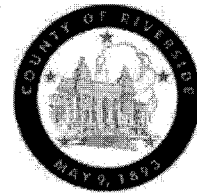


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM
3.23
(ID # 3826)**

MEETING DATE:

Tuesday, March 21, 2017

FROM : TLMA-PLANNING:

SUBJECT: TLMA- PLANNING DEPARTMENT: Petition for Review of Administrative Penalty Order - Corona Clay Company. First District. [Deposit Base Funds 100%] (Set for hearing 05/02/2017)

RECOMMENDED MOTION: That the Board of Supervisors:
Grant the Petition for Review of the Administrative Penalty Order and set this matter for hearing on May 2, 2017 to determine whether the Administrative Penalty Order shall be affirmed, modified, or set aside, in whole or in part.

ACTION: (Policy)

Juan O. Paredes, Director of Transportation & Land Management

3/9/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as amended to set public hearing for Tuesday, July 11, 2017, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione and Washington
Nays: None
Absent: Ashley
Date: March 21, 2017
xc: TLMA-Planning, COB

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On January 26, 2015, the Planning Department issued an Administrative Penalty Order ("APO") to Corona Clay Company ("Corona Clay"), a California corporation, for failure to comply with the County-issued Notice of Violation and Order to Comply issued under Public Resources Code Section 2774.1 and County Ordinance No. 555 for unpermitted surface mining activities. On March 9, 2015, Corona Clay timely filed a Petition for Review of the APO. Since approximately March 2015, County staff ("Staff") have met numerous times with Corona Clay and its consultants in an attempt to assist Corona Clay in bringing the property into compliance; however, Corona Clay has failed to make meaningful progress in the two years since the issuance of the APO.

This site, operated by Corona Clay Company ("Corona Clay"), a California corporation, has a long history of unpermitted uses, including the mining of minerals from the site, which are extracted for materials testing, blended with imported materials for offsite sale and also utilized for road construction in the vicinity of the mine site. These activities constitute surface mining operations pursuant to California's Public Resources Code, Division 2, Chapter 9, Section 2735, and require a mining permit under the California Surface Mining and Reclamation Act (SMARA). SMARA is enforced by the County via Ordinance No. 555. Although not included in the subject Administrative Penalty Order, other unpermitted uses present onsite in violation of the County's land use ordinances include unpermitted motocross tracks, heavy equipment repair facilities and various recycling and materials blending operations, as well as the presence of numerous unpermitted structures.

Corona Clay began the surface mining permit application process via SMP00197 in 1999 (updated in 2007 as SMP00197R1), as well as two conditional use permit applications (CUP03265 and CUP03313, submitted in 1998 and 2000, respectively) required to bring the existing site uses into at least partial compliance, but has failed to complete the permitting process for any and all cases. Further, these permit applications are no longer timely, as use permits must be processed in a timely manner to address all weather access, fire safety concerns, public vs. private access, potable and non-potable water, flood issues, biological issues, illegal grading and fill, public outreach and land use compatibility.

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

Corona Clay has represented that mining is not currently being conducted on the site, and has not been for many years. However, pursuant to SMARA, surface mining operations did occur post SMARA. Therefore, the mine site must be reclaimed in accordance with SMARA.

In light of the SMARA violations, on October 3, 2013, the Riverside County Building and Safety Department issued a Notice of Violation ("NOV") to Corona Clay. On December 5, 2013, the Planning Department issued a Notice and Order to Comply ("OTC") to Corona Clay for failure to respond to the October 3, 2013 NOV. On January 15, 2014, pursuant to Ord. No. 555, the Planning Commission heard testimony from the Planning staff and Corona Clay, and then voted unanimously to affirm the OTC. On January 16, 2014, the Planning Department issued a follow-up letter to Corona Clay summarizing the results of the January 15, 2014 Planning Commission hearing, and providing further written notice that continued failure to comply with the December 5, 2013 OTC would result in the Planning Director's issuance of an Administrative Penalty Order, which would impose an administrative penalty of not more than five thousand dollars (\$5,000) per day, assessed from the original date of the Building Director's NOV, as provided for in Ord. No. 555, Section 10c.

On January 26, 2015, the Planning Director issued an Administrative Penalty Order ("APO") in the amount of \$500,000.00 to Corona Clay for failure to comply with the OTC. Since issuing the APO, Staff continued to work with Corona Clay to abate the Ordinance No. 555 violations that led to the OTC and APO. Staff met with Corona Clay and their consultants on numerous occasions to provide input to assist them in moving the mining operations to compliance. The meetings provided clear direction for Corona Clay to follow in pursuing compliance, however, these meetings did not ultimately result in Corona Clay taking significant action towards compliance. It should also be noted that Corona Clay has yet to supply the required financial assurance for reclamation of the mine site. Despite being provided additional time and assistance, including numerous meetings held by Staff with Corona Clay and its consultants, Corona Clay has failed to make meaningful progress in the two years since the issuance of the APO.

On March 9, 2015, the Corona Clay Company submitted a timely Petition for Review of the APO ("Petition"). Pursuant to Section 10d of Ordinance No. 555, the Board of Supervisors may accept or deny review of the Petition. Acceptance requires that the Board set a hearing to review the record before the Planning Director and any other relevant evidence it deems necessary to effectuate Ordinance No. 555. At the conclusion of the hearing the Board may affirm, modify, or set aside, in whole or in part, the APO. Corona Clay may seek review of the Board's decision by filing a Writ of Mandate with the Superior Court. If the Board denies review of the Petition, Corona Clay would be legally required to pay the \$500,000 penalty and could then seek immediate review of the Petition by filing a Writ of Mandate with the Superior Court.

Impact on Residents and Businesses

Compliance with the Surface Mining and Reclamation Act, which is the basis for this action, will require that the site be reclaimed to appropriate standards for a beneficial end use. This

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

requires appropriate site stabilization and erosion control measures be put in place to protect the community from physical and environmental impacts.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant. There is no general fund obligation.

ATTACHMENTS:

Notice of Violation dated 10/3/13

Order to Comply dated 12/5/13

Administrative Penalty Order dated 1/26/15

Petition for Review of the Administrative Penalty Order dated 3/9/15



Tiffany North

3/9/2017



Tina Grande, Principal Management Analyst

3/14/2017



Gregory V. Priamos, Director County Counsel

3/9/2017



COUNTY OF RIVERSIDE
Transportation and Land Management Agency
DEPARTMENT OF BUILDING AND SAFETY



Mike Lara
Director

Notice of Violation

October 3, 2013

Sent U.S. Mail and
Certified Mail No. 7001-2510-0003-8636-4721

Corona Clay Company
Mr. Craig Deleo
22079 Kanabe Road
Corona, CA 92880

RE: Corona Clay Mine
SMP00197R1

Dear Mr. Deleo:

This notice is to inform you that:

1. Corona Clay Company has violated provisions of California's 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., for which the County of Riverside (hereinafter "County") may issue Notice of Violations, Cease and Desist Orders, Orders to Comply and administrative penalties under Pub. Res. Code Section 2774.1.
2. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved mining permit in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.
3. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved reclamation plan in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.
4. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved financial assurance in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.

Page 1 of 2

5. Corona Clay Company applied for surface mining permit number SMP00197 March 18, 1996, but failed to provide complete and compliant documents required for the entitlement of this mining permit. Riverside County issued comments/required corrections on the mining permit and reclamation plan exhibits to Thatcher Engineering and Corona Clay November 13, 2001. This November 13, 2001 letter was followed by the County's May 13, 2002 letter requesting, again, that Thatcher Engineering and Corona Clay Co. provide the requested information and corrections requested in the November 13, 2001 letter. No response or corrections have been submitted by Thatcher Engineering or Corona Clay Co. to date.
6. Corona Clay Company applied for surface mining permit number SMP00197R1 August 7, 2007, but failed to provide complete and compliant documents required for the entitlement of this mining permit. The last recorded activity on this application is September 17, 2007.
7. Mining permit application SMP00197R1 was locked due to the case having a negative balance for case processing February 22, 2010. Letters (a total of 38), requesting supplemental payment for the continued processing of this case, have been sent to Corona Clay Company starting in 2010 through the date of this letter. No response or payment has been received by the County to date.

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

1. Provide comprehensive and compliant Mining Permit exhibits (Mine Plan, Reclamation Plan, Project Description) pursuant to SMARA regulations, County Ord. No. 555 and the County's Application for Surface Mining Permit checklist.
2. Provide a current Statement of Responsibility for reclamation of this mine.
3. New aerial photograph of the site with property lines and limits of mining disturbance indicated on the aerial photo.
4. Provide a copy of your Waste Discharge Identification Number obtained from the State Water Resources Control Board. If exempt, please provide a copy of your "Letter of Exemption".
5. Provide a Financial Assurance Cost Estimate for reclaiming the mine site.
6. Provide an interim Financial Assurance Mechanism in the amount of \$105,000.

Please contact me at (951) 955-2514 or Email mlara@rctlma.org if I can assist you.

Respectfully,


Mike Lara
County of Riverside Building Official

Page 2 of 2

IN THE MATTER OF
Corona Clay Company)
)
MINING OPERATION)
CORONA CLAY MINE – SMP00197R1)
)
ATTN:)
CRAIG DELEO)
_____)

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

NOTICE IS HEREBY GIVEN THAT:

1. Corona Clay Company has violated provisions of California's 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., for which the County of Riverside (hereinafter "County") may issue Notice of Violations, Cease and Desist Orders, Orders to Comply and administrative penalties under Pub. Res. Code Section 2774.1.
2. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved mining permit in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.
3. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved reclamation plan in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.
4. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved financial assurance in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13.
5. Corona Clay Company applied for surface mining permit number SMP00197 March 18, 1996, but failed to provide complete and compliant documents required for the entitlement of this mining permit. Riverside County issued comments/required corrections on the mining permit and reclamation plan exhibits to Thatcher Engineering and Corona Clay November 13, 2001. This November 13, 2001 letter was followed by the County's May 13, 2002 letter requesting, again, that Thatcher Engineering and Corona Clay Co. provide the requested information and corrections requested in the November 13, 2001 letter. No response or corrections have been submitted by Thatcher Engineering or Corona Clay Company to date.
6. Corona Clay Company applied for surface mining permit number SMP00197R1 August 7, 2007, but failed to provide complete and compliant documents required for the entitlement of this mining permit. The last recorded activity on this application is September 17, 2007.

7. Mining permit application SMP00197R1 was locked due to the case having a negative balance for case processing February 22, 2010. Letters (a total of 38), requesting supplemental payment for the continued processing of this case, have been sent to Corona Clay Company starting in 2010 through the date of this letter. No response or payment has been received by the County to date.
8. On October 11, 2013, Corona Clay Company received a Notice of violation dated October 8, 2013 by certified mail informing Corona Clay Company that mining operations conducted at the Corona Clay Mine site were in violation as described in items 2-7 above.
9. As of the date of this Notice and Order, Corona Clay Company has not responded to the October 8, 2013 Notice of Violation, has not contacted this office to effect resolution of any of the violations noted in items 2-7 above, and has not obtained an approved mining permit or reclamation plan.

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.

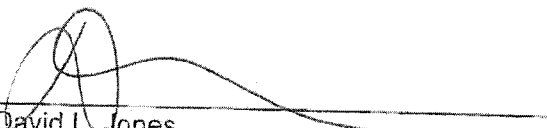
7. Provide a financial assurance mechanism in the full amount of the approved financial assurance cost estimate or paragraph 6, above, within 5 calendar days from receipt of notification by Riverside County or the Department of the approved financial assurance cost estimate. The issuer must be authorized 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 May 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 January 15, 2014 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 January 15, 2014. If Corona Clay Company 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

12/05/13


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



RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steven Weiss, AICP
Planning Director*

Administrative Penalty Order

Via Certified Mail

Corona Clay Company
Mr. Craig Deleo
22079 Kanabe Road
Corona, CA 92880
RE: CA Mine ID:

January 26, 2015

Dear Mr. Deleo,

As of the date of this Administrative Penalties Order, you are hereby ordered to pay an administrative penalty in the amount and condition cited below to the County of Riverside for failure to comply with the Notice of Violation and the Order to Comply issued by the County pursuant to Public Resources Code Section 2774.1 and County Ordinance No. 555.

Background

On October 03, 2013, the County's Director of Building and Safety issued a Notice of Violation as a result of Corona Clay Company's violation of provisions of California's 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., for which the County of Riverside (hereinafter "County") may issue Notice of Violations, Cease and Desist Orders, Orders to Comply and administrative penalties under Pub. Res. Code Section 2774.1. On December 05, 2013, the County's Planning Director issued an Order to Comply for failure to comply with the October 03, 2013 Notice of Violation. A copy of the Notice of Violation and Order to Comply are attached hereto as Exhibits "A" and "B", respectively, and are incorporated herein by this reference. On January 15, 2014, the County's Planning Commission affirmed the Order to Comply.

Violations

The following is a summary and current status of the three (3) main points of the Notice of Violation and the Order to Comply issued for this site:

1. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved mining permit in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required exhibits to process an application for a mining permit and, thus, is not in compliance with the Order to Comply.

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

2. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved reclamation plan in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required exhibits to process an application for a reclamation plan and, thus, is not in compliance with the Order to Comply.

3. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved financial assurance in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required financial assurance as identified in the Order to Comply, thus, is not in compliance with the Order to Comply.

Penalties

The administrative penalty, pursuant to Public Resources Code Section 2774.1 and County Ordinance No. 555, Section 10.c. can be imposed at the maximum rate of \$5,000 per day, assessed from the original date of the notice of violation or noncompliance with Section 2207. Accordingly, from October 03, 2013 through the date of this Administrative Penalties Order, the maximum penalty is \$2,405,000 per violation. If applied to each of the three (3) violations noted above, the maximum penalty would be \$7,215,000. For the above time period, and after consideration of all the facts and circumstances,

RIVERSIDE COUNTY HEREBY IMPOSES A PENALTY OF \$500,000.00

The site remains out of compliance until an adequate reclamation plan and adequate financial assurance is approved by the County, and until all necessary permits are obtained from the local, state and federal jurisdictions. As such, the County may impose a penalty of up to \$5,000 per day that continues after January 26, 2015, and continues its jurisdiction for that purpose.

Under County Ordinance No. 555 Section 10.c. you may petition the County's Board of Supervisors for review of the order. Unless a petition for review of this Administrative Penalties Order is filed with the County Board of Supervisors within thirty (30) business days of the date of this Order, the administrative penalty in the amount of \$500,000.00 is due. Administrative penalties must be paid with a cashier's check or money order made payable to the County of Riverside.

The administrative penalty payment and any additional documents should be sent to the attention of the County's Chief Engineering Geologist at:

4080 Lemon Street, 12th Floor
Riverside County, CA 92501


In addition to the administrative penalties imposed by this order, the Corona Clay Company is responsible for all costs, including attorney's fees, incurred by the County as a result of enforcement actions.

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

This Administrative Penalties Order became effective on Tuesday January 26, 2015 at 6:00 PM Pacific Standard Time.

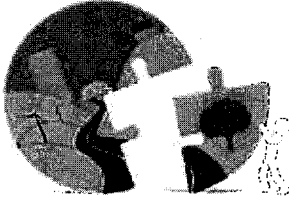
Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steven Weiss, AICP
Planning Director

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, sweeping horizontal line that tapers to the right.

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

cc. Juan Perez, TLMA Director
Bob Magee, 1st Supervisorial District Legislative Assistant
Bruce Fordon, County Counsel
Compliance Unit, Office of Mine Reclamation
Steven Testa, State Mining and Geology Board
File - SMP00197R1



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steven Weiss
Planning Director

PETITION FOR REVIEW

DATE SUBMITTED: 9 March 2015

Type of action or decision (attach copy of decision/action to this form): Administrative Penalty Order (Exh. No. 6)

Date of the decision or action: 26 January 2015

Petitioner's Name: Corona Clay Company E-Mail: coronaclayco@aol.com

Mailing Address: 22079 Knabe Rd.
cjohnson@johnsonlawapc.com
msmith@johnsonlawapc.com

Corona, California 92883
City Street State ZIP

Daytime Phone No: (951) 277-2667 Fax No: (951) 277-2204

FAILURE TO FILE A TIMELY APPEAL WILL RESULT IN AN AUTOMATIC WAIVER OF YOUR APPEAL RIGHTS.

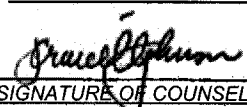
PETITIONS FOR REVIEW WILL ONLY BE PROCESSED UPON RECEIPT OF THE APPROPRIATE FILING FEE.

PLEASE STATE THE REASONS FOR PETITION.

Please state the basis for the petition and include any supporting evidence if applicable. If petitioning for more than one action/decision, complete this form for each action/decision. In addition, please include all actions on related cases, which might be affected if the petition is granted.

Please see accompanying Appeal and Declarations of Craig Deleo and J. Craig Johnson

Use additional sheets if necessary.

Craig Deleo, Officer of Corona Clay Company /s/ Craig Deleo 
PRINTED NAME OF PETITIONER SIGNATURE OF PETITIONER SIGNATURE OF COUNSEL

9 March 2015
DATE

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

**TO THE HONORABLE MEMBERS OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, CALIFORNIA**

IN RE ADMINISTRATIVE PENALTY ORDER DATED
JANUARY 26, 2015; APN 283-190-021, APN 283-
190-022 and APN 283-190-040; CORONA CLAY
COMPANY, OWNER.

Case No. _____

**APPEAL OF ADMINISTRATIVE PENALTY ORDER
DATED JANUARY 26, 2015, BY CORONA CLAY
COMPANY**

In accordance with Riverside County Ordinance No. 555 Section 10(c), Corona Clay Company ("Corona Clay") hereby appeals from the Administrative Penalty Order dated January 26, 2015 (the "APO").¹ Corona Clay seeks a determination granting its appeal and discharging the \$500,000 penalty assessed in the APO.

In advance, Corona Clay expresses appreciation to the Board for its thoughtful consideration of this appeal. Pending any hearing set by the Board, Corona Clay intends to work with County Counsel toward an appropriate resolution.

1. Introduction and Summary of Appeal

Since the mid-1960's, Corona Clay has manufactured the elite brick dust infield material that has been used at Major League Baseball and other high-level baseball facilities, including Angel Stadium and Dodger Stadium. Corona Clay also produces the clay used for USTA clay court tennis facilities and for high level track and field events. None of the material used to process Corona Clay's products are extracted from its property or otherwise mined from surrounding areas.

Corona Clay's proprietary mixtures are derived from used clay brick, clay roofing tiles and other natural materials imported to its south Corona facility. The materials are processed and stockpiled at the site pending delivery to customers. No materials are mined or extracted *at all* from Corona Clay's property or from surrounding properties.

¹ The appeal is timely. The APO is dated January 26, 2015. Section 10(c) of Riverside County Ordinance No. 555 states, "An order imposing an administrative penalty shall become effective upon issuance and payment shall be made to the County within 30 days, unless the operator petitions the Board of Supervisors for review of the order." Normally, the time for appeal would have lapsed on February 26, 2015. In this case, however, the APO provides, "Unless a petition for review of this Administrative Penalties Order is filed with the County Board of Supervisors within thirty (30) *business days* of the date of this Order, the administrative penalty in the amount of \$500,000 is due." (APO p. 2, italics added.) To the extent the term "business days" excludes the two legal holidays in February, the appeal period would extend through March 11, 2015. If the term "business days" includes legal holidays, the appeal period would extend through March 9, 2015. Either way, an appeal filed on or before March 9, 2015 is timely. The March 9, 2015 due date was confirmed in an email between Corona Clay's counsel and Deputy County Counsel Bruce Fordon on March 5, 2015. (Exhibit No. 1A.)

The appeal/petition cover form furnished by the County indicates that the appeal will not be processed in the absence of the applicable fee. However, Mr. Fordon confirmed the County has not developed a fee for the instant appeal, and thus no fee is required. (Exhibit No. 1B.)

Corona Clay's property does not constitute "mined lands" under the Surface Mining and Reclamation Act ("SMARA"), because no surface mining operations have been conducted there. (Pub. Res. Code, § 2729.) And despite Corona Clay's former desire to operate a mine, *the Parcels do not contain any earthen material of sufficient type or quality to use for its own clay products or, to its knowledge, for aggregate building materials.* Despite Corona Clay's longstanding application to operate a mine, a proposed mining use is simply infeasible, and Corona Clay has no further desire to operate a mine and has never done so. Corona Clay simply has a processing plant for imported materials, and its plant is expressly exempt from SMARA under section 2714(c) of the Public Resources Code.

The APO identifies three violations and imposes a \$500,000 penalty. Each violation is based on Corona Clay's purported wrongful operation of a "surface mining operation" in violation of section 2770 of the Public Resources Code and Riverside County Ordinance No. 555 Section 13 ("RCO No. 555 § 13").

Corona Clay Company has never operated a mining operation of any kind on any of the three parcels identified in the APO.² Between 1960 and approximately 1970, but certainly prior to 1975, Corona Clay operated a small, intermittent crushing operation during its tenancy of one of the Parcels. All material crushed by Corona Clay was imported to the site by Kaiser Steel from adjoining property it owned and operated as a clay mine. Corona Clay crushed the rock and returned the processed clay material to Kaiser. Corona Clay used the aggregate spoils for road maintenance. The clay crushing operation with Kaiser terminated prior to 1975. During that time period, Corona Clay experimented with the soils on the Parcels in the hope of finding material suitable for its clay products. Unfortunately, the Parcels did not yield suitable material for Corona Clay's products or for construction/building materials.

In or around 1987, Corona Clay acquired the Parcels. Corona Clay continued its processing operation using imported clay material in the manufacture of its proprietary athletic field products. Since before 1975, the on-site crushing plant was not used in mining or mineral extraction, nor was any overburden removed from any portion of the Parcels in connection with mining activities. Since before 1975, Corona Clay has simply processed imported materials. Its processing plant is expressly exempt from SMARA under subdivision (c) of section 2714 of the Public Resources Code.

All material excavated and extracted from the Parcels has been used solely for emergency road repairs, not for "mining." The access roads to and over the site were constructed by Kaiser Steel when it owned the adjacent land. The roads are used by a number of property owners/users, including Corona Clay. For many years, Corona Clay exclusively maintained the roads, which serve the residents of Spanish Hills and Dawson Canyon among other users, using available earthen material generally surrounding its crushing operation where Corona Clay maintained its equipment. The road maintenance was performed only after severe flooding and was necessary to preserve resident and emergency vehicle access. More recently, Western Waste Industries, now Waste Management, has assisted Corona Clay in these emergency road maintenance operations. With the exception of the material used for road maintenance over more than 30 years, there has been no extraction of material or other activities, much less any "surface mining operations."

² The APO alleges violations with respect to Corona Clay's operations on APN 283-190-021 ("Parcel No. 021"), APN 283-190-022 ("Parcel No. 022") and APN 283-190-040 ("Parcel No. 040"), which are referred to collectively hereafter as the "Parcels."

Accordingly, Corona Clay is not an “owner or operator of a mining operation” subject to the report, fee, deposit and disclosure requirements of section 2207 of the Public Resources Code. (Pub. Res. Code, § 2207(a).) Corona Clay conducted no surface or other mining operations requiring a lead agency approved mining permit, reclamation plan, or financial assurance deposit. (See Pub. Res. Code, § 2770, RCO No. 555 § 13.) Corona Clay is not “[a]n operator who violate[d] or fail[ed] to comply with an order issued under subdivision (a) [of Section 2774.1 of the Public Resources Code].” (See Pub. Res. Code, § 2774.1(c).) And Corona Clay’s processing plant is exempt from SMARA’s mining permit, reclamation plan and financial assurance requirements. (See Pub. Res. Code, § 2714(c).)

The County has misinterpreted the activities of Corona Clay as “surface mining operations.” Perhaps this inaccurate conclusion was drawn from Corona Clay’s longstanding, incomplete application for a mining permit together with County Staff’s observations of the ongoing import processing, stockpiling and road grading activities. Corona Clay has never operated a mine on the Parcels or engaged in a surface mining operation of any kind. Historic aerial photographs reveal that the Parcels have remained in their current condition for decades.

Corona Clay is a valuable member of the community and provides a unique and significant product – elite baseball infield “brick dust” and other athletic field products processed from used materials that otherwise would occupy landfill space. Corona Clay seeks the Board’s intervention to reverse the imposition of a \$500,000 administrative penalty for operations erroneously designated as “surface mining.” Corona Clay stands ready to assist the Board and County Staff with respect to the verification of facts and any other measures deemed necessary or appropriate to the resolution of this matter.

2. Factual Background

Between 1960 and approximately 1970, and before the California Legislature enacted SMARA in 1975, Corona Clay was leasing Parcel No. 021 from Temescal Properties. (Declaration of Craig Deleo, sworn to March 9, 2015 (“Deleo Decl.”) ¶ 3.) At that time Corona Clay operated its small crushing facility to crush rock from aggregate material extracted by Kaiser Steel from its clay mine located on adjacent property now owned by Waste Management. (*Ibid.*) The access and other roads constructed by Kaiser were, and remain, semi-public and are currently used by Southern California Edison to access SCE’s 500 kVA tower from Corona Clay’s property and by many residents and property owners. (*Ibid.*)

In 1975, Parcel Nos. 022 and 040 were owned by Temescal Properties. They were not being mined or used in any way by Corona Clay. (Deleo Decl. ¶ 4.)

Around 1985, and prior to Corona Clay’s purchase of the Parcels, George Adams was purchasing mining property north of Parcel Nos. 021 and 022 with the intent of constructing a Class A landfill. (Deleo Decl. ¶ 5.) Mr. Adams’ company “Steel Salvage” was looking for a potential landfill to dispose of a significant amount of auto fluff.³ (*Ibid.*) A Riverside County Inspector stopped by Corona Clay’s

³ “Auto fluff” is the nonmetallic material that remains after junked automobiles are stripped and then shredded to recover their metal (primarily ferrous) and other valuable components. (Mensingher, Rehmat, Saxena and Rao, “Treatment Technology for Auto Fluff” [https://web.anl.gov/PCS/acsfuel/preprint%20archive/Files/Merge/Vol-38_3-0005.pdf].)

crushing operation and inquired about the mining operation on the parcels north of Parcel Nos. 021 and 022, contending the owners failed to have the proper mining permits. (*Ibid.*) Corona Clay and its employees were instrumental in cooperating with the County to defeat the auto fluff landfill use.

Concerned about the Inspector's claim of violation with respect to the neighboring property, Craig Deleo of Corona Clay explained Corona Clay's import clay material and road maintenance operations and asked if the County required a mining permit or had any concern with respect to the operations. (*Ibid.*) The Inspector replied that "Corona Clay is only land leveling and does not need a mining permit." (*Ibid.*) Mr. Deleo interpreted the Inspector's "land leveling" comment as referring to the very gradual leveling of the parcel around the crusher caused by the use of the material for road repairs from the 1960s through that time. (*Ibid.*)

Eventually, US Tile purchased the northerly property after Mr. Adams was denied his application for a Class A landfill. (Deleo Decl. ¶ 6.) The property is now owned by Waste Management. (*Ibid.*)

In or around 1990, shortly after Corona Clay acquired the parcels from Corona Foothill Company, Corona Clay took steps preparatory to applying for a clay mining permit. (Deleo Decl. ¶ 7.) Corona Clay hoped its further exploration of the Parcels could yield usable clay material. In 1995, Corona Clay hired engineer George Hawes to file a mining permit application. (*Ibid.*) In 1996 and again in 2007, Corona Clay applied for a surface mining permit. (*Ibid.*) Corona Clay was unable to obtain all of the documents necessary for the issuance of a mining permit, and no permit or other authorization for surface mining operations was ever issued to Corona Clay. (*Ibid.*) At no time has Corona Clay ever undertaken any surface or other mining operations on any of the Parcels. (*Ibid.*)

Unfortunately, the mining use Corona Clay hoped for was unrealistic and infeasible. (Deleo Decl. ¶ 8.) The original parcel for which Corona Clay was considering a mining and reclamation plan was to encompass a maximum area of four acres. (*Ibid.*) The remainder of the mining plan property encompassed about 60 acres. (*Ibid.*) The proposed plan contemplated the extraction of between 4.7 and 5.7 million cubic yards of sand, gravel and rock together with usable clay spoils. (*Ibid.*) However, no portion of the property was ever mined. (*Ibid.*) With respect to the four acres originally identified for mining and reclamation, Corona Clay briefly experimented with developing a salable clay product. (*Ibid.*) However, Corona Clay found the material completely inappropriate for any marketable clay use, much less justifying an economically feasible mining operation. (*Ibid.*) Further, the earthen material sampled on the Parcels lacks the requisite quantity or quality of clay or other usable rock aggregate that could be used for clay or construction products. (*Ibid.*) No mining was conducted or could be conducted due to the inadequacy of the material. (*Ibid.*)

Over the past 30-40 years, Corona Clay has used the soil and earth material from the Parcels to maintain the roads on Corona Clay's property, including Park Canyon Drive, formerly Dawson Canyon Rd., which is used daily by the residents of Spanish Hills and the greater Dawson Canyon Community. (Deleo Decl. ¶ 9.) During severe flooding, the road washes out stranding residents and emergency vehicles, creating emergency conditions and safety concerns. Corona Clay has solely undertaken the work and borne the expense to repair this road for many years. (*Ibid.*) Only after Western Waste Industries arrived has Corona Clay had a willing partner in contributing the material necessary for road

maintenance in emergency situations. (*Ibid.*) Western Waste Industries, now Waste Management, has been an important partner in this endeavor. (*Ibid.*)

Corona Clay attaches as Exhibit No. 2 a letter from Lilburn Corporation together with its Corona Clay Company Project Time Line. (Deleo Decl. ¶ 10.) Lilburn Corporation is providing Corona Clay with strategic planning and environmental services relating to the Parcels. (*Ibid.*) The Time Line lists Corona Clay's actions since being contacted by the County with respect to the subject matter described in the APO. (*Ibid.*) From the date of first contact on or about October 8, 2013, Corona Clay has engaged professionals and undertaken all possible actions to meet the County's concerns. (*Ibid.*)

A letter from Corona Clay's Insurance Agent is enclosed as Exhibit No. 3. (Deleo Decl. ¶ 11.) The letter explains some of the difficulty Corona Clay has had in obtaining a bond as originally requested by the County. (*Ibid.*) The acreage used to develop the per-acre-fee for the bond is onerous and unrealistic given Corona Clay's actual activities on the Parcels and its initial plan to mine only 4 acres and the likely involvement of only 2-3 acres. (*Ibid.*)

Corona Clay is on track with its submittals and has made significant progress in moving forward with the items requested by the County. (Deleo Decl. ¶ 12.) All fees have been paid and are up to date with a credit balance. (*Ibid.*)

There has been no surface or other mining or other extraction of minerals on the Parcels. (Deleo Decl. ¶ 13.) The Land Survey Aerial photographs (Google Earth) and any topographic maps developed therefrom show minimal if any activity on the Parcels from the 1994 aerial photos to the most recent aerial photo in April 2014. (*Ibid.*) There is no evidence of surface mining on the Parcels.⁴ (*Ibid.*) This can be contrasted with the area roughly north and northeast of the Corona Clay site, where the 1994 uses were expanded significantly. (Deleo Decl. ¶ 14, Exhibit No. 5.)

3. Corona Clay Company Has Not Engaged in a Surface Mining Operation

Each of the three purported violations allege that, "*Corona Clay Company has engaged in surface mining operation* as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040" (Administrative Penalty Order dated January 26, 2015, pp. 1-2, italics added.)

Section 2735 of the Public Resources Code contains the definition of "surface mining operations."

"Surface mining operations" means all, or any part of, the process involved in the mining of minerals *on mined lands* by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

(a) Inplace distillation or retorting or leaching.

⁴ Corona Clay hereby requests production by the County of all evidence of the "surface mining operations" constituting or underlying the violations set forth in the APO.

- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

(Italics added.) Section 2729 defines “mined lands” as:

surface, subsurface, and ground water of an area *in which surface mining operations will be, are being, or have been conducted*, including private ways and roads appurtenant to any such areas, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other property which result from, or are used in, surface mining operations are located.

(Italics added.)

The SMARA Regulations are contained in Title 14 of the California Code of Regulations. The term “surface mining operations” is defined as follows:

Surface Mining Operations. In addition to the provisions of Section 2735 of the [SMARA] Act, borrow pitting, streambed skimming, segregation and stockpiling of mined minerals (and recovery of same) are deemed to be surface mining operations unless specifically excluded under Section 2714 of the [SMARA] Act or Section 3505 of these regulations.

(Cal. Code Regs., tit 14 § 3501.)

RCO No. 555 correctly identifies surface mining as involving “the extraction of minerals” from “mined lands.” (RCO No. 555 § 1.) Surface mining operations in unincorporated Riverside County require a permit. (RCO No. 555 § 3.) The permit application process requires the preparation and submittal of a mining plan, reclamation plan, and proposed financial assurances in draft form including an estimate of reclamation costs. (RCO No. 555 § 4(b).) The purpose of the ordinance is to prevent or minimize the adverse effects of surface mining operations and ensure “that mined lands will be reclaimed to a useable condition which is readily adaptable for alternative land use,” and “residual hazards to the public health and safety will be eliminated.” (See RCO No. 555 § 1(b)-(c).)

As more fully set forth in the Factual Background portion of this appeal above, Corona Clay Company has not been involved in “surface mining operations” as such term is defined in section 2735 of the Public Resources Code and RCO No. 555 Section 1. There has been no surface mining operation on “mined lands.” There has been no removal of overburden. No mineral or other product has been extracted from the Parcels.

The evidence shows there is no historic or active surface mining operation:

- There is no evidence that the Parcels are suitable for an economically-feasible mining operation.
- There is no evidence of mining-related activities on the Parcels.
- The use of the crusher and other equipment at the site is consistent with the processing of clay brick and other material used for Corona Clay’s products.

- There is no evidence that on-site mined materials have been used in Corona Clay's processing activities.
- There is no evidence that the Parcels are part of any specific off-site mining operation.
- There is no evidence that mining-specific equipment or processing materials have been imported to or are staged at the property. All equipment at the site is consistent with the processing of Corona Clay's non-mined products.
- There is no evidence of exploratory drilling or material sampling and testing, inherent in mining operations.
- There is no evidence of drilling and blasting or mechanical striations (such as bucket teeth marks) on cliff faces with rock or aggregate outcroppings.
- There is no evidence of tailings, spoils, refuse or other residue material inherent in mining operations.
- There is no evidence of mining-specific site preparation of future processing areas and mining operation.
- There is no evidence of material extraction other than that taken from the Parcels for emergency road repairs.

While it is true that Corona Clay applied for a mining permit many years ago, it has never operated a mining operation on the Parcels. The County's assumption that Corona Clay has performed surface mining operations derives from Corona Clay's incomplete and ongoing surface mining permit application process – *but the failure to complete the permit application, prepare a mining plan and reclamation plan, and provide requested financial assurance do not amount to evidence of an unauthorized surface mining operation or grounds to impose a \$500,000 penalty.*

Corona Clay simply operates a processing plant for its clay products. "Operation of a processing plant [Corona Clay's crusher] for mineral processing, including onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined minerals" is expressly exempt from SMARA. (Pub. Res. Code, § 2714(c).) SMARA's mining permit, reclamation plan, and financial assurance requirements do not apply to Corona Clay's operation.

The County assumes, erroneously, that Corona Clay has conducted "surface mining operations." Corona Clay believes that this assumption is based on its long-pending and incomplete application for a mining permit together with County Staff's observations of the ongoing import processing, stockpiling and emergency road grading activities. Corona Clay has never operated a mine on the Parcels or engaged in a surface mining operation. It has committed no violation, because it is not an operator of a mining operation.

Accordingly, Corona Clay is not an "owner or operator of a mining operation" subject to the report, fee, deposit and disclosure requirements of section 2207 of the Public Resources Code. (Pub. Res. Code, § 2207(a).) Corona Clay conducted no surface or other mining operations requiring a lead agency approved mining permit, reclamation plan, or financial assurance deposit. (See Pub. Res. Code, § 2770, RCO No. 555 § 13.) Corona Clay is not "[a]n operator who violate[d] or fail[ed] to comply with an order issued under subdivision (a) [of Section 2774.1 of the Public Resources Code]." (See Pub. Res. Code, § 2774.1(c).) Finally, Corona Clay's processing operation of import materials is exempt from SMARA's mining permit, reclamation plan and financial assurance requirements. (See Pub. Res. Code, § 2714(c).)

4. Assuming Arguendo the Existence of a Surface Mining Operation, The \$500,000 Penalty is Excessive and Constitutes a Forfeiture

Corona Clay's processing plant does not constitute a surface mining operation – but even if it did, the \$500,000 penalty is excessive and constitutes a forfeiture under section 3275 of the Civil Code. Any penalty assessed should be waived upon Corona Clay's achievement of any compliance deemed necessary. Since there has been no mining on the Parcels, the entire penalty assessed is improper. Since the purpose of the penalty is to secure Corona Clay's compliance with SMARA, its forthcoming compliance, if necessary and appropriate, should result in the waiver or forgiveness of any portion of the penalty over the amount of the County's costs in enforcing SMARA. Since Corona Clay has not conducted mining operations, the entirety of the penalty is improper.

5. Conclusion

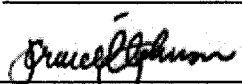
Corona Clay respectfully requests that the Honorable Members of the Board of Supervisors grant its appeal from the APO and discharge the \$500,000 penalty assessment. Corona Clay has not operated a surface mining operation at any time on any of the Parcels. Since each of the three purported violations is based on unauthorized surface mining operations, the violations are improper and cannot lawfully support a penalty assessment of \$500,000 or in any other amount.

Respectfully submitted,

DATED: March 9, 2015

JOHNSON LAW FIRM APC

By:



J. Craig Johnson
Attorneys for Appellant
CORONA CLAY COMPANY

From: [Craig Johnson](#)
To: ["Bruce G. Fordon"](#)
Cc: ["Mitzi Smith JLF"](#)
Subject: Corona Clay Company
Date: Thursday, March 5, 2015 3:50:24 PM

Bruce:

I appreciate your call back this afternoon. This will confirm that the due date for Corona Clay's appeal from the administrative penalty order is March 9, 2015. You indicated that the appeal should be filed personally on the Clerk of the Board of Supervisors. We intend to submit the appeal by or before March 9, 2015.

This will also confirm our intent to work together to resolve all issues as soon as possible. I told you that as far as I understood, none of the parcels has been used for mining purposes since acquisition by Corona Clay.

I will provide you with a courtesy copy of the appeal in the hope you can help us reach out to the right people and resolve the County's concerns.

Best.

Craig Johnson
Partner

Riverside County Office

Work: 951-353-8000
Mobile: 951-206-4156
Fax: 951-353-8003
Email: cjohnson@johnsonlawapc.com
IM: 9512064156 (Verizon)
Offices: TEMECULA | RANCHO SANTA FE

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From: Fordon, Bruce
To: "Craig Johnson"
Cc: "Mitzi Smith JLF"
Subject: RE: [WARNING - NOT VIRUS SCANNED] Corona Clay Company
Date: Monday, March 9, 2015 11:22:48 AM

Craig,

Ms. Smith contacted me this morning to inquire about the fee to file Corona Clay's Petition for Review of Administrative Penalty Order. I informed her that Riverside County does not currently designate a fee for such a petition. Therefore, there is no filing fee.

BRUCE G. FORDON
Deputy County Counsel IV
County of Riverside
Phone: (951) 955-6300
Fax: (951) 955-6363
Email: bgfordon@co.riverside.ca.us

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From: Craig Johnson [mailto:cjohnson@johnsonlawapc.com]
Sent: Thursday, March 05, 2015 3:50 PM
To: Fordon, Bruce
Cc: 'Mitzi Smith JLF'
Subject: [WARNING - NOT VIRUS SCANNED] Corona Clay Company

Bruce:

I appreciate your call back this afternoon. This will confirm that the due date for Corona Clay's appeal from the administrative penalty order is March 9, 2015. You indicated that the appeal should be filed personally on the Clerk of the Board of Supervisors. We intend to submit the appeal by or before March 9, 2015.

This will also confirm our intent to work together to resolve all issues as soon as possible. I told you that as far as I understood, none of the parcels has been used for mining purposes since acquisition by Corona Clay.

I will provide you with a courtesy copy of the appeal in the hope you can help us reach out to the right people and resolve the County's concerns.

Best.

Craig Johnson
Partner

Work: 951-353-8000
Mobile: 951-206-4156
Fax: 951-353-8003
Email: cjohnson@johnsonlawapc.com

 **JohnsonLawFirm**^{APC}

Riverside County Office

IM: 9512064156 (Verizon)
Offices: TEMECULA | RANCHO SANTA FE

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ADMINISTRATIVE PENALTY
ORDER DATED JANUARY 26, 2015;
APN 283-190-021, APN 283-190-022 and
APN 283-190-040; CORONA CLAY
COMPANY, OWNER.

CASE NO. _____

**DECLARATION OF CRAIG DELEO OF
CORONA CLAY COMPANY**

I, CRAIG DELEO, declare as follows:

1. I am an officer of Corona Clay Company, a California corporation ("Corona Clay"), located at 22079 Knabe Rd., Corona, California 92883. I am authorized to make this declaration in such capacity. The facts set forth below are personally known to me except to the extent that any information has been qualified on the basis of information and belief, in which case I believe such matters are true. If called and sworn as a witness, I could and would testify competently as to the facts and information set forth in this declaration.

2. On January 26, 2015, the Riverside County Planning Department issued an Administrative Penalty Order imposing a \$500,000 penalty for purported unauthorized mining operations on APN 283-190-021 ("Parcel 021"), APN 283-190-022 ("Parcel 022"), or APN 283-190-040 ("Parcel 040") (collectively, the "Parcels"). From before 1975, I have been employed at Corona Clay and in 1980 became an officer of the company.

3. Between 1960 and the early 1970's, Corona Clay was leasing Parcel No. 021 from Temescal Properties. At that time Corona Clay operated a small crushing facility to crush rock from aggregate material extracted by Kaiser Steel from its clay mine located on adjacent property now owned by Waste Management. The access road constructed by Kaiser was semi-public and is currently used by Southern California Edison to access SCE's 500 kVA tower from Corona Clay's property. Corona Clay did not extract any minerals or other material from the Kaiser Steel mine property or from the property on which it maintained the small crushing facility. Corona Clay was not engaged in any surface mining or other mining activities on the Parcels. The crushing operation for Kaiser Steel ended prior to 1975.

1 4. In 1975, Parcel Nos. 022 and 040 were owned by Temescal Properties. They were
2 not being mined or used in any way by Corona Clay.

3 5. Around 1985, and prior to Corona Clay's purchase of the Parcels, an individual
4 named George Adams sought to purchase mining property north of Parcel Nos. 021 and 022 with
5 the intent of constructing a Class A landfill. I understand and believe that Mr. Adams' company
6 "Steel Salvage" was having trouble finding a place to dispose of auto fluff. A Riverside County
7 Inspector stopped by Corona Clay's crushing operation and inquired about the mining operation
8 on the parcels north of Parcel Nos. 021 and 022, contending the owners failed to have the proper
9 mining permits. Due to this conversation, I was anxious about Corona Clay's own activities in
10 light of the Inspector's claim that our neighbor had committed serious violations. I explained to
11 the Inspector Corona Clay's operation of crushing imported material and ongoing road
12 improvements and asked if Corona Clay needed a mining permit or had anything to worry about
13 with respect to these operations. The Inspector told me that "Corona Clay is only land leveling
14 and does not need a mining permit." I interpreted the Inspector's "land leveling" comment as
15 referring to the gradual leveling of the parcel around the crusher caused by the use of the material
16 for road repairs over the prior decades.

17 6. US Tile purchased the property north of Parcel Nos. 021 & 022 after Adams was
18 denied his application for a landfill. I believe the property is now owned by Waste Management.

19 7. In or around 1990, shortly after Corona Clay acquired the parcels from Corona
20 Foothill Company, Corona Clay took steps preparatory to applying for a clay mining permit. In
21 1995, Corona Clay hired engineer George Hawes to file a mining permit application. In 1996 and
22 again in 2007, Corona Clay applied for a surface mining permit. Corona Clay was unable to
23 obtain all of the documents necessary for the issuance of a mining permit, and no permit or other
24 authorization for surface mining operations was ever issued to Corona Clay. At no time has
25 Corona Clay ever undertaken any surface or other mining operations on any of the Parcels.

26 8. Unfortunately, the mining use Corona Clay hoped for was unrealistic and
27 infeasible. The original parcel for which Corona Clay was preparing a mining and reclamation
28 plan was to encompass a maximum area of four acres. The remainder of the mining plan property

1 encompassed about 60 acres. The proposed plan contemplated the extraction of between 4.7 and
2 5.7 million cubic yards of sand, gravel and rock together with usable clay spoils. However, no
3 portion of the property was ever mined. With respect to the four acres originally identified for
4 reclamation, Corona Clay briefly tested and experimented with onsite material in the hope of
5 developing a salable clay product. However, Corona Clay found the material completely
6 inappropriate for any marketable clay use, much less justifying an economically feasible mining
7 operation. The earthen material sampled on the Parcels lacks the requisite quantity or quality of
8 clay or other usable aggregate that could be used for clay or construction products, such as
9 marketable sand, gravel or crushed road base. No mining was conducted or could be conducted
10 due to the inadequacy of the material.

11 9. For decades, some of the soil from the Parcels has been used to maintain the roads
12 on Corona Clay's property, including Park Canyon Drive, formerly Dawson Canyon Rd., used
13 daily by the residents of Spanish Hills and the greater Dawson Canyon Community. During
14 severe flooding, the road washes out stranding residents and emergency vehicles, creating
15 emergency conditions and safety concerns. Corona Clay has solely undertaken the work and
16 borne the expense to repair this road for many years. Only after Western Waste Industries arrived
17 has Corona Clay had a willing partner in contributing the material necessary for road maintenance
18 in emergency situations. Western Waste Industries, now Waste Management, has been an
19 important partner in this endeavor.

20 10. Attached to this Declaration as Exhibit No. 2 is a true and correct copy of a letter
21 dated March 2, 2015, from Lilburn Corporation together with its Corona Clay Company Project
22 Time Line. Lilburn Corporation is providing Corona Clay with strategic planning and
23 environmental services relating to the Parcels. The Time Line lists Corona Clay's actions since
24 being contacted by the County with respect to the subject matter described in the APO. From the
25 date of first contact on or about October 8, 2013, Corona Clay has engaged professionals and
26 undertaken all possible actions to meet the County's concerns.

27 11. Attached hereto as Exhibit No. 3 is a true and correct copy of a letter from Corona
28 Clay's Insurance Agent with respect to the availability of a bond for the financial assurance

1 sought by the County. The letter explains some of the difficulty Corona Clay has had in
2 obtaining a bond as originally requested by the County. The acreage used to develop the per-
3 acre-fee for the bond is onerous and unrealistic given Corona Clay's actual activities on the
4 Parcels and its initial plan to mine only 4 acres and the likely involvement of only 2-3 acres.

5 12. To my knowledge, Corona Clay is on track with its submittals and has made
6 significant progress in moving forward with the items requested by the County. All fees have
7 been paid and are up to date with a credit balance.

8 13. I have personally examined the 13 Land Survey aerial photographs (Google Earth)
9 taken of the property underlying the Parcels from 1994 to the present, true and correct copies of
10 which are attached, collectively, as Exhibit No 4. These photographs reveal there has been no
11 significant surface or other visible mining operations or other extraction of minerals or other
12 material on or from the Parcels. The Land Survey aerial photographs and any flyover
13 topographic maps developed therefrom would show minimal if any activity from 1994 through
14 the present time. No surface or other mining has taken place on the Parcels, and there is no
15 evidence of surface mining on the Parcels. To the contrary, the photographic evidence shows that
16 there has been no surface mining operation on the Parcels.

17 14. Attached hereto collectively as Exhibit No. 5 are two aerial photographs from
18 Google Earth showing the expanded area in May 1994 and April 2014. These photographs show
19 significant enlargement of graded mining and other uses generally north and northeast of the
20 Corona Clay Parcels. The Corona Clay Parcels, which are roughly in the center of the
21 photographs, are basically unchanged over this 20-year period.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed this 9th day of March, 2015, at Corona, California.

24
25 /s/ Craig Deleo

26 Craig Deleo
27 Authorized Agent and Officer
28 CORONA CLAY COMPANY

Exhibit "a"

LILBURN
CORPORATION*Strategic Planning & Environmental Services*

March 2, 2015

Mr. Craig Deleo
Corona Clay Company
22079 Kanabe Road
Corona, CA 92880

Subject: Corona Clay Processing Site (SMP00197R1)

Dear Mr. Deleo:

This is a summary and update of the current work being undertaken on behalf of Corona Clay for the clay processing site located on approximately 20 acres on Assessor's Parcel No. 283190021. Lilburn Corporation was contracted by Corona Clay in April 2014 to entitle this parcel for the continuing use of processing imported clay materials as well as the four adjacent parcels for continuing use of motorcycle test tracks.

After numerous meetings with the County planning staff, it was determined that a Conditional Use Permit (CUP), a General Plan Amendment (GPA), and zone change would be prepared to entitle the existing land uses on all five parcels. In July 2014, K&A Engineering was retained to provide aerial and topographic mapping, hydrological, and engineering services in the development of the CUP. The first step of the CUP process was the General Plan Initiation Process (GPIP) which was recommended for adoption by the Planning Commission in October 2014 and adopted by the Board of Supervisors in November 2014. Also in October 2014, the State Water Resources Board acknowledged receipt of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to comply with a General Permit to Discharge Storm Water Associated with Industrial Activity.

In November 2014, the County requested Corona Clay to prepare a Reclamation Plan for the 20-acre site in addition to the CUP. A local geotechnical consulting firm, CHJ Consultants was therefore retained to provide a slope stability assessment and soil percolation tests in order to prepare a Reclamation Plan and assist in the design of engineered drainage controls. In addition, Hernandez Environmental Services (biological consultant) was retained to respond to unpermitted grading impacts and to guide the project through the HANS process.

The consulting team is currently working on the preparation of the Reclamation Plan. This week (March 3 to 6), CHJ is scheduled to conduct a geotechnical assessment of the eastern slope to be reclaimed and conduct soil percolation tests to assist K&A in designing the storm water control basins and drainages on-site to meet existing regulations. Lilburn is preparing the Reclamation Plan report and plot plans with assistance from K&A Engineers. It is expected that CHJ will have their reports completed in two weeks or on or about March 18. Thereafter, Lilburn and K&A will complete the Reclamation Plan for submittal to the County no later than March 25. This planned submittal was delayed due to the need to prepare a complete slope assessment and the soil percolation testing taking a couple of weeks longer than originally expected.

1905 Business Center Drive • San Bernardino • CA 92408 • 909-890-1818 • Fax 909-890-1809

CORONA CLAY COMPANY PROJECT TIME LINE

- **October 8, 2013 – Notice of Violation (NOV) for Corona Clay Mine (SMP00197R1) that Corona Clay (CC) has no approved Surface Mining Permit (SMP), reclamation plan, and financial assurance (FA). 30 days to comply. From Mike Lara, Director of B&S and David Jones, Chief Engineering Geologist**
- **December 5, 2013 – Notice and Order to Comply (OTC) with Surface Mining and Reclamation Act (SMARA) and NOV dated Oct. 8, 2013 to be effective following Planning Commission (PC) hearing on January 15, 2014 from Juan Perez, TLMA Director/Interim Planning Director and David Jones. OTC requires in general the following with amended Plans and FAs per County comments and to implement the Plans per specified timeframe.**
 1. Prepare a revised mining permit and associated reclamation plan;
 2. Deposit \$20,000 to County for County costs; and
 3. Post an interim FA for \$105,000.
- **January 15, 2014 – Planning Commission affirmation of Dec. 5, 2013 Notice and OTC**
- **January 16, 2014 – Letter stating PC decision and 15 days to comply with Notice and OTC from Juan Perez, TLMA Director/Interim Planning Director and David Jones.**
- **April 25, 2014 – Lilburn Corporation (LC) retained by CC to prepare a GPA, zone change and CUP applications and co-ordinate with County.**
- **April 28, 2014 – LC and CC meeting with County (Dave Jones and Paul Rull) to discuss options for GP designations and zoning requirements and how to proceed with entitlements for clay processing and motorcycle test tracks and reclamation.**
- **May 2014 – Numerous emails and phone calls with Paul Rull and David Jones to determine appropriate GP designations and zoning requirements and permit requirements.**
- **May 27, 2014 – Meeting with County (Paul Rull and David Jones) to determine GP designations and zoning requirements for entitlement of existing land uses with the exception that no further mining will be conducted.**
- **May 28, 2014 – Memo from LC summarizing determination at May 27 meeting. GP and zoning designations were agreed upon and a GPA, zone change, the CUP would be appropriate for entitlements for the clay processing, test tracks, and the model airplane field. No mining would be undertaken and the reclamation of the slope would be incorporated into the CUP plans. No SMP or reclamation plan would be required.**
- **June 11, 2014 – CC and LC met with Bob McGee, director of planning and development for Supervisor Jeffries. Mr. McGee was agreeable with the concept and plans and said the supervisor encourages property owners to develop their land in a reasonable way**

compatible with surrounding uses. He was concerned how the neighbors may react even though the plans are only approving activities currently in-place.

- July 2014 – K& A Engineering retained by CC to prepare new topographic map, obtain aerial photography, prepare drainage control study, Notice of Intent/SWPPP and Water Quality Management Plan, and assist with the grading plan and CUP.
- August 6, 2014 - Submitted GPA application to County Planning.
- October 7, 2014 – Topographic mapping and aerial completed.
- October 15, 2014 – Planning Commission public hearing recommending adoption to initiate GPA No. 1144. Letter documenting action from Juan Perez, Interim Planning Director and Paul Rull, Project Manager.
- October 27, 2014 – State Water Resources Board receipt of the Notice of Intent (NOI) and SWPPP to comply with General Permit to Discharge Storm Water Associated with Industrial Activity.
- September 25, 2014 – Email from Dave Jones observation of grading conducted in the Dawson Creek streambed.
- October 1, 2014 – CC retained Hernandez Environmental Services to review biological resources and impacts from grading and for remainder of site.
- November 7, 2014 – Letter to cease all mining operations at site per observing shovel excavator operating on north slope on November 6, 2014; provide timeline to comply with OTC; and immediately submit FA in amount of \$105,000. From Juan Perez, TLMA Director/Interim Planning Director and David Jones.
- November 24, 2014 – At public hearing, Board of Supervisors adopted an order initiating proceedings for GPA1144. Letter documenting action from Juan Perez, Interim Planning Director and Paul Rull, Project Manager.
- November 24, 2014 – Email from David Jones documenting discussion with CC after BOS hearing. David Jones informed CC that a Mining Permit/Reclamation Plan will be required due to the existing and future mining activity onsite and to enable Corona Clay to obtain a FA bond on an approved plan/permit. CC stated that no mining is planned for the future and that a Reclamation Plan will be prepared.
- November 25, 2014 (on or about) – CC submitted application for a Grading Restoration permit and fees in amount of \$7,300. Application and check subsequently "mis-placed" and found by County and as of February 10, 2015, still no permit number for the Grading Restoration permit.

Gibson-Hadley Insurance Agency, Inc.

March 3, 2015

Corona Clay Company
22079 Knabe Road
Corona, CA 92883

RE: Mining Reclamation Bond

Dear Craig,

As we discussed, I have made several inquiries to companies that write Mining Reclamation Bonds in an effort to secure such a bond in the amount of \$120,000 for Corona Clay Company that will support the mining Application currently in process with the County of Riverside.

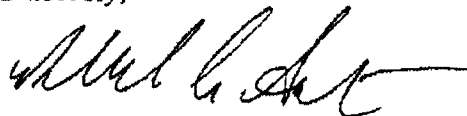
The bonding companies are stating that they require 100% collateral on this type of bond which must be secured by a line of credit, certificate of deposit or cash. Realestate is not an acceptable method of colateral.

Additionally, in order to issue a bond of this nature the bonding company will require a reclamation plan so they know what they are bonding against. If there is no plan there is no way to no what the required end result should be.

In light of the recent development that the affected area has been reduced from 13 acres to 2 or 3 acres this should make the collateral for this bond significantly less than \$120,000 and the bond much easier for Corona Clay Company to obtain.

Should you need any additional information please feel free to contact me at 951.359.0950

Sincerely,



Ricahrd A. Schlott
Gibson-Hadley Insurance Agency, Inc.



feet 4000
km 1

Google earth

Aerial May 31, 1994



Google earth



Google earth
feet 4000
km 1

Aerial June 4, 2002



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Google earth

Aerial September 7, 2003



Google earth

Aerial September 2, 2004

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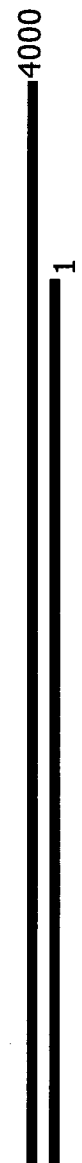




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Google earth

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Aerial December 30, 2005



Google earth

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Aerial August 4, 2006



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Google earth

Aerial June 5, 2009



Google earth

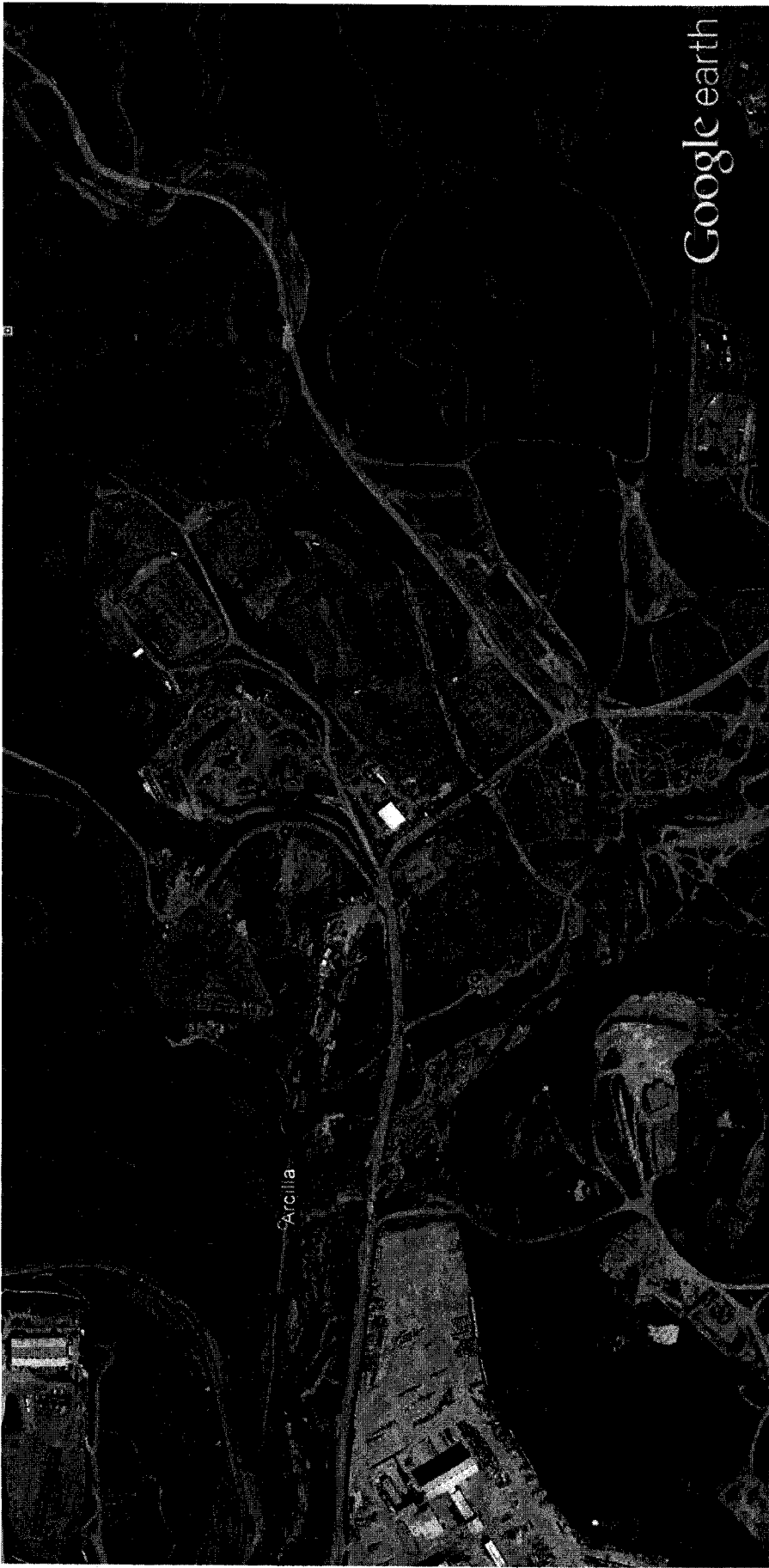
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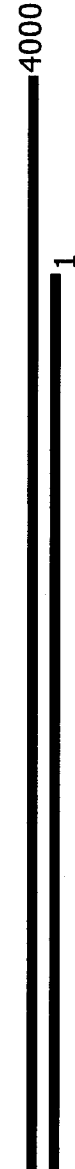
Aerial November 15, 2009

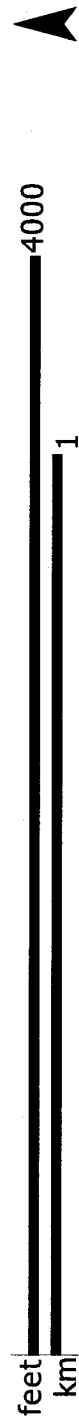


Google earth

Aerial March 9, 2011

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Google earth

Aerial June 7, 2012



Google earth

Aerial January 12, 2013

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Google earth

Aerial November 12, 2013

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Google earth

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Aerial April 27, 2014



Google Earth

Aerial May 31, 1994

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Exhibit No. 5, p. 1

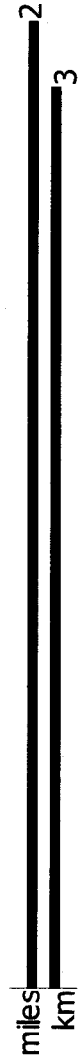
Exhibit No. 5, p. 1



Google earth

Aerial April 27, 2014

miles
km





*Steven Weiss, AICP
Planning Director*

RIVERSIDE COUNTY **PLANNING DEPARTMENT**

Administrative Penalty Order

Via Certified Mail

Corona Clay Company
Mr. Craig Deleo
22079 Kanabe Road
Corona, CA 92880
RE: CA Mine ID:

January 26, 2015

Dear Mr. Deleo,

As of the date of this Administrative Penalties Order, you are hereby ordered to pay an administrative penalty in the amount and condition cited below to the County of Riverside for failure to comply with the Notice of Violation and the Order to Comply issued by the County pursuant to Public Resources Code Section 2774.1 and County Ordinance No. 555.

Background

On October 03, 2013, the County's Director of Building and Safety issued a Notice of Violation as a result of Corona Clay Company's violation of provisions of California's 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., for which the County of Riverside (hereinafter "County") may issue Notice of Violations, Cease and Desist Orders, Orders to Comply and administrative penalties under Pub. Res. Code Section 2774.1. On December 05, 2013, the County's Planning Director issued an Order to Comply for failure to comply with the October 03, 2013 Notice of Violation. A copy of the Notice of Violation and Order to Comply are attached hereto as Exhibits "A" and "B", respectively, and are incorporated herein by this reference. On January 15, 2014, the County's Planning Commission affirmed the Order to Comply.

Violations

The following is a summary and current status of the three (3) main points of the Notice of Violation and the Order to Comply issued for this site:

1. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved mining permit in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required exhibits to process an application for a mining permit and, thus, is not in compliance with the Order to Comply.

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

"Planning Our Future... Preserving Our Past"

exhibit 1

2. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved reclamation plan in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required exhibits to process an application for a reclamation plan and, thus, is not in compliance with the Order to Comply.

3. Corona Clay Company has engaged in surface mining operation as defined by Pub. Res. Code Section 2735 since the enactment of SMARA in 1975 through present in Riverside County at the Corona Clay Mine, APN's 283-190-021, 283-190-022, and 283-190-040, without having obtained a lead agency approved financial assurance in violation of Pub. Res. Code Section 2770 and Riverside County Ordinance No. 555 Section 13. As of the date of this Administrative Penalties Order, Corona Clay Company has made no progress in submitting the required financial assurance as identified in the Order to Comply, thus, is not in compliance with the Order to Comply.

Penalties

The administrative penalty, pursuant to Public Resources Code Section 2774.1 and County Ordinance No. 555, Section 10.c. can be imposed at the maximum rate of \$5,000 per day, assessed from the original date of the notice of violation or noncompliance with Section 2207. Accordingly, from October 03, 2013 through the date of this Administrative Penalties Order, the maximum penalty is \$2,405,000 per violation. If applied to each of the three (3) violations noted above, the maximum penalty would be \$7,215,000. For the above time period, and after consideration of all the facts and circumstances,

RIVERSIDE COUNTY HEREBY IMPOSES A PENALTY OF \$500,000.00

The site remains out of compliance until an adequate reclamation plan and adequate financial assurance is approved by the County, and until all necessary permits are obtained from the local, state and federal jurisdictions. As such, the County may impose a penalty of up to \$5,000 per day that continues after January 26, 2015, and continues its jurisdiction for that purpose.

Under County Ordinance No. 555 Section 10.c. you may petition the County's Board of Supervisors for review of the order. Unless a petition for review of this Administrative Penalties Order is filed with the County Board of Supervisors within thirty (30) business days of the date of this Order, the administrative penalty in the amount of \$500,000.00 is due. Administrative penalties must be paid with a cashier's check or money order made payable to the County of Riverside.

The administrative penalty payment and any additional documents should be sent to the attention of the County's Chief Engineering Geologist at:

4080 Lemon Street, 12th Floor
Riverside County, CA 92501

In addition to the administrative penalties imposed by this order, the Corona Clay Company is responsible for all costs, including attorney's fees, incurred by the County as a result of enforcement actions.


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

EXHIBIT 1

This Administrative Penalties Order became effective on Tuesday January 26, 2015 at 6:00 PM Pacific Standard Time.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steven Weiss, AICP
Planning Director



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

- cc. Juan Perez, TLMA Director
- Bob Magee, 1st Supervisorial District Legislative Assistant
- Bruce Fordon, County Counsel
- Compliance Unit, Office of Mine Reclamation
- Steven Testa, State Mining and Geology Board
- File - SMP00197R1

Maxwell, Sue

To: Maxwell, Sue
Subject: RE: March 21, 2017 BOS Agenda Item 3.23 - Supporting Petition for Review Corona Clay Company (First District)

From: Maxwell, Sue
Sent: Monday, March 20, 2017 3:51 PM
To: COB-Agenda (COB-Agenda@rivco.org) <COB-Agenda@rivco.org>; Perez, Juan <JCPEREZ@RIVCO.ORG>; Weiss, Steven <SWeiss@RIVCO.ORG>; Young, Alisa <AYOUNG@co.riverside.ca.us>; Executive Office Administrators <ExecutiveOffice_Administrators@Rivco.org>; District2 <District2@Rivco.org>; District3 <District3@Rivco.org>; District4 Supervisor John J Benoit <District4@RIVCO.ORG>; District5 <District5@Rivco.org>; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>
Subject: FW: March 21, 2017 BOS Agenda Item 3.23 - Supporting Petition for Review Corona Clay Company (First District)

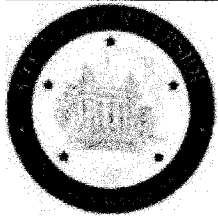
Good afternoon,

Below is an email received by the Clerk of the Board in support of Agenda Item No 3.23 for 3/21/2017, the Petition for Review of Administrative Penalty Order for Corona Clay Company in the First District for your review.

With warm regard,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain **information that is privileged, confidential and exempt from disclosure** under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

From: camiek@aol.com [mailto:camiek@aol.com]
Sent: Monday, March 20, 2017 1:15 PM
To: COB <COB@RIVCO.ORG>
Subject: March 21, 2017 BOS Agenda

After reviewing the agenda for tomorrow's Board of Supervisors meeting, I see an item that is of interest to me. Under the Policy Calendar, Item 3.23, 3826 : TLMA-PLANNING DEPARTMENT: Petition of Review of Administrative Penalty Order- Corona Clay Company.

As a neighbor to the Corona Clay Company property, I strongly support the hearing moving forward. I believe that those of us that may have been impacted, have the right to hear both sides of the case. As someone that relies on Dawson Canyon road to access my home and property, the repeated mention of this road in the posted appeal brings me concern. Please schedule a hearing at an appropriate date. I will clear my calendar to be there.

Sincerely,

Amie Kinne
11775 Dawson Canyon Rd
Temescal Valley, CA 92883
951-529-8559

Maxwell, Sue

From: Maxwell, Sue
Sent: Monday, March 20, 2017 3:04 PM
To: 'camiek@aol.com'; COB
Subject: RE: March 21, 2017 BOS Agenda 3.23 - Corona Clay Company

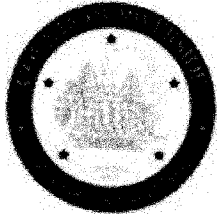
Good afternoon,

The Clerk of the Board of Supervisors received your email in support of Item 3.23 on the 3/21/2017 Meeting Agenda and forwarded to the appropriate areas for review.

Thank you kindly,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
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Sincerely,

Amie Kinne

11775 Dawson Canyon Rd

Temescal Valley, CA 92883

951-529-8559

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Craig Delea

Address: 22079 Knabe Rd
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 951-277-2803

Date: 3-21-2017 **Agenda #** 3.23

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. **YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.**

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: ROD PACHECO

Address: 7/11/17
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 3.23
~~3.24~~

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
_____ **Support** _____ **Oppose** **Neutral**

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I give my 3 minutes to: _____

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