the full amount of the approved financial assurance cost estimate or paragraph 6, above, within 5 calendar days from receipt of notification by Riverside County or the Department of the approved financial assurance cost estimate. The issuer must be authorized to and doing business in California, and provide an original or certified copy of the financial assurance mechanism to Riverside County and the Department.
8. Commence reclamation pursuant to the approved revised reclamation plan by March 31, 2014.
9. Complete reclamation pursuant to the approved revised reclamation plan by December 31, 2014, excepting revegetation. Both Riverside County and the Department must inspect and certify reclamation as being complete.
10. Complete revegetation pursuant to the approved revised reclamation plan by March 1, 2015 wherein revegetation success monitoring shall begin. Both Riverside County and the Department must inspect and certify revegetation planting as being complete.
11. Full completion of reclamation continues until successful revegetation is established in accordance with the approved revised reclamation plan that is certified complete by inspection by both Riverside County and the Department.
12. Appear before the Riverside County Planning Commission on November 6, 2013 for the hearing pursuant to Pub. Res. Code Section 2774.1(b) and Riverside County Ord. No. 555 Section 10.a.

The Order shall be effective immediately following the hearing before the Riverside County Planning Commission on November 6, 2013. If Sun Services, Inc. fails to comply with this Order, it may be subject to administrative penalties pursuant to Pub. Res. Code Section 2774.1(c) of up to five thousand dollars (\$5,000) per day, assessed from the original date of noncompliance.

If you have any questions regarding this Order, please contact my office at (951) 955-6863.

Date

9/27/13



David L. Jones
Chief Engineering Geologist
TLMA - Planning
Riverside County

Sun Services, Inc.
Standard Gypsum Mine - SMP00102
CA Mine ID #91-33-0076

ATTACHMENT A

1. The reclamation plan must provide for the reclamation and habitat restoration for the area mined outside the limits of the approved mining and reclamation plan (SMP00102). This shall include the areas impacted by wind and waterborne fines that have extended beyond the limits of the approved mining and reclamation plan (SMP00102).
2. The reclamation plan must provide for removal of all material stockpiles/tailings from existing stream ways and for the appropriate reclamation of all material stockpiles/tailings at the site.
3. The reclamation plan must provide for adequate protection of mine wastes from wind and water erosion.
4. The reclamation plan must provide for the closure of the existing open mine adit.
5. The reclamation plan must provide for removal of all derelict equipment, tires, metal scrap, and debris from the site.
6. The reclamation plan must provide for removal of all slopes in excess of approved heights and all slopes must be constructed at a safe inclination defined by current and appropriate geotechnical and geologic analysis of the site.
7. The reclamation plan must provide for removal of all rainwater and/or groundwater from the bottom of the pit and it must also provide for a reclaimed site that does not adversely impact groundwater or surface water.
8. The reclamation plan must provide for long term erosion and sediment control.
9. The reclamation plan must provide for ripping/decompaction of compacted areas prior to revegetation.
10. The reclamation plan must provide for reclamation of all access roads and the railroad siding operations area.
11. The reclamation plan must provide for spreading of available topsoil over areas to be revegetated. If sufficient topsoil is not available, alternative growth media must be provided for in the reclamation plan. Soil testing of the growth media must be performed and amendments must be added as needed for plant growth.
12. The reclamation plan must provide a revegetation plan, including a native plant seed mix, application rates/methods, and performance standards for cover, species richness, and density.
13. The reclamation plan must provide for decommissioning of all wells and boreholes drilled for the mining operation in accordance with applicable laws and the requirements of the Riverside County Department of Public Health.

13. The reclamation plan must provide a current Statement of Responsibility.
14. The reclamation plan must provide current topography.
15. The reclamation plan must provide information on the maximum width and depth of all excavations, including but not limited to, ore extraction excavations, overburden excavations, exploratory drilling/excavations, and all associated access road excavations.
16. The reclamation plan must provide information on and location of all buildings and processing equipment to be located on this site.
17. The reclamation plan must provide a statement from a Certified Engineering Geologist, Geotechnical Engineer or Civil Engineer that all slopes (cut and fill as well as active and inactive mine slopes), are within the permitted boundaries, at the approved angles and are stable as constructed.
18. The reclamation plan must provide a copy of your Waste Discharge Identification Number obtained for the project from the State Water Resources Control Board. If exempt, please provide state "Letter of Exemption".

**PLANNING COMMISSION HEARING
REPORT OF ACTIONS
SEPTEMBER 17, 2014**

- 3.2 SURFACE MINING PERMIT NO. 102, SUSPENSION OF MINING PERMIT** – Mine Operator: Double D Mining, LLC – Fourth/Fourth Supervisorial District – Chuckwalla Zoning District – East County - Desert Area Plan: Open Space: Rural (OS-RUR) – Location: 25 Miles north of Blythe, 10 Miles west of Midland Road, 15 Miles south of State Hwy. 62 – 400 Gross Acres - Zoning: Natural Assets (N-A) - **REQUEST:** The Planning Commission to review and consider the findings prepared for the suspension of Surface Mining Permit No. 102 associated with the Notice and Order to Comply issued by the County pursuant to the Surface Mining and Reclamation Act and County Ord. No. 555. Related Cases: None. Continued from August 20, 2014. Project Manager: David Jones at (951) 955-6863 or email dlijones@rctlma.org. (Quasi-judicial) (**Public Hearing Closed on August 20, 2014**).
- Planning Commission Action:**
By A Vote Of 5-0,
APPROVED THE FINDINGS OF FACT AND DECISION TO SUSPEND THE SURFACE MINING PERMIT.
- 3.3 CHANGE OF ZONE NO. 7826** – CEQA Exempt - Applicant: County of Riverside – All Supervisorial Districts - Location: Countywide – **REQUEST:** The change of zone proposes the following amendments to Riverside County Ordinance No. 348: (1) amend Section 18.18 (Detached Accessory Buildings) to modify development standards and the review process for detached accessory buildings; (2) amend Section 18.28 (Conditional Use Permits), Section 18.28a (Second Unit Permits), Section 18.29 (Public Use Permits) and Section 18.30 (Plot Plans) to modify the time period to use an approved permit and other minor changes to the sections; and (3) amend Section 19.43 (Modifications to Approved Permits) to modify the approval process for on-site advertising structures and signs. Continued from August 20, 2014. Project Planner: David Mares at (951) 955-9076 or email dmares@rctlma.org. (Legislative)
- Planning Commission Action:**
By A Vote Of 5-0,
CONTINUED TO OCTOBER 15, 2013.
- 3.4 PLOT PLAN NO. 14522 REVISED PERMIT NO.1** – CEQA Exempt - Appellant: **World's Biggest Cabazon Dinosaurs** - Applicant: World's Biggest Cabazon Dinosaurs – Representative: Trip Hord – Fifth/Fifth
- Planning Commission Action:**
By A Vote Of 5-0,
CONTINUED TO MARCH 18, 2015.



**PLANNING COMMISSION
MINUTE ORDER
SEPTEMBER 17, 2014**

I. AGENDA ITEM 3.2

SURFACE MINING PERMIT NO. 102, SUSPENSION OF MINING PERMIT – Mine Operator: Double D Mining, LLC – Fourth/Fourth Supervisorial District – Chuckwalla Zoning District – East County - Desert Area Plan: Open Space: Rural (OS-RUR) – Location: 25 Miles north of Blythe, 10 Miles west of Midland Road, 15 Miles south of State Hwy. 62 – 400 Gross Acres - Zoning: Natural Assets (N-A). (Quasi-judicial) (**Public Hearing Closed on August 20, 2014**).

II. PROJECT DESCRIPTION:

The Planning Commission to review and consider the findings prepared for the suspension of Surface Mining Permit No. 102 associated with the Notice and Order to Comply issued by the County pursuant to the Surface Mining and Reclamation Act and County Ord. No. 555. Related Cases: None. Item continued from August 20, 2014.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Manager: David Jones at (951) 955-6863 or email dljones@rctlma.org.

Chris Powell, 2001 Lava Ridge Ct, Ste. 120, Roseville, (209) 612-0259 spoke against the suspension.

IV. CONTROVERSIAL ISSUES:

None

V. PLANNING COMMISSION ACTION:

Public Comments: **Closed**

Motion by Chairman Sanchez, 2nd by Commissioner Sloman

A vote of 5-0,

APPROVED THE FINDINGS OF FACT AND DECISION TO SUSPEND THE SURFACE MINING PERMIT.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

ATTACHMENT – “B”



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

APPLICATION FOR APPEAL

DATE SUBMITTED: 9-25-2014

Appeal of application case No(s): (SMP⁰⁰102 sl)
List all concurrent applications

Name of Advisory Agency: Planning Commission

Date of the decision or action: 9-17-2014

Appellant's Name: Double D Mining, LLC E-Mail: dave.gypsum@yahoo.com

Mailing Address: 10705 Villa Monterey Dr.
Bakersfield CA 93311
City State ZIP

Daytime Phone No: (818) 535-1089 Fax No: () _____

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. Planning Commission for: all other decisions. 	<ul style="list-style-type: none"> Clerk of The Board for: Appeals before the Board of Supervisors. Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> Change of Zone denied by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denied by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit 	Within 10 days after the notice of decision appears on the Board of Supervisors RIVERSIDE COUNTY CLERK OF THE BOARD OF SUPERVISORS DATE: <u>10/22/14</u> AMOUNT: <u>\$ 405.90</u> REC'D BY: <u>[Signature]</u>

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5-11
8-11
-27-85

**ATTACHMENT TO APPLICATION FOR APPEAL FORM
IN THE MATTER OF SUSPENSION OF SURFACE MINING PERMIT NO. 102**

Double D Mining, LLC (“Double D Mining”) respectfully appeals the September 17, 2014 decision of the Riverside County Planning Commission (“Commission”) regarding suspension of Surface Mining Permit No. 102 (SMP 102). Double D Mining appeals the Commission’s decision on the basis that the decision is arbitrary, capricious and abuse of discretion, and is contrary to the requirements of the Surface Mining and Reclamation Act (SMARA), SMARA Regulations, and County Ordinance No. 555. In particular, Double D Mining appeals the following:

1. Commission’s decision to suspend SMP No. 102 until Double D Mining submits a new aerial topographic survey map to the Planning Department showing the boundaries of the Mine site and the approved reclamation plan.

Double D Mining submitted to the County an updated topographic map of the approved mining site; accordingly, the Commission’s decision is arbitrary, capricious and abuse of discretion, and thus is subject to reversal.

2. Commission’s decision to suspend SMP No. 102 until Double D Mining submits and processes an application for a revised surface mining permit and reclamation plan in accordance with Ordinance No. 555 and SMARA.

Pursuant to SMARA Regulations, the County may require Double D Mining to obtain an amended reclamation plan only if “the surface mining operation can no longer be reclaimed in accordance with its approved reclamation plan.” (14 C.C.R. § 3502(e).) The evidence submitted by Double D Mining to the Commission prior to the September 17, 2014 hearing clearly demonstrates that the site can be reclaimed in accordance with the approved reclamation plan. Accordingly, the Commission’s request that Double D Mining obtain a new or amended mining permit and reclamation plan is unwarranted by the facts and the applicable law, and thus should be rejected by the Board.

3. Commission’s decision to suspend SMP No. 102 until Double D Mining submits a financial assurance cost estimate to the Planning Department and posts an interim financial assurance mechanism in accordance with Ordinance No. 555 and SMARA.

Double D Mining secured a certificate of deposit for \$250,000 and submitted the forms for a financial assurance mechanism in that amount to the County on September 17, 2014. Accordingly, the Commission’s decision is arbitrary, capricious and abuse of discretion, and thus is subject to reversal.

4. Commission's decision to suspend SMP No. 102 until Double D Mining pays any outstanding arrears to the Planning Department.

On September 17, 2014, Double D Mining tendered a check to the County for a sum of \$34,284.20, thus complying with the Commission's request regarding the outstanding arrears. Accordingly, the Commission's decision is arbitrary, capricious and abuse of discretion, and thus is subject to reversal.

5. Commission's decision to suspend SMP No. 102 until Double D Mining complies with any other item in the September 27, 2013 Notice and Order to Comply.

Double D Mining has complied with all lawful County requirements set forth in the September 27, 2013 Notice and Order to Comply.

In light of Double D Mining's submittal of a financial assurance mechanism, payment of the County fees, and cooperation with all reasonable and lawful County requirements, Double D Mining asks the Board of Supervisors to reverse the Commission's September 17, 2014 decision.

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 10/22/2014

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers 809-170-024, 025 For

Company or Individual's Name Planning Department

Distance buffered 2400'

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

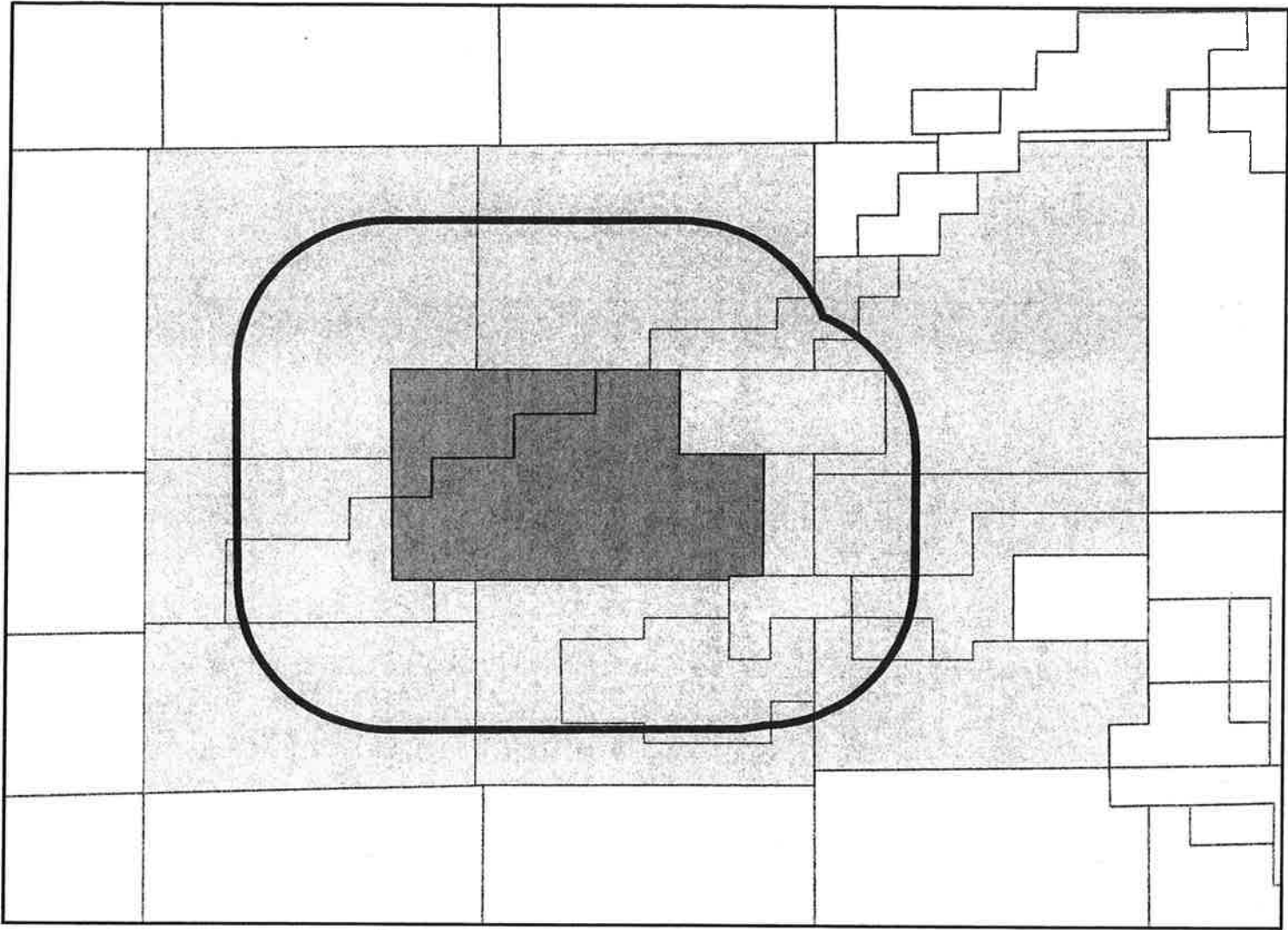
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

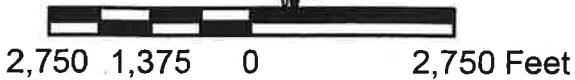
TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

APN: 809-170-024, 025 (2400 feet buffer)



Selected Parcels

809-170-016 809-170-024 809-170-025 809-170-026 809-170-002 809-170-003 809-170-004 809-170-022 809-170-023 809-170-027
809-170-028 809-170-029 809-170-030 809-170-031 809-170-032 809-170-033 809-170-034 809-170-036 809-170-037



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1411561

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: DOUBLE D MINING LLC \$405.96
paid by: CK 1002
paid towards: SMP00102S1 SUBST CONF: SURF MIN/RECL PLAN
at parcel #:
appl type: SC04

By MGARDNER Oct 22, 2014 14:56
posting date Oct 22, 2014

Account Code	Description	Amount
202033100200772210	LMS SURCHARGE	\$8.11
100003120100777180	PLANNING: APPEALS	\$397.85

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