



Steven Weiss
Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

January 5, 2016

Pages 2 (including this cover)

CHJ, Incorporated
jmckeown@chjconsultants.com

RE: Review Comments
Exhibit C: Reclamation Plan, SMP 197 Revision 1
Corona Clay Company Dawson Canyon Facility, APN 283-190-021
"Slope Stability Evaluation, Area of Concern at Corona Clay, Park Canyon Road
and Clay Canyon Road, Riverside County, California," and dated March 13,
2015.

Please see the attached review comments pertaining to the subject report. Prior to approval of this report, all comments must be adequately addressed.

Please call me at (951) 955-6187 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steven Weiss, Planning Director

Daniel P. Walsh, CEG No. 2413
Associate Geologist, TLMA-Planning

Attachments: Review Comments

cc: Planner: Roger Arroyo, Riverside Office Hand Deliver
Applicant: Corona Clay Company, Attn: Craig Deleo
(coronaclayco@aol.com)

File: SMP00197R1, APN 283-190-021

B:\Geology\CGR\SMP00197R1_SSRcomments.doc

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

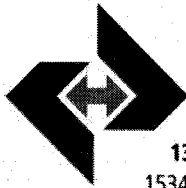
Desert Office · 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

The subject slope stability report submitted for this project (SMP00197R1) as part of Exhibit C: Reclamation Plan, SMP 197 Revision 1, Corona Clay Company Dawson Canyon Facility, Assessor's Parcel Number 283-190-021, was prepared by CHJ Inc. and is entitled: "Slope Stability Evaluation, Area of Concern at Corona Clay, Park Canyon Road and Clay Canyon Road, Riverside County, California," and dated March 13, 2015.

In order to complete our review and provide final acceptance of this report, the following clarification and/or additional information shall be submitted to the County Geologist for review and approval.

1. Please expand the list of significant faults (Table 1) to include faults within 100 km of the project site, indicate name, magnitude and distance of each individually.
2. Please provide a listing of significant seismic events in the site vicinity (100 km).
3. Enclosure A-2 (Geologic Map) indicates an approximately 100-foot high 1.5:1 slope is proposed for the "Area of Concern" at the site. The geologic map also indicates that Geologic Cross-Section A-A' was prepared for this analysis. However, the consultant only evaluated a 56-foot high 1:1 slope in their slope stability analysis. Additionally, the consultant concludes that "A flatter slope such as a 1.5(h) to 1(v).....is also considered to be stable." The consultant should provide a slope stability analysis on the actual proposed slope depicted on the Reclamation Plan to justify their conclusion. The consultant should also provide all cross-sections and calculations utilized in their analysis.
4. Enclosure A-2 indicates that a "fill over cut" condition exists on the proposed reclamation slope. This area coincides with an area mapped as underlain by undocumented, and unstable, artificial fill. The consultant should acknowledge and delineate this area on their map, and address this area in their analysis. The locations and depths of the artificial fill should be depicted on the geologic cross-sections.
5. Remedial earthwork recommendations for any undocumented fill areas within the proposed reclamation slope should be provided, including removal bottom acceptance criteria.
6. The consultant should provide recommendations for erosion control on and adjacent to the proposed slope.

It should be noted that no engineering review of this report or formal review of provided building code information are a part of this review. Formal review of engineering design and code data will be made by the County, as appropriate, at the time of grading and/or building permit submittal to the County.



CHJ Consultants

1355 E. Cooley Drive, Suite C, Colton, CA 92324 ♦ Phone (909) 824-7311 ♦ Fax (909) 503-1136
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77-564A Country Club Drive, Suite 122, Palm Desert, CA 92211 ♦ Phone (760) 772-8234 ♦ Fax (909) 503-1136

April 11, 2016

Corona Clay Company

Job No. 15112-8

22079 Knabe Road

Corona, California 92883

Attention: Mr. Craig Deleo

Subject: Response to Comments
Riverside County Planning Department, Dated January 5, 2016
Corona Clay Quarry, SMP 197R1
Riverside County, California

Reference: Slope Stability Evaluation for the Area of Concern at Corona Clay
Park Canyon Road and Clay Canyon Road
Riverside County, California
Report by CHJ Consultants, Dated March 13, 2015
Job No. 15112-8

Dear Mr. Deleo:

This firm has prepared this letter to address comments by the Riverside County Planning Department regarding their review of our above-referenced slope stability evaluation at Corona Clay. The County's comments are presented in italics, followed by our response.

1. Please expand the list of significant faults (Table 1) to include faults within 100 km of the project site, indicate name, magnitude and distance of each individually.

A table with all seismic sources within 100 km of the site is attached as Table 1.



2. *Please provide a listing of significant seismic events in the site vicinity (100 km).*

A table with significant recorded seismic events within 100 km of the site is attached as Table 2.

3. *Enclosure A-2 (Geologic Map) indicates an approximately 100-foot high 1.5:1 slope is proposed for the "Area of Concern" at the site. The geologic map also indicates that Geologic Cross-Section A-A' was prepared for this analysis. However, the consultant only evaluated a 56-foot high 1:1 slope in their slope stability analysis. Additionally, the consultant concludes that "A flatter slope such as a 1.5(h) to 1(v) is also considered to be stable." The consultant should provide a slope stability analysis on the actual proposed slope depicted on the Reclamation Plan to justify their conclusion. The consultant should also provide all cross-sections and calculations utilized in their analysis.*

The initial inclination of the proposed slope was 1:1 and we calculated the stability for that slope. The inclination was changed to 1.5:1 late in the report preparation process, and it was indicated by the project engineer that the inclination was not certain. Both configurations are statically stable by inspection. The static and seismic stability of the slope inclined at 1.5:1 is slightly lower than at 1:1. The associated calculations are attached for 1.5:1 (Enclosures 1 and 2, static $f_s = 1.66$, seismic $f_s = 1.17$ for $K_h = 0.20$). Slope stability results meet or exceed the standards of the County and the Office of Mine Reclamation.

Our report concluded that the (formerly) proposed 1:1 slope inclination was kinematically stable. Flattening the slope to 1.5:1 reduces the potential for adverse structural components, so the kinematic calculations performed at 1:1 do not require revision. The proposed 1.5:1 slope is considered kinematically stable based on the results for the 1:1 slope included in our report.

4. *Enclosure A-2 indicates that a "fill over cut" condition exists on the proposed reclamation slope. This area coincides with an area mapped as underlain by undocumented, and unstable, artificial fill. The consultant should acknowledge and delineate this area on their map, and address this area in*



their analysis. The locations and depths of the artificial fill should be depicted on the geologic cross sections.

Geologic mapping of the slope and adjacent area, including fill areas, was included in our report. For this response, three geologic cross sections (Sections B, C and D) were prepared at critical locations along the strike of the slope. The locations of these sections are shown on the Geologic Map (Enclosure 3). The sections were prepared at 20 scale and reduced to 40 scale for presentation in Enclosures 4, 5 and 6. The sections show the conjectured bedrock/fill contact.

5. Remedial earthwork recommendations for any undocumented fill areas within the proposed reclamation slope should be provided, including removal bottom acceptance criteria.

The Bedford Canyon Formation bedrock on the site is weathered but has performed well in existing cuts, some of which are very steep (78 degrees and locally steeper). The Bedford Canyon Formation wherever it is exposed in removal bottoms is expected to perform well for the intended use of the site as a reclaimed mine.

Our report recommended that the slope design provide for removal of (undocumented) fill where present in finished slope faces. For specific remediation of the hazard of shallow failure in the undocumented fill, we recommend that the fill be removed a minimum horizontal distance of 5 feet from the finished slope face. In addition, the fill adjacent to the slope face should be cut back to 3:1 or flatter. The as-built slope face in the undocumented fill should then be moisture conditioned and track rolled with a D-6 or larger bulldozer, or similar tracked or rubber-tire equipment. The recommended reclaimed configuration of the undocumented fill is shown on geologic cross sections B, C and D (Enclosures 4 through 6).

This remedial work can be handled during grading and does not need to be depicted on the reclamation plan.



6. *The consultant should provide recommendations for erosion control on and adjacent to the proposed slope.*

Scaling of loose blocks and debris should be conducted during grading as the slope is cut.

All man-made slopes created as part of this project should be planted with appropriate drought-resistant vegetation that does not require an irrigation system. Modified slopes in the undocumented fill should be treated as recommended in Item No. 5 to mitigate erosion potential.

A brow ditch is now shown on the reclamation plan. The ditch traverses the undocumented fill at the top of the slope. The exact alignment of the brow ditch may need to be adjusted in the field based upon the removals of undocumented fill in Item No. 5 to provide positive drainage in the ditch.

Additional Item (unnumbered).

We received an additional comment related verbally by the County Geologist to the project mining consultant, Lilburn Corporation, regarding the need for benches on the completed slope. It is our understanding that this project is being processed as a reclaimed mine under Office of Mine Reclamation and Riverside County criteria for mine sites, and as such, terraces such as those required by the California Building Code are not required. Our report indicated "Inclusion of benches in a 1(h):1(v) overall slope profile would help mitigate raveling and/or rockfall. Benches are not considered necessary for a 1.5(h):1(v) slope." Benches are not required under code for reclaimed mine slopes, nor are they considered to be necessary for adequate stability of the slope. Given the fact that the finished slope face will not be planar due to fill removal during future grading, inclusion of benches and provision of drainage for them may not be practical for this slope.



LIMITATIONS

CHJ Consultants has striven to perform our services within the limits prescribed by our client, and in a manner consistent with the usual thoroughness and competence of reputable geotechnical engineers and engineering geologists practicing under similar circumstances. No other representation, expressed or implied, and no warranty or guarantee is included or intended by virtue of the services performed or reports, opinion, documents, or otherwise supplied.

This report reflects the testing and observations conducted on the site as the site existed during the investigation, which is the subject of this report. However, changes in the conditions of a property can occur with the passage of time, due to natural processes or the works of man on this or adjacent properties. Changes in applicable or appropriate standards may also occur whether as a result of legislation, application, or the broadening of knowledge. Therefore, this report is indicative of only those conditions tested and/or observed at the time of the subject investigation, and the findings of this report may be invalidated fully or partially by changes outside of the control of CHJ Consultants. This report is therefore subject to review and should not be relied upon after a period of one year.

The conclusions and recommendations in this report are based upon observations performed and data collected at separate locations, and interpolation between these locations, carried out for the project and the scope of services described. It is assumed and expected that the conditions between locations observed and/or sampled are similar to those encountered at the individual locations where observation and sampling was performed. However, conditions between these locations may vary significantly. Should conditions that appear different than those described herein be encountered in the field by the client or any firm performing services for the client or the client's assign, this firm should be contacted immediately in order that we might evaluate their effect.

If this report or portions thereof are provided to contractors or included in specifications, it should be understood by all parties that they are provided for information only and should be used as such.

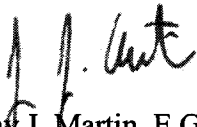


The report and its contents resulting from this investigation are not intended or represented to be suitable for reuse on extensions or modifications of the project, or for use on any other project.

CLOSURE

We appreciate this opportunity to be of service and trust this letter provides the information requested by Riverside County Planning. Should questions arise, please do not hesitate to contact this firm at your convenience.

Respectfully submitted,
CHJ CONSULTANTS


Jay J. Martin, E.G. 1529
Vice President

JJM:lb

Enclosures: "Table 1" - Summary of Regional Seismic Sources
"Table 2" - Summary of Historic Earthquakes
"1" - Static Global Stability (1.5h:1v, along A-A')
"2" - Pseudostatic Global Stability (1.5h:1v, Along A-A')
"3" - Geologic Map
"4" - Geologic Cross Section B-B'
"5" - Geologic Cross Section C-C'
"6" - Geologic Cross Section D-D'



Job No. 15112-8

Table 1: Summary of Regional Seismic Sources

Fault	Magnitude	Distance (km)	Direction
Elsinore Fault Zone – Glen Ivy Section	6.9	3.4	SW
Elsinore Fault Zone – Chino Section	6.8	13	NW
Elsinore Fault Zone – Temecula Section	7.1	23	SE
Elsinore Fault Zone – Whittier Section	7.0	24	NW
San Jacinto Fault Zone – San Bernardino Segment	7.1	34	NE
San Jacinto Fault Zone – San Jacinto Valley Segment	7.0	35	NE
I-215 – SR-210 Faults	7.1	41	NE
Sierra Madre Fault Zone – Cucamonga Section	6.7	43	N
San Andreas Fault Zone – San Bernardino Section	6.9	45	NE
San Gorgonio Pass Fault Zone	6.9	46	NE
Crafton Hills Fault Zone	6.9	48	NE
Newport-Inglewood-Rose Canyon Fault Zone – South Los Angeles Basin Section	7.2	48	SW
Sierra Madre Fault Zone – Sierra Madre E Section	7.3	48	NW
Sierra Madre Fault Zone – Sierra Madre D Section	7.3	54	NW
San Andreas Fault Zone – Mojave Section	7.3	55	N
San Jacinto Fault Zone – Anza Section	7.3	60	SE
Sierra Madre Fault Zone – Sierra Madre C Section	7.3	64	NW
Sierra Madre Fault Zone – Sierra Madre Clamshell-Sawpit Section	6.7	64	
Palos Verde Fault Zone – San Pedro Shelf Section	7.3	66	SW
Raymond Fault	6.8	67	NW
Coronado Bank Fault Zone – Coronado Bank-Palos Verdes Section	7.4	69	SW
Newport-Inglewood-Rose Canyon Fault Zone – North Los Angeles Basin Section	7.2	73	NW
Pinto Mountains Fault Zone	7.3	75	NE
North Frontal Thrust System – Western Section	7.2	78	NE
Hollywood Fault	6.7	82	NW
Verdugo Fault	6.9	82	NW
Helendale-South Lockhart Fault Zone – Helendale Section	7.4	85	NE
Redondo Canyon Fault	7.3	86	W
San Gabriel Fault Zone – Newhall Section	7.3	88	NW
Sierra Madre Fault Zone – Sierra Madre B Section	6.7	88	NW
Silver Reef Fault	7.0	93	NE
Sierra Madre Fault Zone – San Fernando Section	6.7	94	NW
Long Canyon Fault	7.0	97	NE
Old Woman Springs Fault	7.5	97	NE
Lenwood-Lockhard Fault Zone – Lenwood Section	7.5	99	NE



Job No. 15112-8

Table 2: Summary of Historic Earthquakes

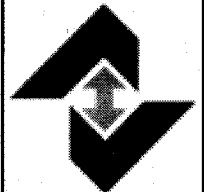
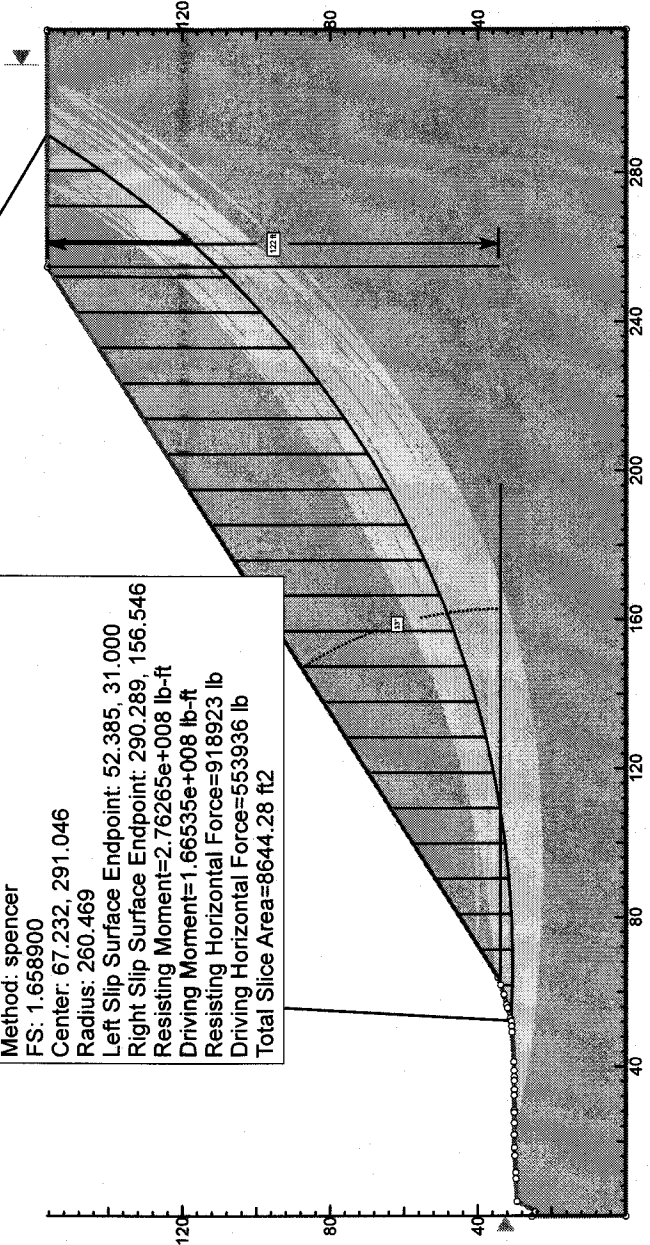
Event ID	Date	Magnitude	Distance from Site (km)	Direction from Site
Lake Matthews Area	4/21/1918	6.6	3.4	NE
Temescal Valley Area	9/2/2007	4.8	6.8	S
Yorba Linda	9/3/1992	4.8	31	NW
Yorba Linda	8/8/2012	4.5	32	NW
Chino Hills	7/29/2008	5.4	33	NW
Fontana Area	1/15/2014	4.4	40	N
San Timoteo Badlands	9/14/2011	4.2	42	NE
Upland	6/26/1988	4.7	44	NW
Upland	2/28/1990	5.4	45	NW
Yucaipa (14155260*)	6/16/2005	4.9	45	NE
Long Beach	3/10/1933	6.4	50	SW
Whittier Narrows	10/1/1987	5.9	64	NW
North of Cabazon	7/8/1986	5.9	67	NE
San Bernardino Mountains	7/5/2014	4.6	69	NE
Sierra Madre	6/28/1991	5.8	72	NW
Big Bear	6/28/1992	6.4	75	NE
Inglewood	5/17/2009	4.7	82	NW
Palm Springs Area	4/23/1992	6.2	86	E
West Hollywood	9/9/2001	4.2	91	NW
Coachella Area	7/7/2010	5.5	100	SE



1.66

Material Name	Color	Unit Weight (lbs./ft ³)	Strength Type	UCS (psf)	m	s	a
(Jbc) Bedford Canyon		162.2	Generalised Hoek-Brown	396400	0.0963465	4.53999e-005	0.511368

Global Minimums
 Method: spencer
 FS: 1.658900
 Center: 67.232, 291.046
 Radius: 260.469
 Left Slip Surface Endpoint: 52.385, 31.000
 Right Slip Surface Endpoint: 290.289, 156.546
 Resisting Moment=-2.76265e+008 lb-ft
 Driving Moment=1.66535e+008 lb-ft
 Resisting Horizontal Force=918923 lb
 Driving Horizontal Force=553936 lb
 Total Slice Area=8644.28 ft²



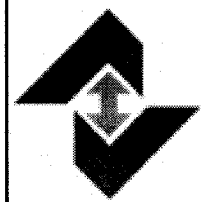
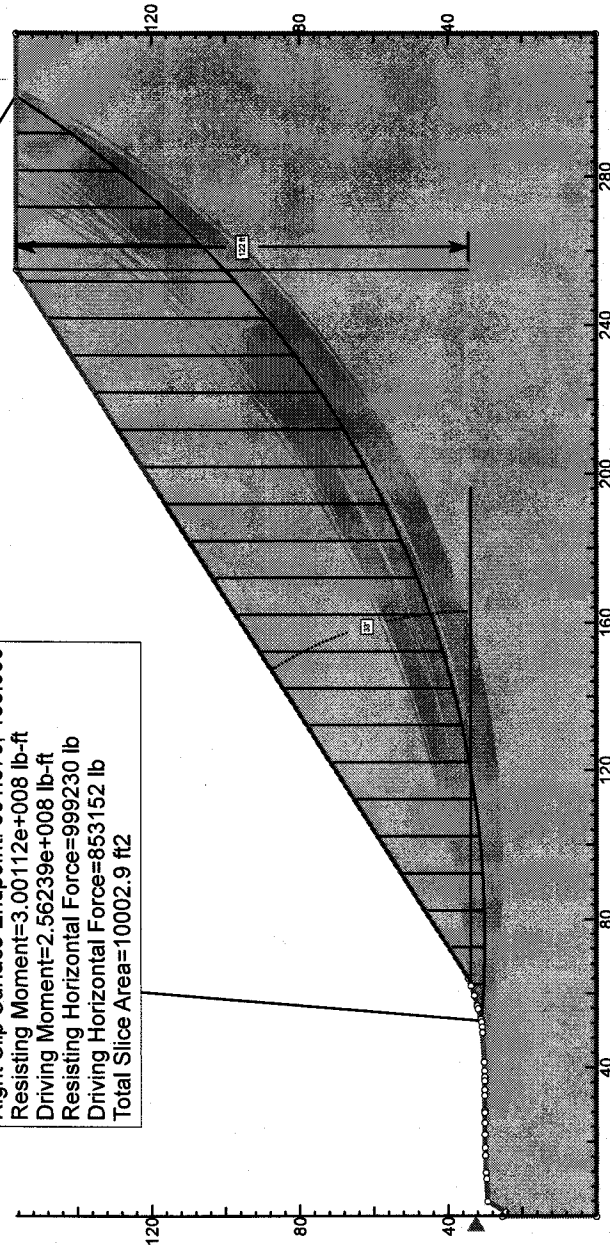
Project	Corona Clay		
Analysis Description	Section A 1.5 to 1		
Drawn By	CHJ	Author	JMc
File Name	Sect A 1_1slope stat_revised to 1.5to1.slim	Date	April 2016
		Scale	1:600
		Enclosure	1

Safety Factor



Material Name	Color	Unit Weight (lbs/ft ³)	Strength Type	UCS (psf)	m	s	a
(Jbc) Bedford Canyon		162.2	Generalised Hoek-Brown	396400	0.0963465	4.53999e-005	0.511368

Global Minimums
 Method: spencer
 FS: 1.171220
 Center: 75.125, 296.014
 Radius: 265.948
 Left Slip Surface Endpoint: 52.498, 31.030
 Right Slip Surface Endpoint: 301.575, 156.555
 Resisting Moment=3.00112e+008 lb-ft
 Driving Moment=2.56239e+008 lb-ft
 Resisting Horizontal Force=999230 lb
 Driving Horizontal Force=853152 lb
 Total Slice Area=10002.9 ft²



Project

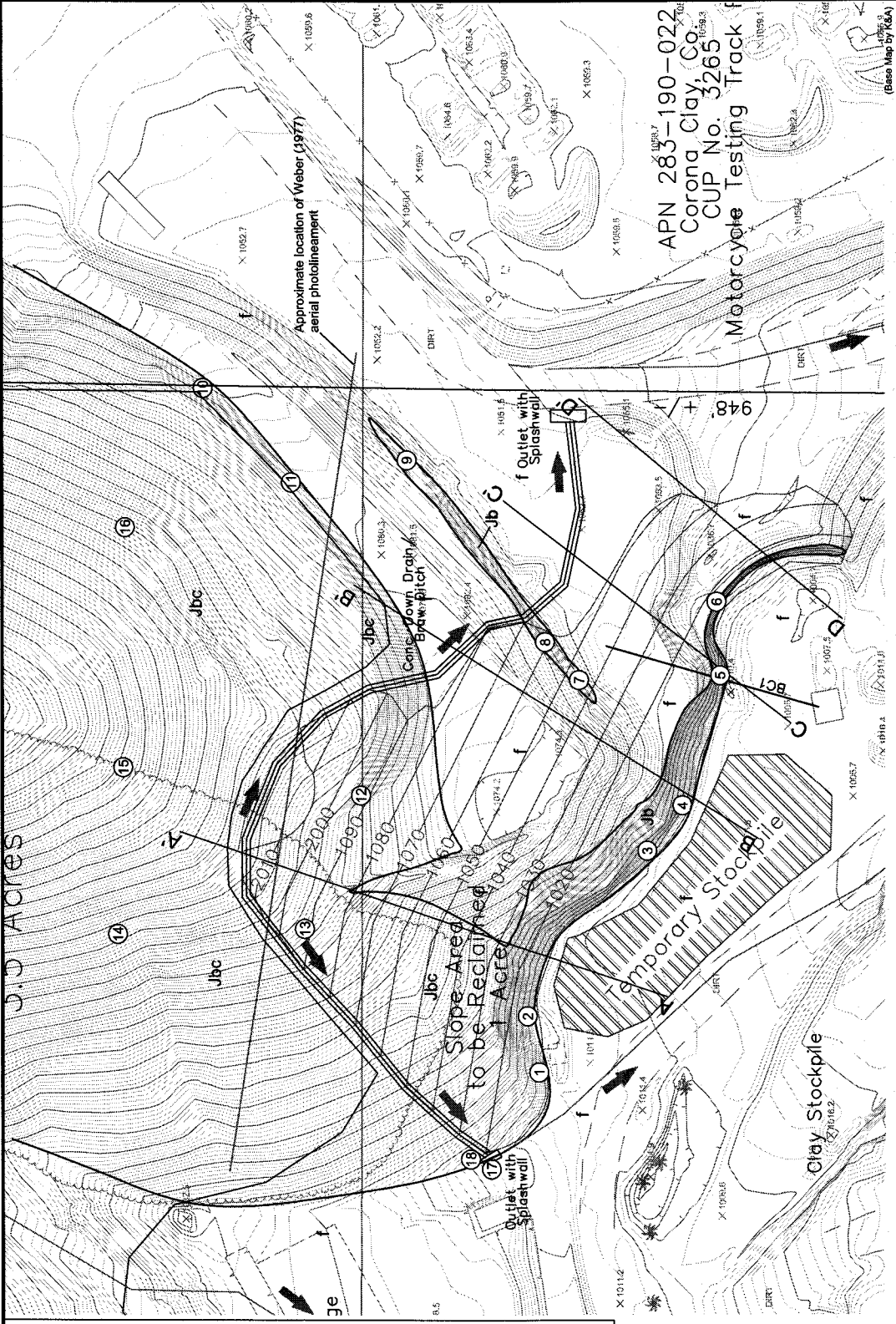
Corona Clay
 Section A 1.5 to 1

Analysis Description
 Drawn By: CHJ
 File Name: Sect A 1_1slope seis_revised to 1.5to1.slm

Author: JMC
 Date: April 2016
 Scale: 1:600
 Enclosure: 2

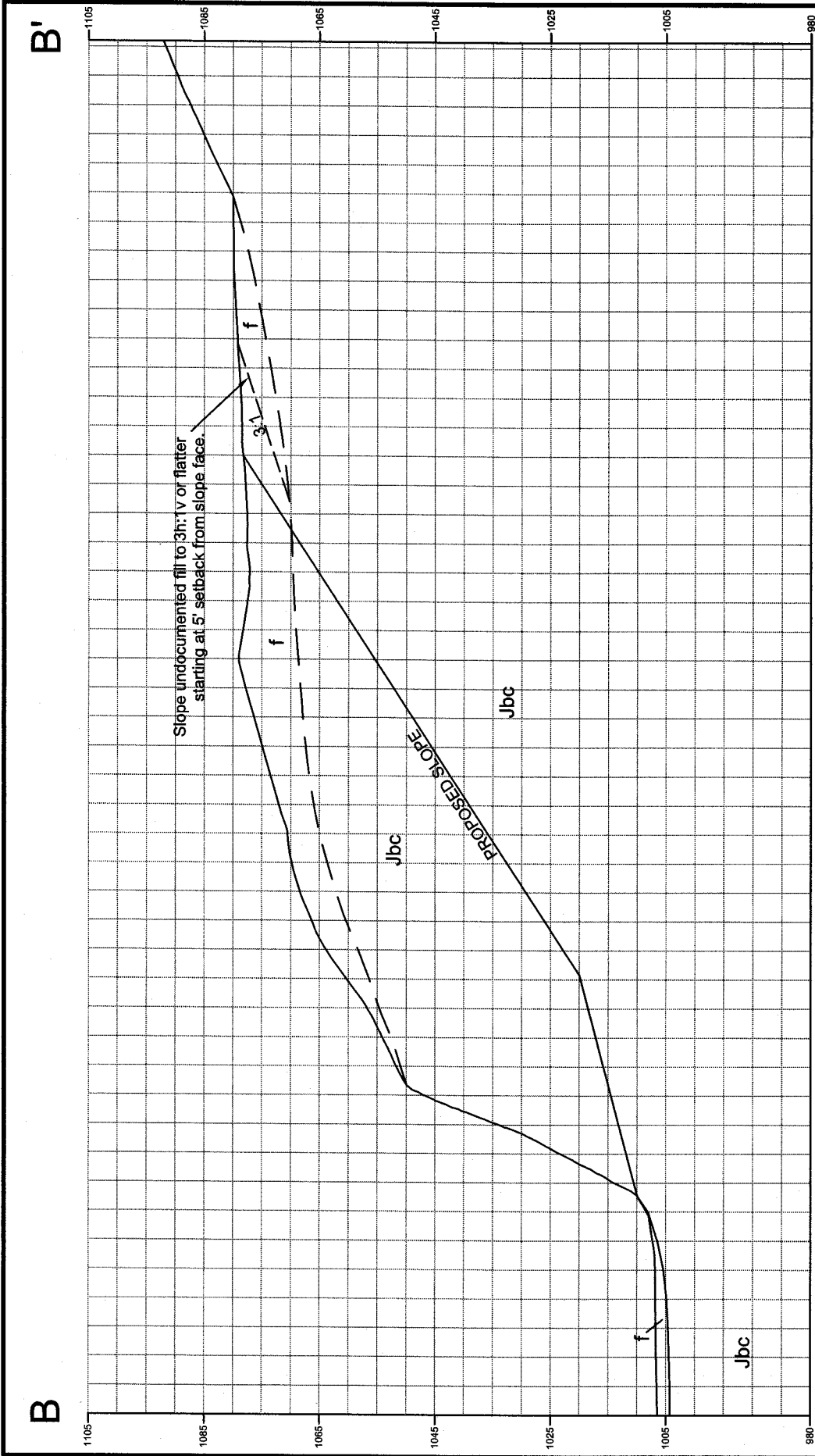
TABLE OF STRUCTURAL DATA:

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- ② j. N64W, 69SW, undulatory
- ③ f. N20W, 38NE
- ④ f. N64W, 52SW, undulatory
- ⑤ f. N48E, 64NW } blocky
j. N78W, 60SW }
- ⑥ f. N58W, 35NE
- ⑦ f. N82W, 55NE
- ⑧ j. N82E, 45SE
- ⑨ f. N88W, 60NE
- ⑩ f. N60W, 53NE
- ⑪ j. N82W, 75SW
- ⑫ f. N49W, 59NE
- ⑬ f. N75W, 35NE
- ⑭ f. N42W, 25NE
- ⑮ f. N85E, 40NW
- ⑯ f. N55W, 52NE
- ⑰ f. N81E, 71NW
- ⑱ f. N35W, 85SW



APN 283-190-022
 Corona Clay, Co.
 CUP No. 3265
 Motorcycle Testing Track

LEGEND:		GEOLOGIC MAP	
f - fill	f - foliation	DATE	CORONA CLAY
Jbc - Jurassic Bedford Canyon Formation-slate with minor quartzite	J - joint	PROJECT	SLOPE STABILITY INVESTIGATION AREA OF CONCERN, CORONA CLAY QUARRY CORONA, CALIFORNIA
⑱ structural data measurement location	s - shear	DATE	APRIL 2016
	D' - Geologic Cross Section	SCALE	15112-8
		CHJ Consultants	

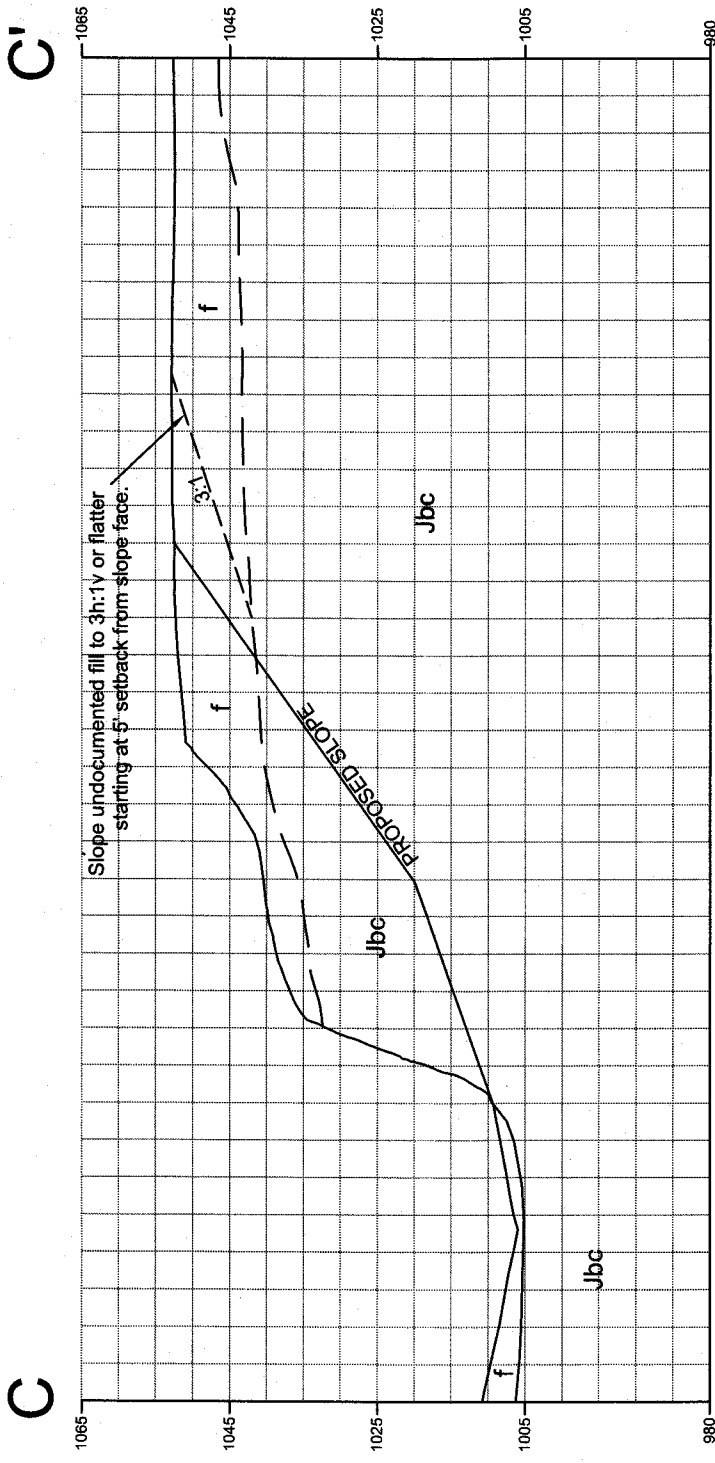


GEOLOGIC CROSS SECTION

FOR:	CORONA CLAY	ENCLOSURE	4
DATE:	APRIL 2016	JOB NUMBER	15112-8
SLOPE STABILITY INVESTIGATION AREA OF CONCERN, CORONA CLAY QUARRY CORONA, CALIFORNIA			



SCALE: 1" = 25'



GEOLOGIC CROSS SECTION

ENCLOSURE
5

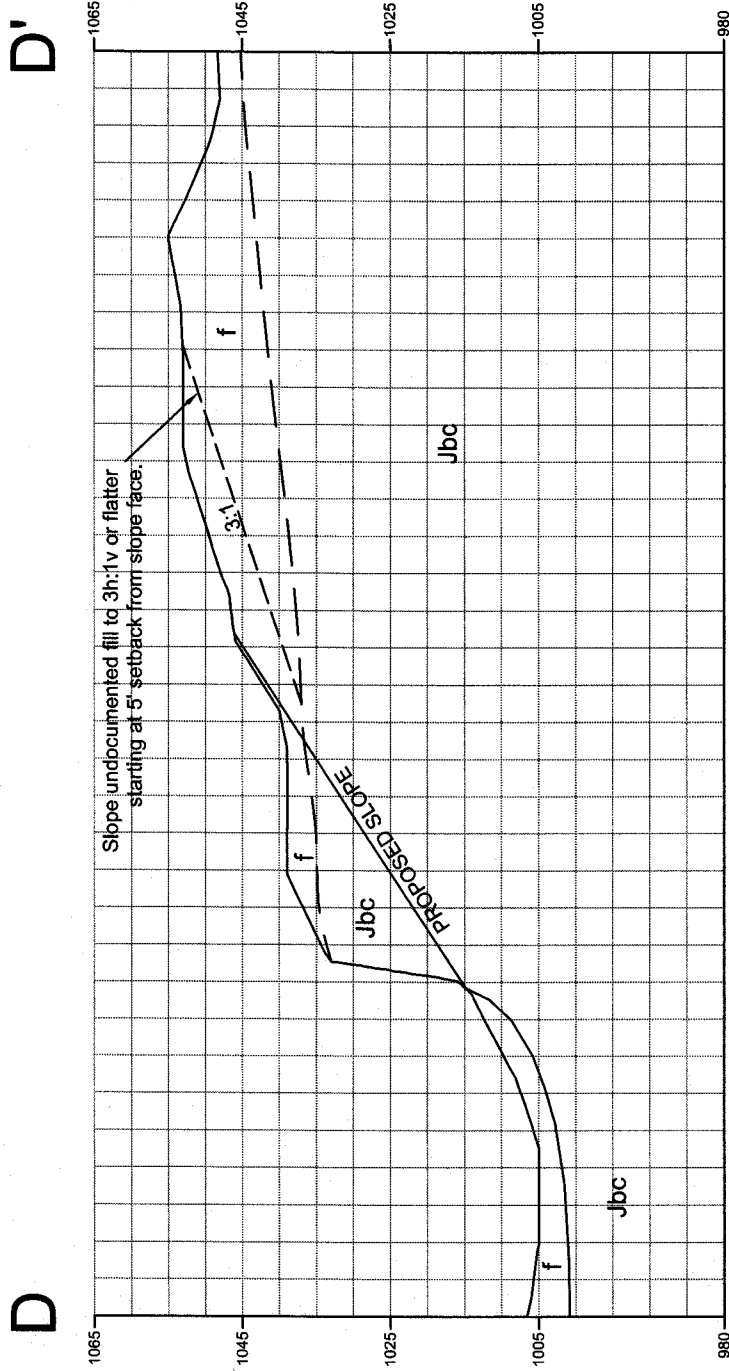
FOR: SLOPE STABILITY INVESTIGATION
AREA OF CONCERN, CORONA CLAY QUARRY
CORONA, CALIFORNIA

DATE: APRIL 2016

JOB NUMBER
15112-8



SCALE: 1" = 25'



GEOLOGIC CROSS SECTION

FOR: CORONA CLAY	ENCLOSURE 6
DATE: APRIL 2016	JOB NUMBER 15112-8
SLOPE STABILITY INVESTIGATION AREA OF CONCERN, CORONA CLAY QUARRY CORONA, CALIFORNIA	
CHJ Consultants	

SCALE: 1" = 25'



Steven Weiss
Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

June 6, 2016

Pages 2 (including this cover)

CHJ, Incorporated
ATTN: Jay J. Martin
JMartin@chjconsultants.com

RE: Review Comments No. 2
Exhibit C: Reclamation Plan, SMP 197 Revision 1
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RIVERSIDE COUNTY PLANNING DEPARTMENT
Steven Weiss, Planning Director

Daniel P. Walsh, CEG No. 2413
Associate Geologist, TLMA-Planning

Attachments: Review Comments

cc: Applicant: Corona Clay Company, Attn: Craig Deleo
(coronaclayco@aol.com)

File: SMP00197R1, APN 283-190-021

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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

06/06/16
10:42

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

SURFACE MINING PERMIT Case #: SMP00197R1

Parcel: 283-190-040

5. DRT CORRECTIONS REQUIRED

PLANNING DEPARTMENT

5. PLANNING. 3

DRT - SLOPE STABILITY REPORT

REQUIRED

The subject slope stability report submitted for this project (SMP00197R1) as part of Exhibit C: Reclamation Plan, SMP 197 Revision 1, Corona Clay Company Dawson Canyon Facility, Assessor's Parcel Number 283-190-021, was prepared by CHJ Inc. and is entitled: "Slope Stability Evaluation, Area of Concern at Corona Clay, Park Canyon Road and Clay Canyon Road, Riverside County, California," and dated March 13, 2015. In addition, the following report was submitted for this project and is herein incorporated as a part of SMP00197R1:

"Response to Comments, Riverside County Planning Department, Dated January 5, 2016, Corona Clay Quarry, SMP 197R1, Riverside County, California," dated April 11, 2016, by CHJ Consultants.

In order to complete our review and provide final acceptance of this report, the following clarification and/or additional information shall be submitted to the County Geologist for review and approval.

1. The consultant states that benches are not required for reclaimed mine slopes per the building code, nor are they deemed necessary from a stability standpoint. However, this conclusion would be dependent on the proposed end use of the site. The consultant should describe the proposed end use of the reclaimed mine, and based on the end use provide a discussion on whether or not the 1.5:1 slope with no benching could create a future hazard to public safety.

2. Per SMARA regulations, the subject slope is required to be revegetated as part of reclamation. The consultant should discuss the plausibility, and provide recommendations pertaining to the methodology, of effectively revegetating the proposed 100 foot high slope with no benches.

It should be noted that no engineering review of this report or formal review of provided building code information are a part of this review. Formal review of engineering design and code data will be made by the County, as appropriate, at the time of grading and/or building permit submittal to the County.

June 13, 2016

Daniel Walsh, Associate Geologist
Dave Jones
Steve Weiss, Planning Director
Riverside County Planning Dept.
4080 Lemon Street, 12th Floor
Riverside, CA 92502

RE: SMP 197R1 Corona Clay Dawson Canyon Facility – Response to Slope Stability Report Review Comments No. 2 dated June 6, 2016

Dear Daniel and Dave:

Lilburn Corporation prepared this response on behalf of Corona Clay Company and CHJ Consultants. This letter is Corona Clay's response to Slope Stability Report Review and Exhibit C: Reclamation Plan, SMP 197R1 "Comments No. 2" dated June 6, 2016 prepared by Daniel Walsh, Associate Geologist.

These responses and clarifications are related specifically to the Slope Stability Report and SMP 197R1 Exhibit C: Reclamation Plan, not to the related CUP No. 3265, GPA No. 1144, and CZ No. 6361.

County Comments

1. The consultant states that benches are not required for reclaimed mine slopes per the building code, nor are they deemed necessary from a stability standpoint. However, this conclusion would be dependent on the proposed end use of the site. The consultant should describe the proposed end use of the reclaimed mine, and based on the end use provide a discussion on whether or not the 1.5:1 slope with no benching could create a future hazard to public safety.

Exhibit C: Reclamation Plan, SMP 197R1 clearly states throughout the Plan that the final end use is the continued industrial use of the site as a clay products facility entitled under a CUP, not natural open space nor any other developed residential, commercial, or industrial use that could pose a public safety hazard. The Reclamation Plan is designed to stabilize, control erosion, and revegetate the over-steepened one-acre slope on the northeast portion of the site and to construct necessary drainage controls on-site to avoid impacting the surrounding area. Refer to Exhibit C Introduction page 1; and Section B Reclamation, Subsequent Uses Section B.1, and Public Safety Section B.4 copied below:



BABCOCK Laboratories, Inc.
The Standard of Excellence for Over 100 Years

Client Name: Corona Clay Company, Inc.
 Contact: Cindy Deleo
 Address: 22079 Knabe Rd.
 Corona, CA 92881

Analytical Report: Page 1 of 7
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

Attached is the analytical report for the sample(s) received for your project. Below is a list of the individual sample descriptions with the corresponding laboratory number(s). Also, enclosed is a copy of the Chain of Custody document (if received with your sample(s)). Please note any unused portion of the sample(s) may be responsibly discarded after 30 days from the above report date, unless you have requested otherwise.

Thank you for the opportunity to serve your analytical needs. If you have any questions or concerns regarding this report please contact our client service department.

Sample Identification

<u>Lab Sample #</u>	<u>Client Sample ID</u>	<u>Matrix</u>	<u>Date Sampled</u>	<u>By</u>	<u>Date Submitted</u>	<u>By</u>
B6B0542-01	Track Mix	Solid	02/03/16 10:55	Client	02/03/16 10:55	Cindy Deleo
B6B0542-02	Warning Track Mix	Solid	02/03/16 10:55	Client	02/03/16 10:55	Cindy Deleo
B6B0542-03	Angel Mix	Solid	02/03/16 10:55	Client	02/03/16 10:55	Cindy Deleo
B6B0542-04	Mound Mix	Solid	02/03/16 10:55	Client	02/03/16 10:55	Cindy Deleo
B6B0542-05	Gray Clay	Solid	02/03/16 10:55	Client	02/03/16 10:55	Cindy Deleo



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Client Name: Corona Clay Company, Inc.
 Contact: Cindy Deleo
 Address: 22079 Knabe Rd.
 Corona, CA 92881

Analytical Report: Page 2 of 7
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: **B6B0542**

Received on Ice (Y/N): No Temp: °C

	Result	RDL	Units	Method	Analysis Date	Analyst	Flag
B6B0542-01 <i>Sampled: 02/03/16 10:55</i>							
Track Mix							
Antimony	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	NMint
Arsenic	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Barium	130	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Beryllium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Cadmium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Total Chromium	17	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Cobalt	12	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Copper	20	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Lead	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Mercury	ND	0.20	mg/kg	EPA 7471A	02/10/16 14:06	mel	
Molybdenum	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Nickel	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Selenium	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Silver	ND	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Thallium	ND	50	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Vanadium	50	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	
Zinc	35	10	mg/kg	EPA 6020	02/08/16 17:12	ERA	



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Client Name: Corona Clay Company, Inc.
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 Corona, CA 92881

Analytical Report: Page 3 of 7
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

	Result	RDL	Units	Method	Analysis Date	Analyst	Flag
B6B0542-02 <i>Sampled: 02/03/16 10:55</i>							
Warning Track Mix							
Antimony	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Arsenic	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Barium	190	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Beryllium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Cadmium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Total Chromium	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Cobalt	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Copper	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Lead	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Mercury	ND	0.20	mg/kg	EPA 7471A	02/10/16 14:08	meI	
Molybdenum	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Nickel	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Selenium	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Silver	ND	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Thallium	ND	50	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Vanadium	15	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	
Zinc	36	10	mg/kg	EPA 6020	02/08/16 17:14	ERA	

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CA ELAP No. 2698
 EPA No. CA00102
 LACSD No., 10119



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Client Name: Corona Clay Company, Inc.
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 Address: 22079 Knabe Rd.
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Analytical Report: Page 4 of 7
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

	Result	RDL	Units	Method	Analysis Date	Analyst	Flag
B6B0542-03 <i>Sampled: 02/03/16 10:55</i>							
Angel Mix							
Antimony	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Arsenic	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Barium	150	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Beryllium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Cadmium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Total Chromium	11	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Cobalt	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Copper	11	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Lead	14	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Mercury	ND	0.20	mg/kg	EPA 7471A	02/10/16 14:10	mel	
Molybdenum	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Nickel	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Selenium	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Silver	ND	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Thallium	ND	50	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Vanadium	28	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	
Zinc	34	10	mg/kg	EPA 6020	02/08/16 17:15	ERA	



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Client Name: Corona Clay Company, Inc.
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 Corona, CA 92881

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 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

	Result	RDL	Units	Method	Analysis Date	Analyst	Flag
B6B0542-04 <i>Sampled: 02/03/16 10:55</i>							
Mound Mix							
Antimony	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Arsenic	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Barium	170	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Beryllium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Cadmium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Total Chromium	11	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Cobalt	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Copper	10	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Lead	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Mercury	ND	0.20	mg/kg	EPA 7471A	02/10/16 14:15	mel	
Molybdenum	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Nickel	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Selenium	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Silver	ND	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Thallium	ND	50	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Vanadium	45	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	
Zinc	33	10	mg/kg	EPA 6020	02/08/16 17:17	ERA	

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 EPA No. CA00102
 LACSD No., 10119



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Analytical Report: Page 6 of 7
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

	Result	RDL	Units	Method	Analysis Date	Analyst	Flag
B6B0542-05 <i>Sampled: 02/03/16 10:55</i>							
Gray Clay							
Antimony	ND	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Arsenic	14	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Barium	1300	50	mg/kg	EPA 6020	02/08/16 17:42	ERA	
Beryllium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Cadmium	ND	5.0	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Total Chromium	23	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Cobalt	11	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Copper	28	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Lead	39	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Mercury	ND	0.20	mg/kg	EPA 7471A	02/10/16 14:17	mel	
Molybdenum	ND	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Nickel	14	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Selenium	ND	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Silver	ND	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Thallium	ND	50	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Vanadium	62	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	
Zinc	90	10	mg/kg	EPA 6020	02/08/16 17:34	ERA	



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Project Number: Safety Data
Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: B6B0542

Received on Ice (Y/N): No Temp: °C

Notes and Definitions

- NMint Due to matrix interference, the matrix spike and/or matrix spike duplicate performed on this sample did not meet laboratory acceptance criteria.
- ND: Analyte NOT DETECTED at or above the Method Detection Limit (if MDL is reported), otherwise at or above the Reportable Detection Limit (RDL)
- NR: Not Reported
- RDL: Reportable Detection Limit
- MDL: Method Detection Limit
- * / " : NELAP does not offer accreditation for this analyte/method/matrix combination

Approval

Enclosed are the analytical results for the submitted sample(s). Babcock Laboratories certify the data presented as part of this report meet the minimum quality standards in the referenced analytical methods. Any exceptions have been noted. Babcock Laboratories and its officers and employees assume no responsibility and make no warranty, express or implied, for uses or interpretations made by any recipients, intended or unintended, of this report.

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e-Tab_Summary.rpt

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LACSD No., 10119



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Client Name: Corona Clay Company, Inc.
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Analytical Report: Page 1 of 2
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Chain of Custody & Sample Information Record

Client: <u>Corona Clay Co</u>		Contact: <u>Rose</u>		Fax No. <u>951-277-2204</u>		Additional Reporting Requests	
Phone No. <u>951-277-2667</u>		email:				<input type="checkbox"/> Includes QC Data Package <input type="checkbox"/> FAX Results <input type="checkbox"/> Email Results <input type="checkbox"/> State EDT	
Project Name: <u>Safety Data</u>		Turn Around Time: Routine *72 Hour Rush *48 Hour Rush *24 Hour Rush					
Project Location:		*Lab TAT Approval:		By: <u>[Signature]</u>		*Additional Charges Apply	
Sampler Information		# of Containers & Preservatives		Sample Type		Analysis Requested	
Name: <u>client</u>		Unpreserved		Routine		Matrix	
Employer:		H ₂ SO ₄		Resample		DW = Drinking Water	
Signature: <u>[Signature]</u>		HCl		Special		WW = Waste Water	
Sample ID		HNO ₃		Total # of Containers		GW = Ground Water	
Date		Na ₂ SO ₃		Routine		S = Source	
Time		NaOH		Resample		SG = Sludge	
		NaOH/Zn Acetate		Special		L = Liquid	
		NH ₄ Cl		Special		M = Miscellaneous	
		PDC		Special			
TRACK MIX				1			
Warning track MIX				1			
angel MIX				1			
mound MIX				1			
gray clay				1			
Relinquished By (sign)		Print Name / Company		Date / Time		Received By (sign)	
<u>X Cindy Deleo</u>		<u>Corona Clay Co</u>		<u>10:56 / 2/3/16</u>		<u>Angie Brown</u>	
						<u>Angie Brown</u>	
(For Lab Use Only)		Sample Integrity Upon Receipt/Acceptance Criteria				Lab No. <u>B6B0542</u>	
Sample(s) Submitted on Ice? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Sample meets laboratory acceptance criteria? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				Logged in By/Date: <u>FEB-4 2016 AB</u>	
Custody Seal(s) Intact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA		Permission to continue: Yes <input type="checkbox"/> No <input type="checkbox"/>				Page <u>1</u> of <u>1</u>	
Sample(s) Intact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Deviation/Notes: _____				Revised 2/08	
Temperature: _____ °C <input type="checkbox"/> Cooler Blank		Signature/Date: _____					

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EPA No. CA00102
LACSD No., 10119



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Client Name: Corona Clay Company, Inc.
 Contact: Cindy Deleo
 Address: 22079 Knabe Rd.
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Analytical Report: Page 2 of 2
 Project Number: Safety Data
 Project Name: Corona Clay - Product/Material

Report Date: 12-Feb-2016

Work Order Number: **B6B0542**

Received on Ice (Y/N): No Temp: °C

Project Information

Corona Clay Company, Inc.

22079 Knabe Rd.
 Corona, CA 92881

Laboratory PM: **Sushmitha Reddy**

Phone:(951) 277-2667
 Fax:(951) 277-2204

8727M
 2/4/2016

Project Name: Corona Clay - Product/Material	Invoice To: Corona Clay Company, Inc.
Project Number: Product/Material	Invoice Bid: Product/Material
Client PM: Cindy Deleo	Invoice Manager: Cindy Deleo
Comments:	

<u>Analysis</u>	<u>Comment</u>
-----------------	----------------

Metals CA17-SW

Metals CA17-SW subanalyses:

- MO_ICPMS_SW
- AS_ICPMS_SW
- BA_ICPMS_SW
- BE_ICPMS_SW
- CD_ICPMS_SW
- CO_ICPMS_SW
- CR_ICPMS_SW
- CU_ICPMS_SW
- AG_ICPMS_SW
- ZN_ICPMS_SW
- NL_ICPMS_SW
- PB_ICPMS_SW
- SB_ICPMS_SW
- SE_ICPMS_SW
- TAD
- TL_ICPMS_SW
- V_ICPMS_SW
- HG_CVAA_SW

mailing

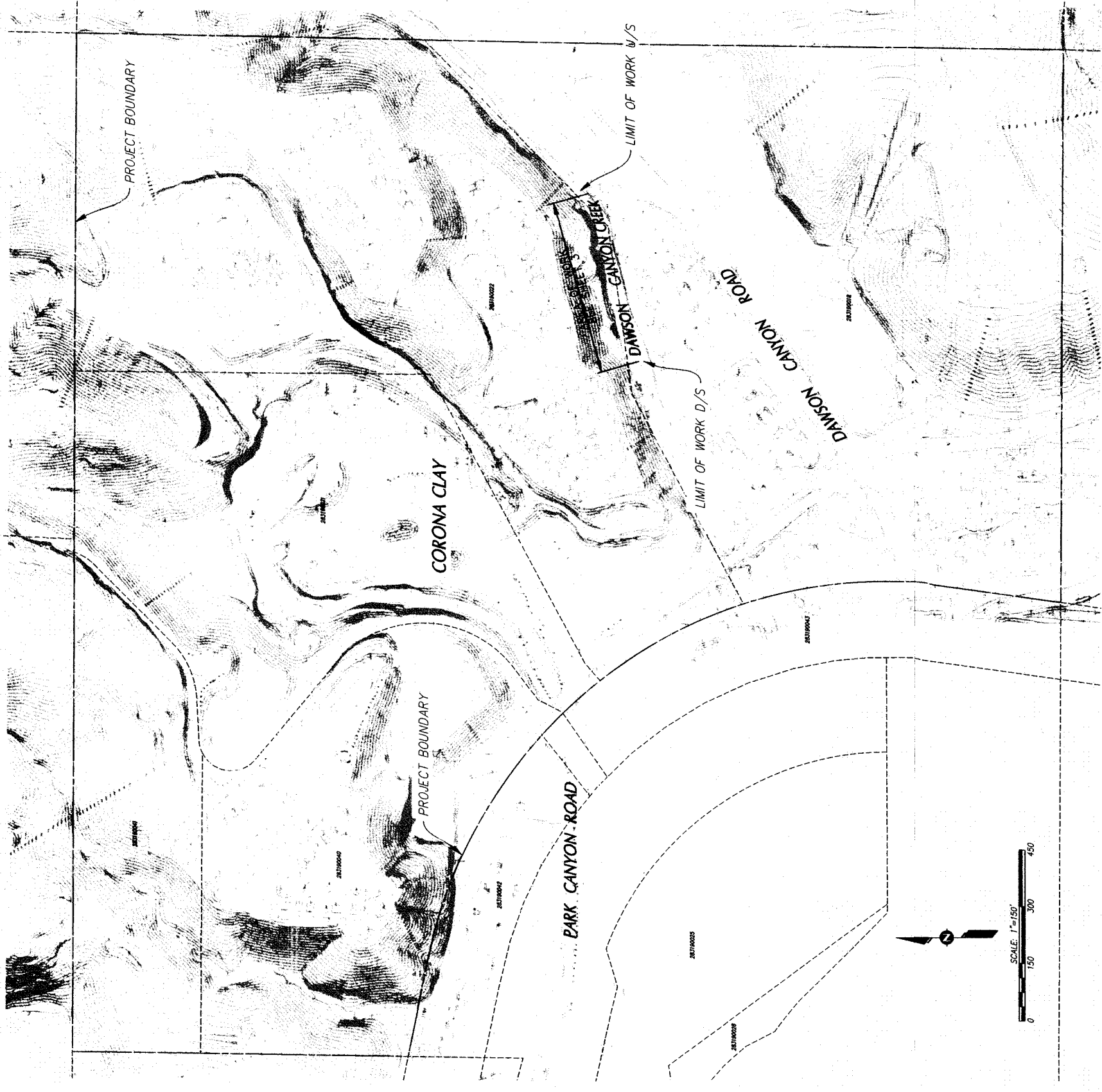
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 EPA No. CA00102
 LACSD No., 10119



CORONA CLAY - DAWSON CANYON CREEK

PROJECT DESCRIPTION:

DAWSON CANYON CREEK LOCATED WITHIN THE CORONA CLAY TEMESCAL PROPERTY WAS IMPACTED BY GRADING IN THE SUMMER OF 2014 WITH THE CONSTRUCTION OF AN ADJOINING MOTOCROSS TRACK. APPROXIMATELY 800 FEET OF DAWSON CANYON CREEK WAS IMPACTED. AS PART OF THE GRADING THE NORTHERLY BANK WAS SHIFTED UP TO 40 FEET NORTHERLY INTO A NATURAL SLOPE.

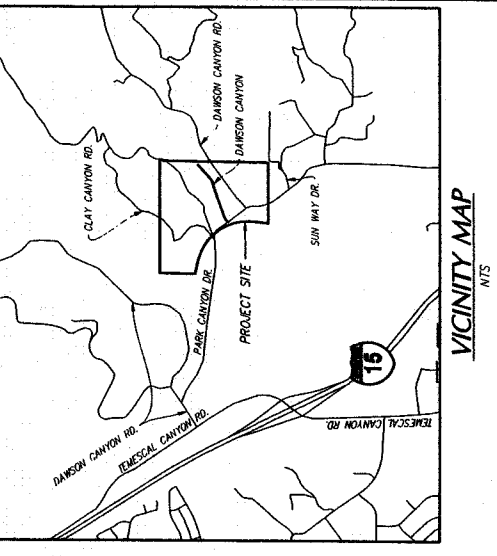
THE PROPERTY OWNER'S INTENT IS TO STABILIZE THE CREEK IN ITS CURRENT AS-GRADED CONDITION.

PROPOSED STABILIZATION EFFORTS INCLUDE:

- THE SOUTHERLY BANK ADJACENT TO THE TRACK WILL BE REINFORCED WITH A RIP-RAP CHANNEL LINING, PER DETAIL SHOWN ON SHEET 2, WITH LIMITS OF WORK AS SHOWN ON SHEET 3.
- THE NORTHERLY BANK BEING CUT INTO AN EXISTING ROCK SLOPE WILL BE LEFT IN ITS AS GRADED CONDITION.
- THE CREEK WILL BE REVEGETATED AS DIRECTED PER A HMMP AS PREPARED BY OTHERS.

INDEX OF SHEETS:

SHEET NO.	DESCRIPTION
1	TITLE SHEET & VICINITY MAP
2	NOTES & DETAILS / SECTION
3	STABILIZATION PLAN & AERIAL
4	DRAINAGE - HYDRAULIC



<p>Don't Dig...Until You Call U.S.A. Toll Free DIAL 811 for the location of buried utilities. Call before you dig.</p>	<p>K&A ENGINEERING LAND PLANNING SURVEYING Engineering, Inc.</p>	<p>357 N. SHERIDAN STREET SUITE 117 CORONA, CALIFORNIA 92680 Tel: (951) 279-1300 Fax: (951) 279-1300</p>	<p>DESIGNED BY: BENCH MARK: DRAWN BY: K&A DATE DRAWN: K&A Dec. 2017</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REF.</th> <th>DESCRIPTION</th> <th>APPR.</th> <th>DATE</th> <th>APPR.</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REF.	DESCRIPTION	APPR.	DATE	APPR.	DATE																									<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISIONS</th> <th>ENGINEER</th> <th>R/C/T</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISIONS	ENGINEER	R/C/T													<p>RECOMMENDED FOR APPROVAL BY: _____ APPROVED BY: _____ DATE: _____</p>	<p>PROJECT NO. CORONA CLAY DAWSON CANYON CREEK</p>
					REF.	DESCRIPTION	APPR.	DATE	APPR.	DATE																																										
REVISIONS	ENGINEER	R/C/T																																																		
<p>TITLE SHEET</p>						<p>DRAWING NO. DAWSON CANYON CREEK</p>	<p>SHEET NO. 1 OF 4</p>																																													

GENERAL NOTES:

- All grading shall conform to the 2016 California Building Code (CBC) Chapters 17, 18, & Appendix-3 as amended by Ordinance 457.
- All property corners, grading boundaries and all Conservation Areas/Least Sensitive Area (LSA) determined by the Environmental Programs Department (EPD) shall be clearly delineated and staked in the field prior to commencement of any construction/grading.
- All work under this permit shall be limited to work within the property lines. All work within the road right-of-way will require separate plans and a separate review-approval (permit) from the Transportation Department.
- All grading shall be done under the supervision of a soils engineer in conformance with the recommendations of the preliminary soils investigation prepared by _____ dated _____.
- Compacted fill to support any structures shall comply with Section 1803.5.8. Projects without a preliminary soils report shall include detailed specifications in accordance with Sections 1803.2 and 1803.5 prepared by the engineer of record.
- The contractor shall notify the Building and Safety Department at least 24 hours in advance to request final lot grade and drainage inspection. This inspection must be approved prior to building permit final inspection for each lot.
- The contractor shall notify Underground Service Alert, two days before digging at 1-800-422-4133.
- Prior to grading, a meeting shall be scheduled with a Riverside County Environmental Compliance Inspector prior to commencement of grading operations.

CUT/FILL

- Maximum cut and fill slope = 2:1 (horizontal to vertical).
- No fill shall be placed on existing ground until the ground has been cleared of weeds, topsoil and other deleterious material. Fills should be placed in thin lifts (8-inch max) or as recommended in the soils report), compacted and tested throughout the grading process until final grades are attained. All fills on slopes steeper than 5 to 1 (horizontal to vertical) and a height greater than 5 feet shall be keyed and benched into firm natural soil for full support. The bench under the toe must be 10 feet wide minimum.
- The slope stability for cut and fill slopes over 30 feet in vertical height, or cut slopes steeper than 2:1 have been verified with a factor of safety of at least 1.5.
- No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills closer than 10 feet to the finished grade.

DRAINAGE, EROSION / DUST CONTROL

- Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.
- Provide a paved slope interceptor drain along the top of cut slopes where the drainage path is greater than 40 feet towards the cut slope.
- Provide 5' wide by 1' high berm along the top of all fill slopes steeper than 3:1 (horizontal to vertical).
- The ground surface immediately adjacent to the building foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet measured perpendicular to the face of the foundation.
- No obstruction of natural water courses shall be permitted.
- During rough grading operations and prior to construction of permanent drainage structures, temporary drainage control (Best Management Practices, BMPs) shall be provided to prevent ponding water and drainage to adjacent properties.
- Dust control shall be controlled by watering or other approved methods.
- Fugitive Dust control: Construction sites subject to PM10 Fugitive Dust Mitigation shall comply with AQHID Rule 403.1.
- All existing drainage courses and storm drain facilities shall continue to function. Protective measures and temporary drainage provisions must be used to protect adjoining properties during grading operations.
- For all slopes steeper than 4 to 1 (HV): All slopes equal to or greater than 3' in vertical height are required to be planted with an approved drought-tolerant ground cover at a minimum spacing of 12' on center or as approved by the Engineer of record or the Registered Landscape Architect and drought-tolerant shrubs spaced at no more than 10' on center. Slopes exceeding 15' in vertical height shall be planted with approved shrubs not to exceed 10' on center, or trees spaced not to exceed 20' on center, or a combination of shrubs and trees not to exceed 15' in addition to the grass or ground cover. Slopes that require planting shall be provided with an in-ground irrigation system equipped with an appropriate backflow device per C.P.C. Chapter 6. The slope planting and irrigation system shall be installed as soon as possible upon completion of rough grading. All permanent slope planting shall be established and in good condition prior to scheduling precise grade inspection.

COMPLETION OF WORK

ROUGH GRADE

- A registered Civil Engineer shall prepare final compaction report/grading report and it shall be submitted to the Department of Building and Safety for review and approval. The report shall include building foundation design parameters (allowable soil pressures, etc.), expansion index (and design alternatives if EI > 20), water soluble sulfate content, corrosivity and remedial measures if necessary.
- Except for non-tract single residential lot grading, the compaction report shall include the special inspection verifications listed on table 1705.6 of 2016 CBC.
- The County of Riverside requires a licensed Professional Engineer to request inspection and issuance of the building grading certification which includes paid elevations prior to requesting inspection and stamped rough permit.
- Rough Grade Only Permits:** In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide vegetative coverages (100 percent) or other means of site stabilization approved by Environmental Compliance Division, prior to receiving a rough grade permit final.

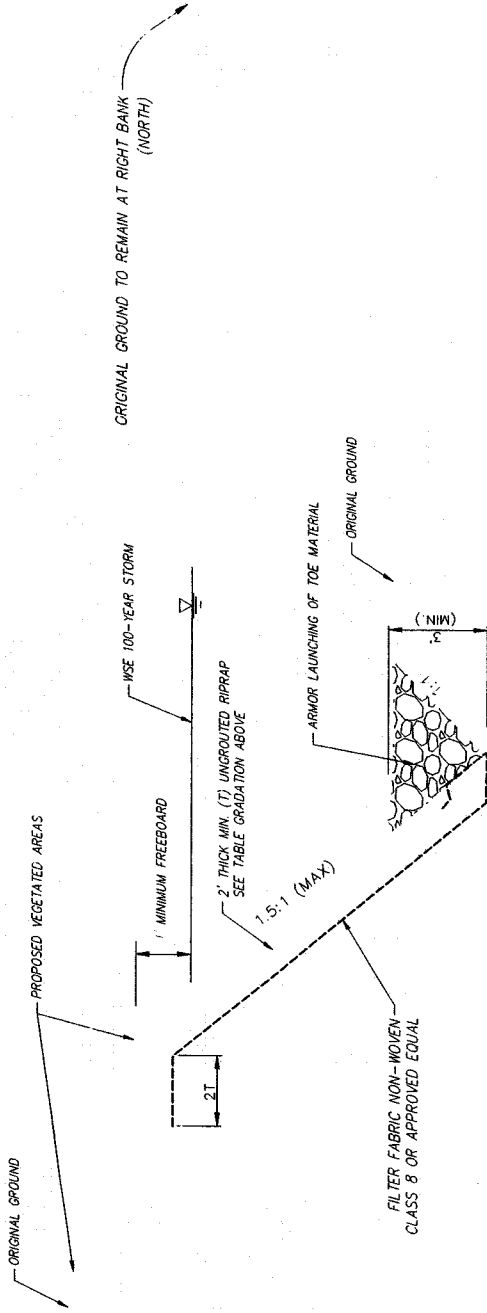
PRECISE GRADE

- A registered Civil Engineer shall submit to the Building and Safety Department written final certification of completion of grading in accordance with the approved grading plan prior to the request of precise grading inspection.

GRADING OF "LIGHT" ROCK RIP-RAP

METHOD B PLACEMENT

ROCK SIZE (IN)	PERCENTAGE LARGER THAN
500 LBS (1.80')	0 - 5
200 LBS (1.30')	50 - 100
75 LB (0.40')	95 - 100



1 RIPRAP SECTION TYPICAL DETAIL
NO SCALE

DAWSON CANYON CREEK - SOUTH BANK PROTECTION
STATION 20+78 TO STATION 22+21

CONSTRUCTION NOTES

- CONSTRUCT BANK PROTECTION UNGROUTED RIPRAP PER DETAIL HEREON
- CONSTRUCT PLANTING AREAS PER SEPARATE PLANS

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SURVEYING
Engineering, Inc.

357 N. SHERIDAN STREET
SUITE 117
RIVERSIDE, CALIFORNIA 92506
PHONE (951) 275-1800
FAX (951) 275-4300

DESIGNED BY: BENCH MARK:

DATE	DESCRIPTION	APPR.	DATE	APPR.	DATE
Dec. 2017					

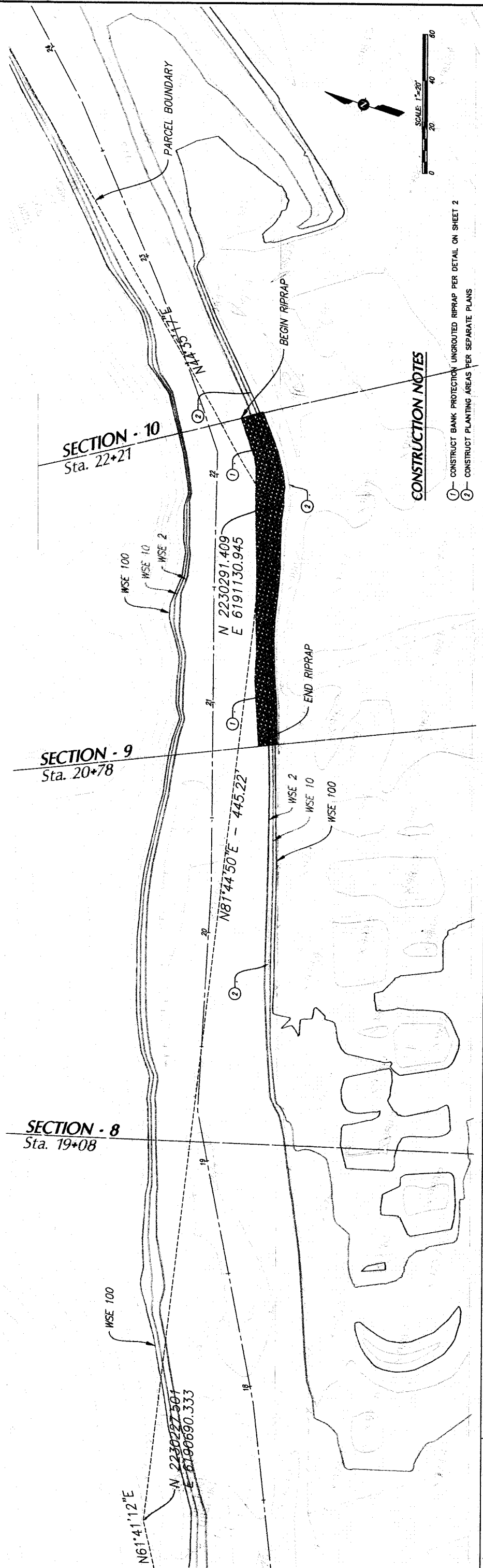
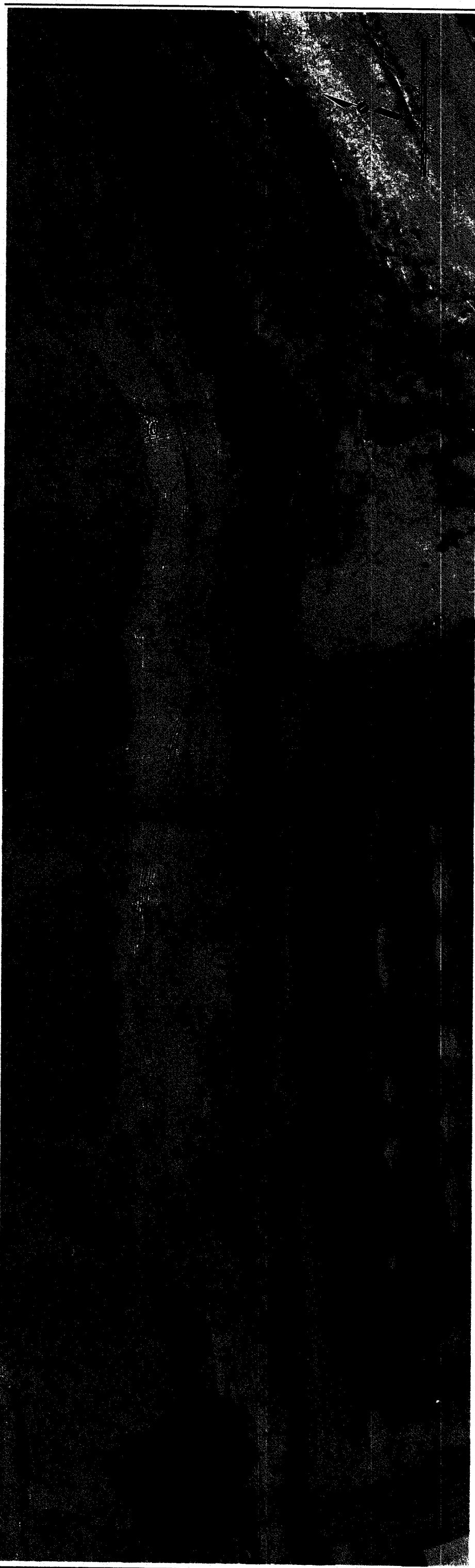
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RECOMMENDED FOR APPROVAL BY:	APPROVED BY:

DATE:

CORONA CLAY
DAWSON CANYON CREEK
NOTES & DETAILS

PROJECT NO.
DRAWING NO.
SHEET NO. 2 OF 4



CONSTRUCTION NOTES

- ① CONSTRUCT BANK PROTECTION UNROUTED RIPRAP PER DETAIL ON SHEET 2
- ② CONSTRUCT PLANTING AREAS PER SEPARATE PLANS

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K&A ENGINEERING
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SURVEYING
Engineering, Inc.

357 N. SHERIDAN STREET
SUITE 117
DOWNEY, CALIFORNIA 92680
K&A
DATE DRAWN
Dec. 2017

REF.	DESCRIPTION	APPR.	DATE	APPR.	DATE

BENCH MARK:

K&A
DRAWN BY:
K&A
DATE DRAWN
Dec. 2017

RECOMMENDED FOR APPROVAL BY: _____

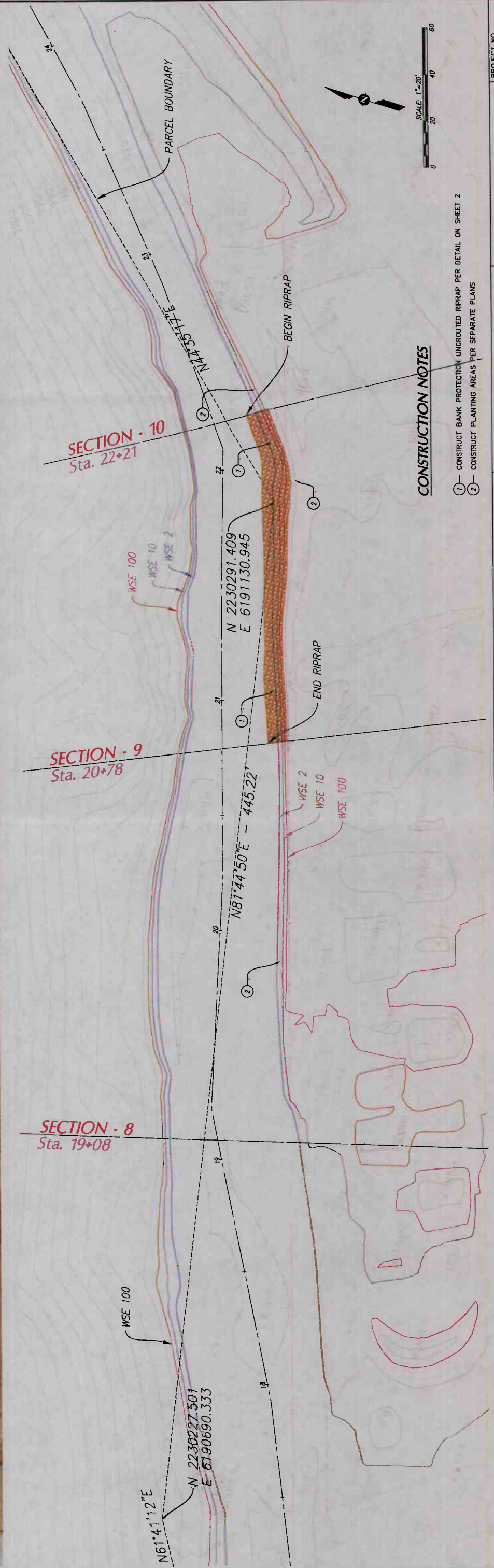
APPROVED BY: _____

DATE: _____

CORONA CLAY
DAWSON CANYON CREEK

PROJECT NO. _____
DRAWING NO. _____
SHEET NO. 3 OF 4

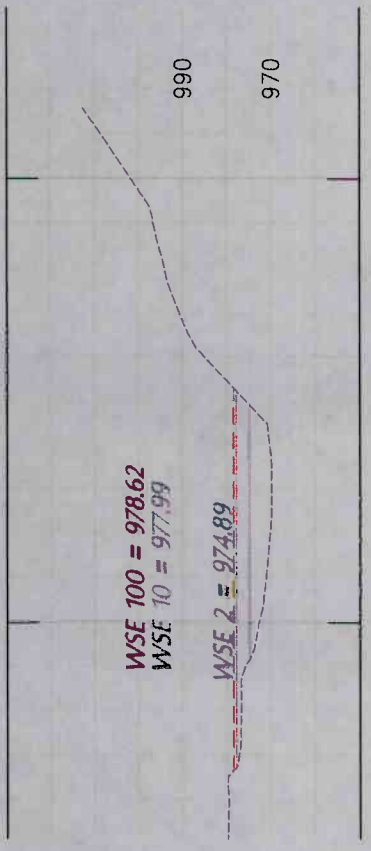
STABILIZATION PLAN



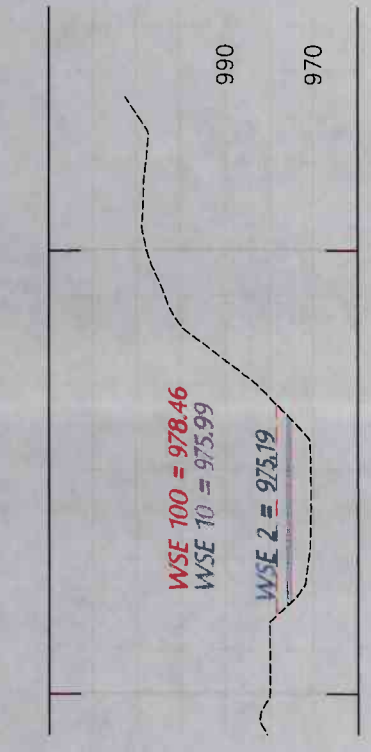
CONSTRUCTION NOTES

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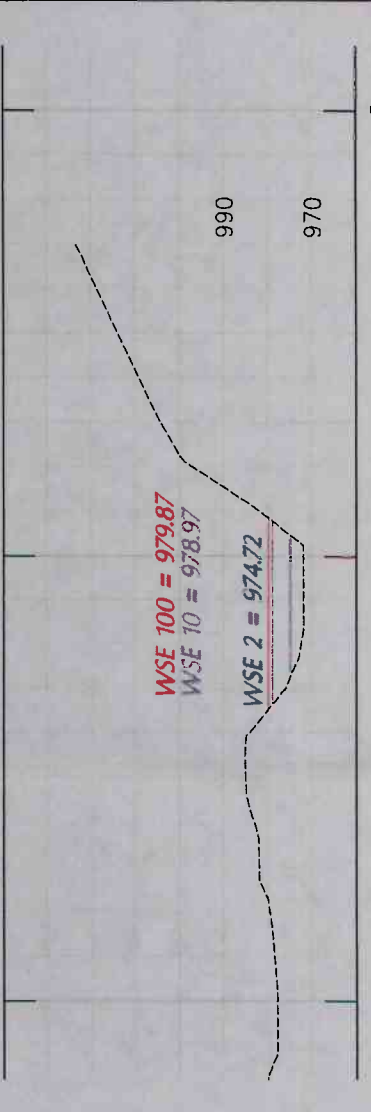
<p>OBORN ENGINEERING K&A LAND PLANNING ENGINEERING, INC.</p> <p>357 N. SHERIDAN STREET CORONA, CALIFORNIA 92680 TEL. (951) 279-1800 FAX (951) 279-4380</p>		<p>BENCH MARK:</p> <p>K&A DRAWN BY: DATE DRAWN: DEC. 2017</p>		<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REF.</th> <th>DESCRIPTION</th> <th>APPR.</th> <th>DATE</th> <th>APPR.</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		REF.	DESCRIPTION	APPR.	DATE	APPR.	DATE																								
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<p>Don't Dig...Until You Call U.S.A. Toll Free DIAL 811 for the location utility lines. Don't disrupt vital services.</p> <p>TWO WORKING DAYS BEFORE YOU DIG</p>		<p>PROJECT NO.</p> <p>CORONA CLAY</p> <p>DAWSON CANYON CREEK</p> <p>STABILIZATION PLAN</p>		<p>RECOMMENDED FOR APPROVAL BY:</p> <p>APPROVED BY:</p> <p>DATE: _____</p>																															
<p>OBORN ENGINEERING LAND PLANNING ENGINEERING, INC.</p>		<p>PROJECT NO.</p> <p>DRAWING NO.</p> <p>SHEET NO.</p> <p>3 OF 4</p>		<p>DATE: _____</p>																															



SECTION - 8, Sta. 19+08



SECTION - 9, Sta. 20+78

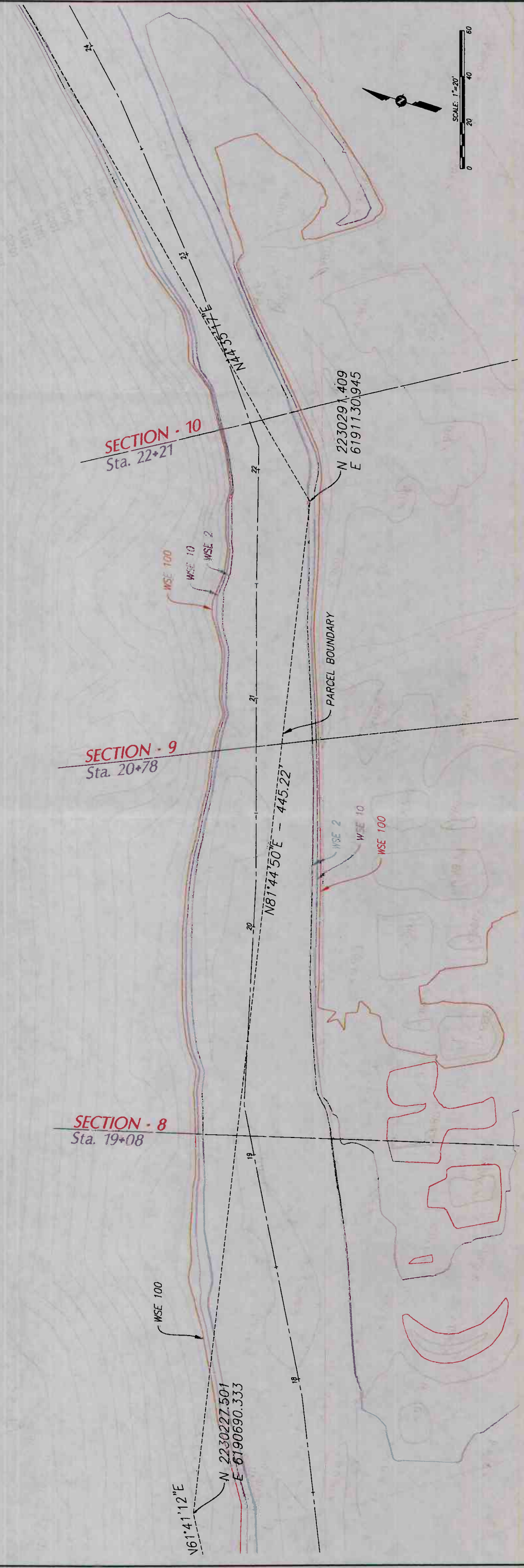


SECTION - 10, Sta. 22+21

Post-Dawson Canyon

Section No.	River Sta	Profile	Q Total (cfs)	Min Chl (ft)	W.S. Elev (ft)	Crit W.S. Elev (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
10	2221	PF 1 - Q100	2380	971.96	976.74	978.15	981.15	0.029312	16.84	141.35	36.76	1.51
10	2221	PF 2 - Q10	1595	971.96	975.78	976.78	979.24	0.030287	14.93	106.85	34.69	1.5
10	2221	PF 3 - Q2	881	971.96	974.72	975.37	977.05	0.029556	12.25	71.91	31.31	1.42
9	2078	PF 1 - Q100	2380	970.67	978.21	976.1	979.24	0.003738	8.16	296.8	76.22	0.58
9	2078	PF 2 - Q10	1595	970.67	976.95	974.95	977.67	0.003267	6.84	233.34	44.89	0.53
9	2078	PF 3 - Q2	881	970.67	975.19	973.69	975.67	0.003241	5.6	157.2	41.58	0.51
8	1908	PF 1 - Q100	2380	969.99	978.13	975.11	978.67	0.001671	5.93	423.13	521.15	0.41
8	1908	PF 2 - Q10	1595	969.99	976.79	974.15	977.18	0.001641	5.05	316.69	289.23	0.39
8	1908	PF 3 - Q2	881	969.99	974.89	973.01	975.18	0.001991	4.33	203.67	56.91	0.4

HECRAS - Q₂ = 881 cfs
 HECRAS - Q₁₀ = 1595 cfs
 HECRAS - Q₁₀₀ = 2380 cfs



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PROJECT NO. _____

DRAWING NO. _____

SHEET NO. 4 OF 4

K&A ENGINEERING

LAND PLANNING & SURVEYING

357 N. SHERIDAN STREET
 SUITE 117
 CORONA, CALIFORNIA 92680
 TEL: (951) 273-4300
 FAX: (951) 273-4300

REVISIONS

NO.	DESCRIPTION	DATE

ENGINEER

RCTC

RECOMMENDED FOR APPROVAL BY:

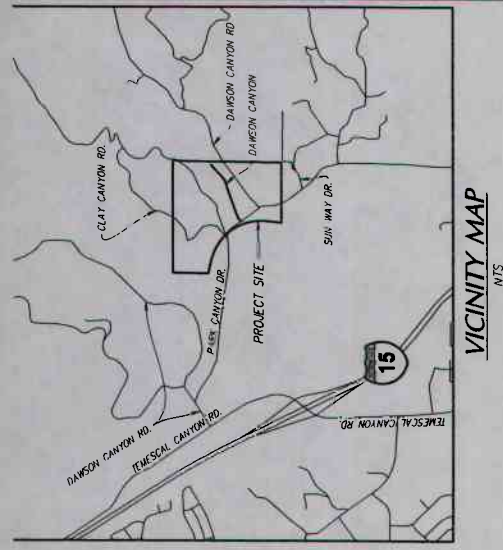
APPROVED BY:

DATE:

PROJECT NO. _____

DRAWING NO. _____

SHEET NO. 4 OF 4



PROJECT DESCRIPTION:

DAWSON CANYON CREEK LOCATED WITHIN THE CORONA CLAY TEMESCAL PROPERTY WAS IMPACTED BY GRADING IN THE SUMMER OF 2014 WITH THE CONSTRUCTION OF AN ADJOINING MOTOCROSS TRACK. APPROXIMATELY 800 FEET OF DAWSON CANYON CREEK WAS IMPACTED AS PART OF THE GRADING. THE NORTHERLY BANK WAS SHIFTED UP TO 40 FEET NORTHERLY INTO A NATURAL SLOPE.

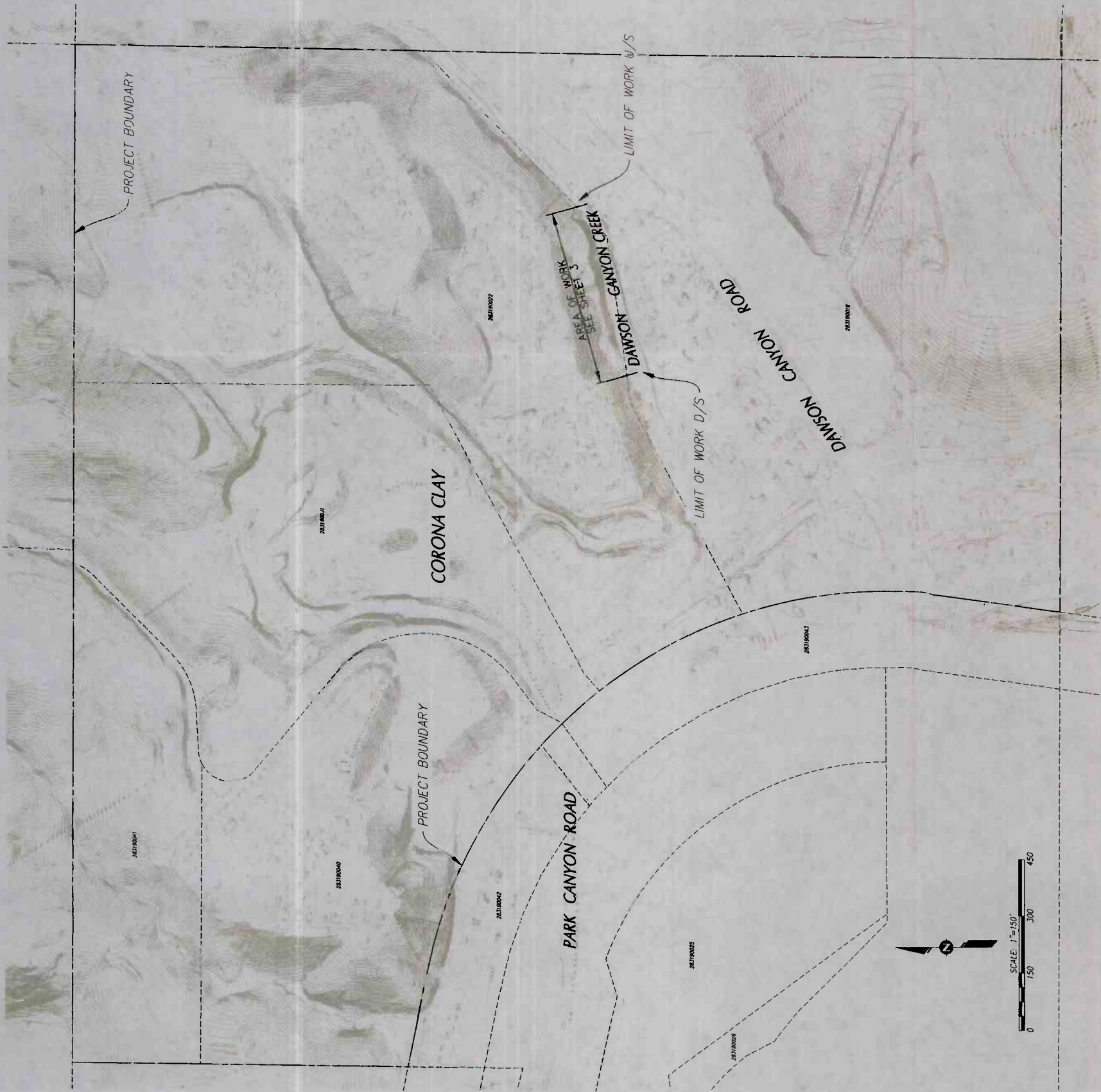
THE PROPERTY OWNER'S INTENT IS TO STABILIZE THE CREEK IN ITS CURRENT AS-GRADED CONDITION.

PROPOSED STABILIZATION EFFORTS INCLUDE:

- THE SOUTHERLY BANK ADJACENT TO THE TRACK WILL BE REINFORCED WITH A RIP-RAP CHANNEL LINING, PER DETAIL SHOWN ON SHEET 2, WITH LIMITS OF WORK AS SHOWN ON SHEET 3.
- THE NORTHERLY BANK BEING CUT INTO AN EXISTING ROCK SLOPE WILL BE LEFT IN ITS AS GRADED CONDITION.
- THE CREEK WILL BE REVEGETATED AS DIRECTED PER A HMMP AS PREPARED BY OTHERS.

INDEX OF SHEETS:

SHEET NO.	DESCRIPTION
1	TITLE SHEET & VICINITY MAP
2	NOTES & DETAILS / SECTION
3	STABILIZATION PLAN & AERIAL
4	DRAINAGE - HYDRAULIC



CORONA CLAY - DAWSON CANYON CREEK

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357 N. SHERIDAN STREET
SUITE 117
CANTON, CALIFORNIA 92680
PHONE (951) 279-1800
FAX (951) 279-4390

DESIGNED BY: K&A
DRAWN BY: K&A
DATE DRAWN: Dec. 2017

BENCH MARK:

REV	DESCRIPTION	APPR.	DATE	APPR.	DATE

REVISIONS

ENGINEER

RC/C

RECOMMENDED FOR APPROVAL BY	APPROVED BY
DATE	DATE

CORONA CLAY
DAWSON CANYON CREEK
TITLE SHEET

PROJECT NO.
DRAWING NO.
SHEET NO. 1 OF 4

GENERAL NOTES:

- All grading shall conform to the 2015 California Building Code (CBC) (Chapters 17, 18, & Appendix) as amended by Ordinance 457.
- All property corners, grading boundaries and all Conservation Areas/East Sensitive Area (ESA) determined by the Environmental Programs Department (EPD) shall be clearly delineated and staked in the field prior to commencement of any construction/grading.
- All work under this permit shall be limited to work within the property lines. All work within the road right-of-way will require separate plans and a separate review-approval (permit) from the Transportation Department.
- All grading shall be done under the supervision of a soils engineer in conformance with the recommendations of the preliminary soils investigation prepared by _____ dated _____.
- Compacted fill to support any structures shall comply with Section 1803.5.8. Projects without a preliminary soils report shall include detailed specifications in accordance with Sections 1803.2 and 1803.5 prepared by the engineer of record.
- The contractor shall notify the Building and Safety Department at least 24 hours in advance to request final lot grade and drainage inspection. This inspection must be approved prior to building permit final inspection for each lot.
- The contractor shall notify Underground Service Alert, two days before digging at 1-800-422-4133.
- Prior to grading, a meeting shall be scheduled with a Riverside County Environmental Compliance Inspector prior to commencement of grading operations.

CUT/FILL

- Maximum cut and fill slope = 2:1 (horizontal to vertical).
- No fill shall be placed on existing ground until the ground has been cleared of weeds, topsoil and other deleterious material. Fills should be placed in thin lifts (8-inch max) or as recommended in the soils report), compacted and tested throughout the grading process until final grades are attained. All fills on slopes steeper than 5 to 1 (horizontal to vertical) and a height greater than 5 feet shall be key-stripped and benched into firm natural soil for full support. The bench under the toe must be 10 feet wide minimum.
- The slope stability for cut and fill slopes over 30 feet in vertical height, or cut slopes steeper than 2:1 have been verified with a factor of safety of at least 1.5.
- No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills closer than 10 feet to the finished grade.

DRAINAGE, EROSION / DUST CONTROL

- Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non erosive down drains or other devices.
- Provide a paved slope interceptor drain along the top of cut slopes where the drainage path is greater than 40 feet towards the cut slope.
- Provide 5' wide by 3' high berm along the top of all fill slopes steeper than 3:1 (horizontal to vertical).
- The ground surface immediately adjacent to the building foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet measured perpendicular to the face of the foundation.
- No obstruction of natural water courses shall be permitted.
- During rough grading operations and prior to construction of permanent drainage structures, temporary drainage control (Best Management Practices, BMPs) shall be provided to prevent ponding water and drainage to adjacent properties.
- Dust control shall be controlled by watering or other approved methods.
- Equitable Dust Control: Construction sites subject to PM10 Fugitive Dust Mitigation shall comply with AQMD Rule 4003.1.
- All existing drainage courses and storm drain facilities shall continue to function. Protective measures and temporary drainage provisions must be used to protect adjoining properties during grading operations.
- For all slopes steeper than 4 to 1 (H/V): All slopes equal to or greater than 3' in vertical height are required to be planted with an approved drought-tolerant ground cover at a minimum spacing of 12" on center or as approved by the Engineer of record or the Registered Landscape Architect and drought-tolerant shrubs spaced at no more than 10' on center. Slopes exceeding 15' in vertical height shall be planted with approved shrubs not to exceed 10' on center, or trees spaced not to exceed 20' on center, or a combination of shrubs and trees not to exceed 15' in addition to the grass or ground cover. Slopes that require planting shall be provided with an in-ground irrigation system equipped with an appropriate backflow device per C.P.C. Chapter 6. The slope planting and irrigation system shall be installed as soon as possible upon completion of rough grading. All permanent slope planting shall be established and in good condition prior to scheduling precise grade inspection.

COMPLETION OF WORK

ROUGH GRADE

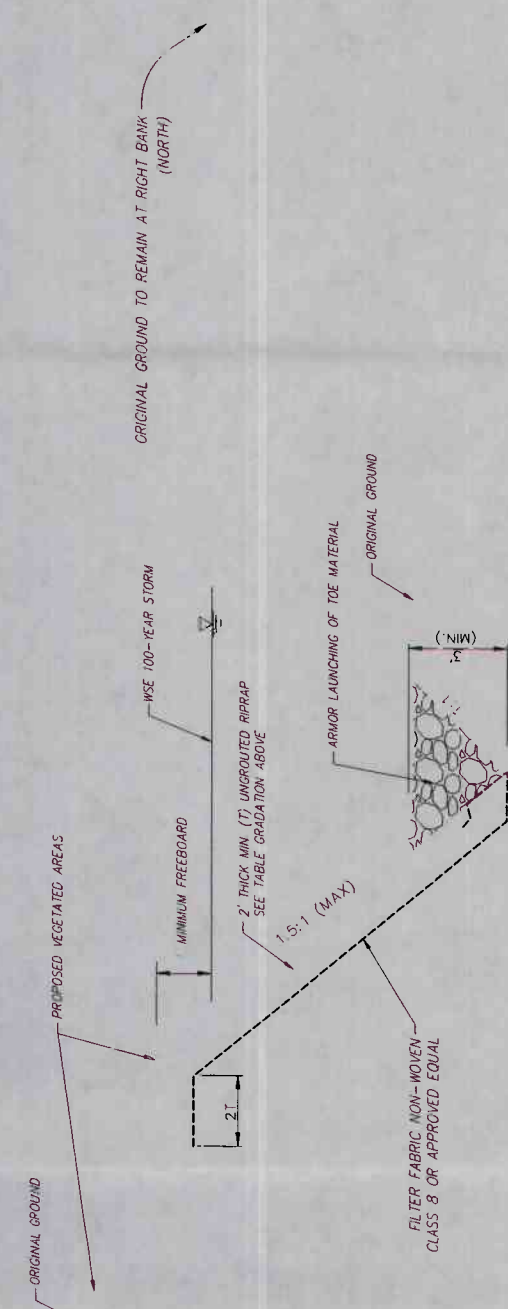
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- Except for non-tract single residential lot grading, the compaction report shall include the special inspection verifications listed on Table 1705.6 of 2016 CBC.
- The County of Riverside requires a licensed Professional Engineer to submit a wet signed and stamped rough grading certification which includes pad elevations prior to requesting inspection and issuance of the building permit.
- Rough Grade Only Permits:** In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide vegetative coverage (100 percent) or other means of site stabilization approved by Environmental Compliance Division, prior to receiving a rough grade permit final.

PRECISE GRADE

- A registered Civil Engineer shall submit to the Building and Safety Department written final certification of completion of grading in accordance with the approved grading plan prior to the request of precise grading inspection.

GRADING OF "LIGHT" ROCK RIP-RAP

METHOD B PLACEMENT	PERCENTAGE LARGER THAN
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200 LBS (1.30')	50 - 100
75 LB (0.40')	95 - 100



1 RIPRAP SECTION TYPICAL DETAIL
NO SCALE

DAWSON CANYON CREEK - SOUTH BANK PROTECTION
STATION 20+78 TO STATION 22+21

CONSTRUCTION NOTES

- CONSTRUCT BANK PROTECTION UNGROUTED RIPRAP PER DETAIL HEREON
- CONSTRUCT PLANTING AREAS PER SEPARATE PLANS

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TEL (951) 279-1800
FAX (951) 279-4300

DESIGNED BY: K&A
DRAWN BY: K&A
DATE DRAWN: Dec. 2017

REF	DESCRIPTION	APPR	DATE	APPR	DATE

REVISIONS	ENGINEER	RCTC

PROJECT NO. _____
DRAWING NO. _____
SHEET NO. 2 OF 4

**CORONA CLAY
DAWSON CANYON CREEK**

NOTES & DETAILS

RECOMMENDED FOR APPROVAL BY: _____
APPROVED BY: _____
DATE: _____

**TRAFFIC ESTIMATE FOR CUP NO. 3265
CORONA CLAY COMPANY - DAWSON CANYON
February 2018**

The following vehicle and truck estimates are all generated from existing activities. The CUP or SMP do not propose to generate any new additional traffic than what presently exists.

The Dawson Canyon Clay Facility generates approximately 5 to a maximum of 20 trucks per day up to six days/week depending on production and demand. In addition, it is expected that up to 20 employee, delivery, and maintenance trips may occur per day (assume 5 trucks and 15 smaller vehicles).

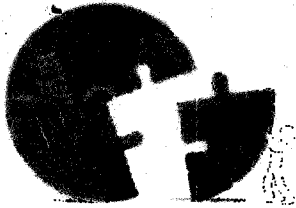
The motorcycle test tracks are used intermittently by up to six manufacturing companies with a peak season from October through May. The tracks are leased to specific companies that utilize the tracks per lease requirements with Corona Clay. It is estimated that approximately two or three small trucks (2 or 3-axle and trailers) and up to five other vehicles may utilize a test track on any one day. If all six tracks were utilized on the same day, this would amount to 18 small trucks and 30 vehicles. The tracks only operate during daytime hours; no lighting is set up on the test tracks.

The remote-controlled airplane field is utilized by a local airplane club at their discretion. It is not open to the general public. It is assumed the site is mostly used on weekends and occasionally by fewer people during weekdays and that a busy weekend may have 10 vehicles at any one time.

Therefore, the total existing traffic on a day with six tracks operating would be approximately 43 truck trips and 50 vehicles trips. Assuming a passenger car equivalent (PCE) for the truck of 2, the total number of trips per day would be 141. The numbers of PCEs would be far less than 100 vehicle trips during peak hours.

**Corona Clay - Dawson Canyon CUP
Traffic Numbers
Vehicles/Day**

Type	Trucks	Vehicles
Clay Facility	25	15
Motorcycle Test Tracks	18 (small trucks 2 or 3-axle or trailers)	30
Air Field	0	10
Totals	43	55



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

2015 MAR -9 PM 4:39
RIVERSIDE COUNTY

Use additional sheets if necessary.

Craig Deleo, Officer of Corona Clay Company

PRINTED NAME OF PETITIONER

Craig Deleo
SIGNATURE OF PETITIONER

J. Craig Johnson
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"

per Bruce Fordon

03/10/15 phone

- keep this aside. He
will talk with Dept.
to find out how this
should be processed. He
will inform us w/in
2-3 weeks. He will keep
us posted - Cgil

**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 violat[e]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
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Offices: TEMECULA | RANCHO SANTA FE

 **Johnson Law Firm APC**

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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

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Fax: 951-353-8003
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 **JohnsonLawFirm**APC

Riverside County Office

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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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**

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I, CRAIG DELEO, declare as follows:

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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.

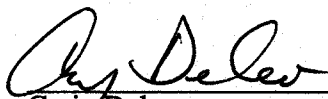
24
25 
26 _____
27 Craig Deleo
28 Authorized Agent and Officer
CORONA CLAY COMPANY

Exhibit "2"

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.

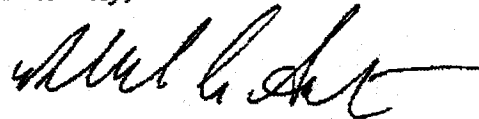
The bonding companies are stating that they require 100% collateral on this type of bond which must be secured by a line of credit, certificate of deposit or cash. Realestate is not an acceptable method of colateral.

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.

10363 Hole Ave, Riverside, CA 92505-1747 Phn.951-359-0950 Fax 951-359-3317
License # 0673114

Exhibit No. 3



feet
km

4000
1



Google earth

Aerial May 31, 1994

Exhibit No. 4, p. 1

Exhibit No. 4, p. 1



Google earth

feet
km

4000
1



Aerial June 4, 2002

Exhibit No. 4, p. 2

Exhibit No. 4, p. 2



Google earth

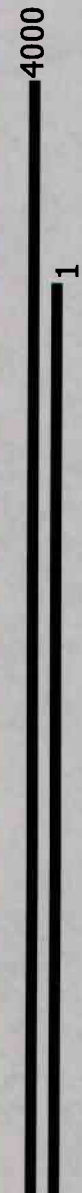
Aerial September 7, 2003



Google earth

Aerial September 2, 2004

feet
km

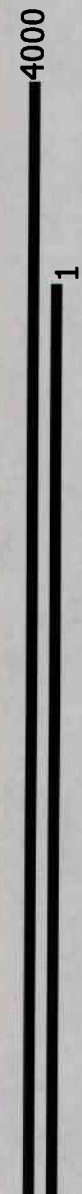




Google earth

Aerial December 30, 2005

feet
km



Google earth



Google earth

Aerial August 4, 2006

feet
km





Google earth

feet
km



Aerial June 5, 2009



Google earth

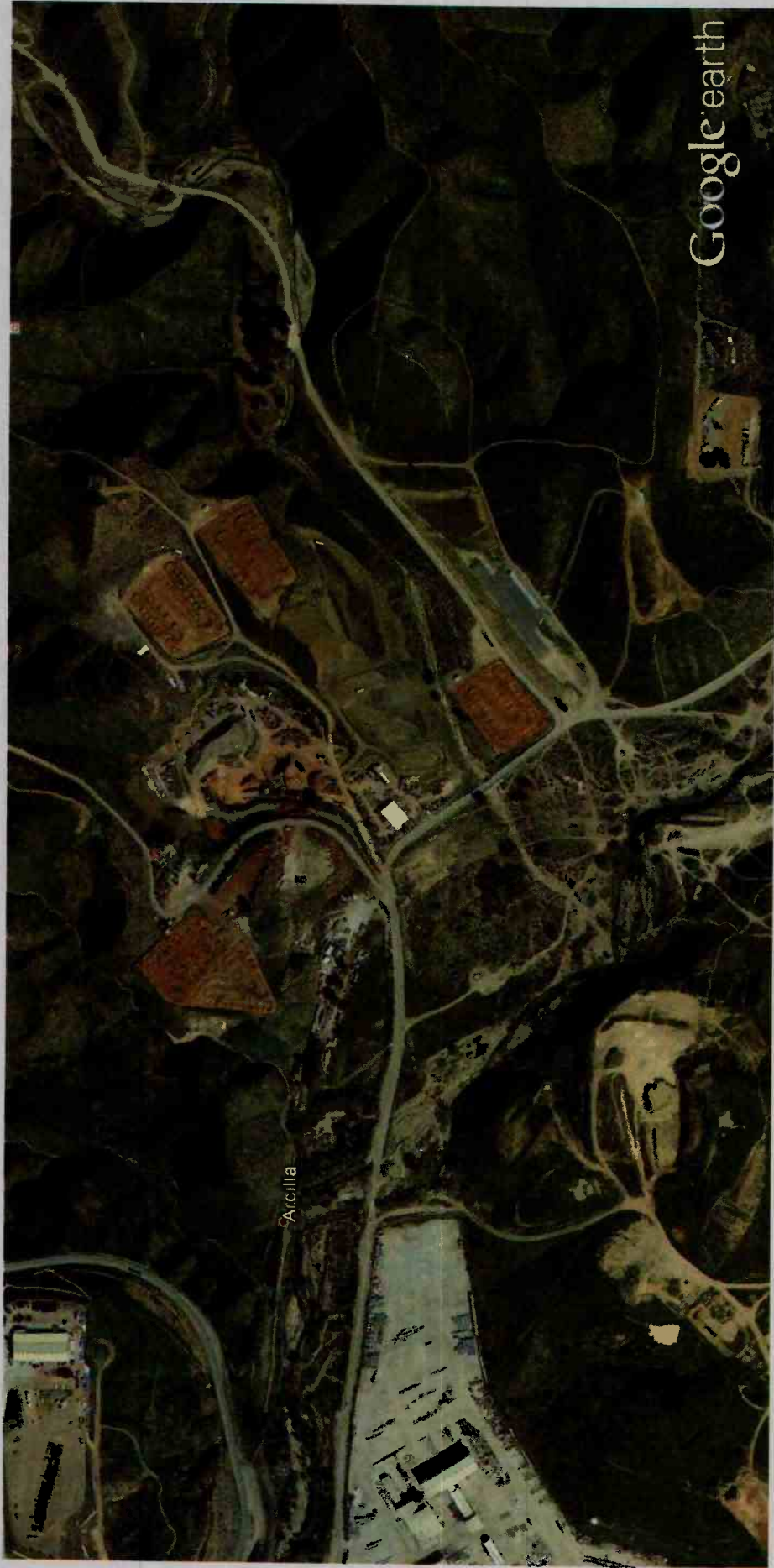
feet
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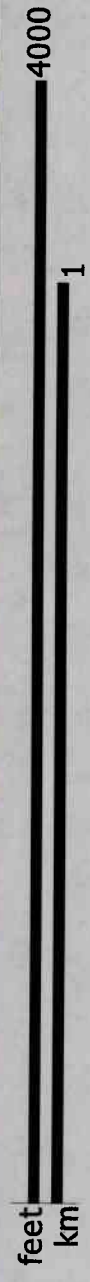


Aerial November 15, 2009



Google earth

Aerial March 9, 2011





Google earth

feet
km

4000

1



Aerial June 7, 2012

Exhibit No. 4, p. 10

Exhibit No. 4, p. 10



Google earth

feet
km

4000

1



Aerial January 12, 2013



Google earth

Aerial November 12, 2013

feet
km





Google earth

feet
km

4000

1



Aerial April 27, 2014

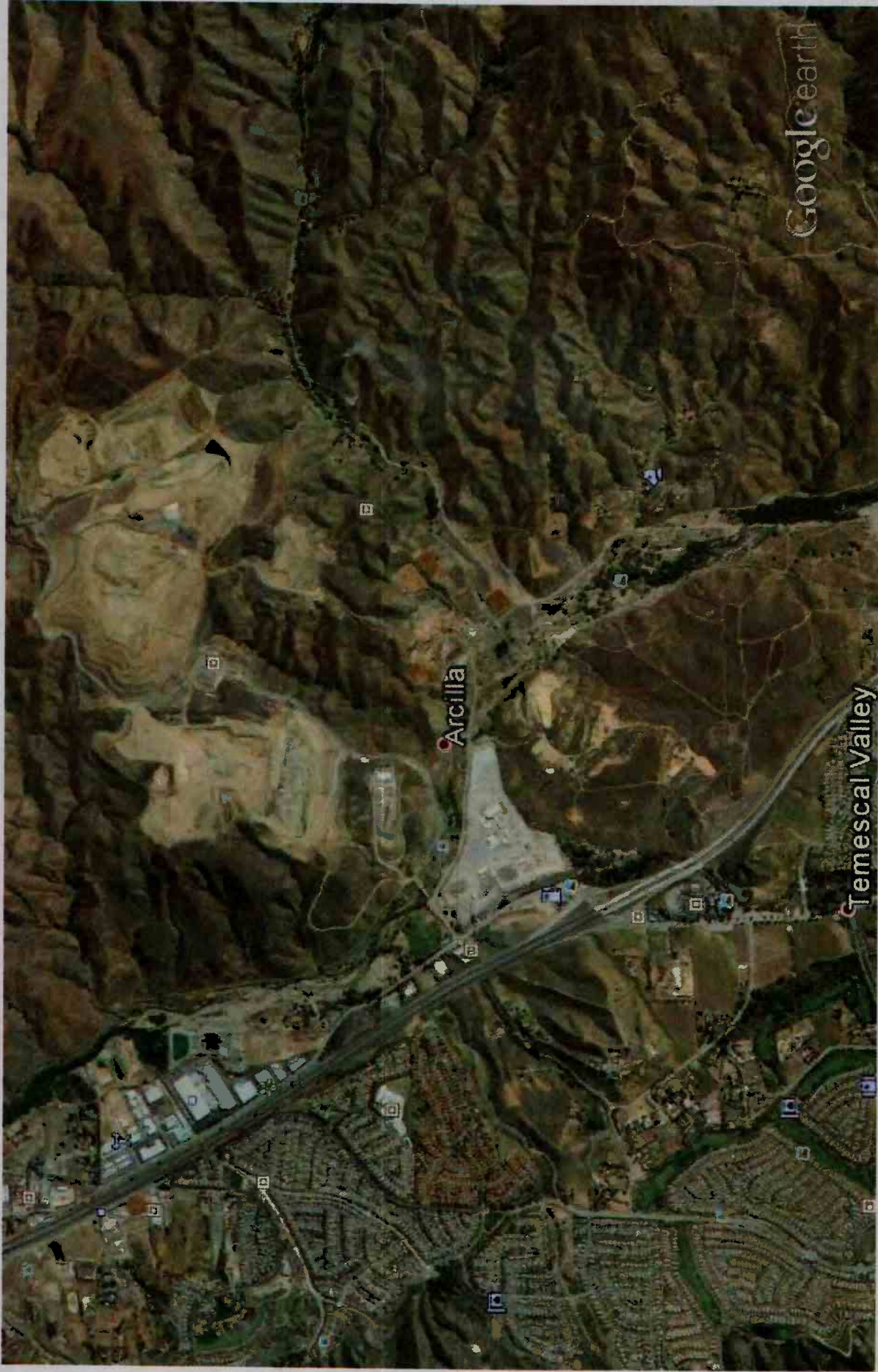


Google earth

Aerial May 31, 1994

miles
km





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 No. 6, p. 1

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

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered as of Nov 30th, 2018 2018 by and between the County of Riverside ("County") and Corona Clay Company, a California Corporation ("Corona Clay"), individually referred to as "Party" and collectively referred to as "Parties".

This Agreement is made with reference to the following recitals:

RECITALS

A. WHEREAS, County is a political subdivision of the State of California, with a duty and interest in protecting the public health, safety, and welfare; and

B. WHEREAS, Corona Clay is a California Corporation and the owners of certain real property located in the unincorporated area of Riverside County, California, with the Assessor's Parcel Nos. 283-190-019, 283-190-021, 283-190-022, 283-190-040, and 283-190-041 (hereinafter referred to as "the Property" and depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference); and

C. WHEREAS, on October 3, 2013, the Riverside County Building and Safety Department issued a Notice of Violation ("NOV") to Corona Clay under Riverside County Ordinance No. 555; and

D. WHEREAS, on December 5, 2013, the Riverside County Planning Department issued a Notice and Order to Comply ("OTC") to Corona Clay; and

E. WHEREAS, on January 15, 2014, the Riverside County Planning Commission heard testimony from Planning staff and Corona Clay and voted to affirm the OTC; and

F. WHEREAS, on January 26, 2015, the Planning Director issued an Administrative Penalty Order ("APO"), which imposed an administrative penalty in the amount of \$500,000.00 to Corona Clay for its alleged failure to comply with the OTC; and

G. WHEREAS, Corona Clay disputes the issuance of the NOV, OTC, and APO; and

H. WHEREAS, on March 9, 2015, Corona Clay submitted a timely Petition for Review of the APO ("Petition") seeking a determination from the Board of Supervisors granting its appeal and discharging the APO and associated five hundred thousand dollar (\$500,000) penalty assessment; and

I. WHEREAS, in its Petition, Corona Clay alleged that it had not engaged in surface mining operations and that the \$500,000 penalty was excessive and constituted a forfeiture; and

J. WHEREAS, from 2015 through 2017, County and Corona Clay attempted to resolve the dispute between the Parties relating to the Property; and

K. WHEREAS, on March 21, 2017, the Board of Supervisors granted review of Corona Clay's Petition for Review of the Administrative Penalty Order with a hearing date of July 11, 2017; and

L. WHEREAS, since July 2017, the hearing on Corona Clay's Petition for Review of the Administrative Penalty Order has been continued in an effort for County and Corona Clay to reach a global resolution of the APO and other allegations relating to the dispute between the Parties regarding the land uses on the Property; and

M. WHEREAS, on June 26, 2018, the Board of Supervisors held the hearing on Corona Clay's Petition for Review of the Administrative Penalty Order and at the conclusion of the hearing continued the matter and directed County staff to work with Corona Clay on resolving the disputes between the Parties relating to the Property with a settlement; and

N. WHEREAS, the County and Corona Clay have engaged in settlement negotiations regarding a global resolution of the APO and dispute relating to the Property and the respective parties' fees, costs, and obligations and have reached terms, as set forth herein, upon which to settle their disputes, and resolve this matter in its entirety;

NOW THEREFORE, without admission of any fault or wrongdoing, the Parties desire to fully and finally settle and compromise all claims, demands, liabilities, actions, or causes of action of any nature or sort, liquidated or unliquidated, known or unknown, between them, relating to the subject matter of this Agreement (collectively referred to as "the Claims"), and, accordingly, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT

I. Corona Clay's Obligations. Corona Clay shall do all of the following:

1. Surface Mining Permit (SMP00197R1). Within ninety (90) days of execution of this Agreement, the County and Corona Clay agree to finalize the application by Corona Clay, including submittal of all necessary and required supporting documentation, along with all required processing fees. A Surface Mining Permit application was previously submitted to the Riverside County Planning Department by Corona Clay in June 2016. Corona Clay agrees to diligently pursue obtaining a Surface Mining Permit, including but not limited to, timely supplying the County with the required Reclamation Plan and financial assurances. The County agrees to diligently provide a list of corrections to the application, if necessary, to Corona Clay so that the plan may be processed quickly. It is also agreed between the County and Corona Clay that any Surface Mining Permit shall be sought solely for a Reclamation Plan and not an application for any further mining activities on the Property. It is further agreed between the County and Corona Clay that any financial assurances are required to be submitted to the County within sixty (60) days of County approval of the Surface Mining Permit.

2. General Plan Amendment (GPA01144). Within ninety (90) days of execution of this Agreement, Corona Clay agrees to finalize submittal of its application, including submittal of all necessary and required supporting documentation, along with all required processing fees for a General Plan Amendment to change the land use designation of developable portions of the

Property to OS-REC (Open Space – Recreation) and land use designation of the non-developable portions to OS-CH (Open Space – Conservation Habitat), as agreed by the County and Corona Clay on the HANS development footprint attached hereto, and incorporated herein as Exhibit B.

3. Change of Zone (CZ06361). Within ninety (90) days of execution of this Agreement, Corona Clay agrees to finalize submittal of its application, including submittal of all necessary and required supporting documentation, along with all required processing fees for a Change of Zone to change the zoning classification of the Property to W-2 (Controlled Development Areas) for the developable portions of the Property and change the zoning classification to N-A (Natural Assets) for the non-developable portions of the Property, as agreed by the County and Corona Clay on the HANS development footprint.

4. Conditional Use Permit (CUP03265). Within ninety (90) days of execution of this Agreement, Corona Clay agrees to finalize submittal of its application, including submittal of all necessary and required supporting documentation, along with all required processing fees for a Conditional Use Permit to entitle the following existing land uses on the Property:

- a. Motocross Testing Facility (6 tracks),
- b. Brick Recycling / Clay Processing,
- c. Model Airplane Flying Field,
- d. Outside Storage – ancillary and appurtenant to the first three uses only.

5. “All required processing fees” as used in 1-4 above, include all amounts that remain outstanding for the County’s prior work on Corona Clay’s earlier plans and reports submitted for the necessary land use permit applications, as well as any processing fees incurred by County staff, including County Counsel, to process the necessary land use permit applications through final decision in accordance with County Ordinance No. 671.

6. Action Plan. Corona Clay agrees to take the following steps, in the following order, to process the applications called for in 1-4, above, within the timeframes identified with each step. Each timeframe will be calculated from the date of execution of this Agreement.

- a. Within one hundred and fifty (150), complete the “Habitat Evaluation and Acquisition Negotiation Strategy” (HANS) application and obtain Joint Project Review determination under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for the proposed development and conservation footprints as shown on Exhibit “B” attached hereto and incorporated herein by reference, including the following:
 - i. Prepare General Biology Report / Habitat Assessment addressing all corrections and comments identified in the County Planning Department’s “Corona Clay Project Status” memorandum dated May 5, 2018, including the letter attached thereto dated May 3, 2018 to Shawn Hernandez.
 - ii. A Determination of Biologically Equivalent or Superior Preservation Report (DBESP) and Criteria Refinement, along with focused surveys, may be required as a result of the Joint Project Review determination. A DBESP Report is required by the MSHCP for impacts to Riparian/Riverine Areas/Vernal Pools as defined by the MSHCP (see Section 6.1.2, pages 6-21 and 6-22). Section 6.1.1.B.(1) of the MSHCP makes clear that surveys for

riparian/riverine areas and vernal pools, Narrow Endemic Plant Species, and other species required pursuant to Sections 6.1.2, 6.1.3, and 6.3.2 of the MSHCP and determined to be necessary during the initial application review (HANS I) must be completed prior to Joint Project Review with Regional Conservation Authority. Criteria Refinement may be required under Section 6.5 of the MSHCP in order to make a determination that the proposed land uses and project footprint at the Corona Clay property are consistent with the Criteria for the Area Plan set forth in the MSHCP.

- iii. Section 6.1.2 of the MSHCP requires that if a proposed project design does not incorporate avoidance of identified Riparian/Riverine Habitat, focused surveys for the Riverside, Vernal Pool and Santa Rosa fairy shrimp must be conducted, and avoidance and minimization measures must be implemented in accordance with the species-specific objectives for these species. Since the species accounts for the fairy shrimp set forth in the MSHCP specifically allow for “a single-season dry or wet season survey,” the Parties intend to process the HANS through to Joint Project Review with one dry season survey completed in Fall 2018. In the event a wet season survey is necessary or other biological surveys are necessary under the MSHCP and are unable to be done until Spring 2019 due to biological constraints, the timeframes set forth in this Action Plan shall be calculated from the date of completion of such Spring 2019 surveys. If such biological surveys are proposed to be delayed until Spring 2019, Corona Clay shall provide written justification and the County and Corona Clay shall meet and confer regarding the County’s review and approval. Corona Clay shall notify County of the date once the surveys are completed.
- b. Initiate SB 18 & AB 52 Tribal Cultural Review consultation process – The County Archaeologist initiated tribal consultation under SB18 in November 2015. SB18 consultation is concluded when the land use applications are approved. The County Archeologist initiated consultation for AB52 in August 2015. AB52 consultation was concluded April 10, 2018 via email from the County to the consulting Tribes.
- c. Within one hundred and fifty (150) days, Corona Clay’s consultant shall prepare and submit an Initial Study under the California Environmental Quality Act (CEQA) for the County’s review to determine the appropriate level of environmental analysis under CEQA.
- d. Within ninety (90) days, submit the following documentation that is required with all land use applications for indemnification agreement purposes:
 - i. Title Report for all parcels comprising the Property dated within the last 90 days before submittal
 - ii. Articles of Incorporation and Corporate Resolution (Signatory Authorization) for Corona Clay Company
- e. Within one hundred and eighty (180) days, complete all of the following reports, pursuant to previous set of County Land Development Committee comments:
 - i. Water Quality Management Plan – Previously submitted, requires revisions

- from previous comments, as well as inclusion of the proposed water quality basin.
- ii. Traffic - Provide trip generation information related to the Brick Recycling / Clay Processing use. Results of this information could trigger preparation of a Traffic Study
 - iii. SB 18 & AB 52 - Phase I Cultural Resources / Archaeology Report was approved by the County on April 5, 2018 and approval letter was sent to Corona Clay's cultural resources consultant (CRM Tech)
 - iv. Paleontological Report was approved by the County on April 2, 2018.
 - v. Geology – Previously submitted a geologic feasibility report, dated December 19, 2006 – requires revisions.
 - vi. Slope Stability – Previously submitted a Slope Stability Analysis, dated January 20, 2004 – *Update submitted to County on February 2, 2018*
 - vii. Acoustical (Noise) Study– If required based on analysis contained in Initial Study
 - viii. Air Quality and Greenhouse Gas Assessment – *Submitted to County on February 2, 2018*
- f. Revise all Conditional Use Permit and Surface Mining Permit exhibits pursuant to results of above steps – Within 90 days after all of the above steps in 6.a. through 6.e. of the Action Plan have been completed.
- g. Prepare the Change of Zone exhibit – Within 90 days after all of the above steps in 6.a. through 6.e. of the Action Plan have been completed.

Corona Clay shall diligently work with County staff to process the applications set forth in 1-4 above, and all documents identified in the Action Plan set forth in 6. above, including reviewing and responding to any questions or corrections requested by County within ten (10) working days of the question or correction from the County.

In the event that Corona Clay is unable to meet the timeframes set forth in the Action Plan due to an event or occurrence outside the control of Corona Clay, Corona Clay shall notify County and meet and confer with County prior to expiration of the timeframe for that item in the Action Plan. Any extension of time granted by County shall not exceed thirty (30) days maximum unless a longer period is mutually agreed to by the Parties.

7. No Further Unpermitted Activities. Corona Clay understands and agrees that the County cannot allow the unpermitted land uses to continue at the Property without end. As set forth below in the County's obligations, the County is willing to allow the existing unpermitted motocross testing facilities (6 tracks), brick recycling/clay processing, model airplane flying field, and outside storage that is ancillary and appurtenant to these three uses to continue for a limited duration while the Surface Mining Permit, General Plan Amendment, Change of Zone and Conditional Use Permit are actively being processed by Corona Clay in accordance with the timeframes and terms set forth in this Agreement. Corona Clay agrees that Corona Clay shall not engage in any expansion of the scope of these unpermitted land uses and no new unpermitted land uses or unpermitted accessory uses at the Property during the land use permitting process, including but not limited to ceasing all construction and pre-construction activities related to the unpermitted

single-family home proposed for the Property. Nothing in this section should be construed to relieve Corona Clay of the requirement to obtain the land use entitlements for all unpermitted uses on the Property.

8. Ordinance No. 659 Development Impact Fees (DIF). Corona Clay understands that the land use entitlements in 1-4 above will be subject to regional mitigation fees and County mitigation fees. With regard to the County's development impact fees under Riverside County Ordinance No. 659 (DIF), Corona Clay will pay such fees under a five -year, interest free payment plan comprised of five equal annual payments. The first payment will be due within one year of approval of the Conditional Use Permit. The remaining four payments will be due annually from the date of the first payment submittal. Any failures to make timely payments as set forth above shall constitute a material breach of this Agreement with an opportunity to cure under section 5 of *III Other Provisions* contained herein.

II. County's Obligations. County shall do all of the following:

1. Facilitate Permitting Process. The County agrees that it has an interest in facilitating Corona Clay's permitting process so that any and all uses on the Property can be brought into compliance with County ordinances. County staff shall diligently work with Corona Clay to process the above applications, including supporting the HANS process and the development/conservation footprint show on Exhibit B through Joint Project Review with the Regional Conservation Authority and Wildlife Agencies. County staff will use best efforts to respond to Corona Clay within ten (10) working days, assuming all deposit based fee accounts do not have a negative balance. Should there be a delay in the County's processing of the above applications, the County shall meet and confer with Corona Clay. To the extent possible, County staff will limit the number of staff members processing the applications to avoid duplication of efforts and resources. However, depending upon the complexity of the issue and required expertise necessary, such as expertise with SMARA or MSHCP issues, multiple staff members may be needed.

2. Conditionally Allow Interim Existing Unpermitted Uses. The County cannot allow the unpermitted land uses to continue at the Property without end. The County is willing to allow the existing unpermitted motocross testing facilities (6 tracks), brick recycling/clay processing, model airplane flying field, and outside storage that is ancillary and appurtenant to these three uses to continue for a limited duration while the Surface Mining Permit, General Plan Amendment, Change of Zone and Conditional Use Permit are actively being processed by Corona Clay in accordance with the timeframes and terms set forth in this Agreement. Nothing in this section should be construed to relieve Corona Clay of the requirement to obtain the land use entitlements for all unpermitted uses on the Property.

3. Grant Multiple Species Habitat Conservation Plan Credit. At the time of execution of this Agreement, the applicable MSHCP mitigation fee is \$7,164 per acre of land being proposed for development and permitted on the Property. Consistent with the MSCHP and Section 15 of Riverside County Ordinance No. 810, and to the extent permitted by the Regional Conservation Authority Fee Credit and Waiver Policy, the County shall grant a MSHCP fee credit for land on the

Property being conserved under the MSCHP. The exact credit amount is unknown until a development footprint on the Property is finalized.

4. Withdraw Administrative Penalty Order. Should Corona Clay process the above applications within the timeframes specified above and obtain the above-described General Plan Permit, Surface Mining Permit, Conditional Use Permit, and Change of Zone, the County will withdraw the Administrative Penalty Order. In the event that Corona Clay fails to process the above applications within the timeframes specified above, fails to obtain the above-described General Plan Permit, Surface Mining Permit, Conditional Use Permit, and Change of Zone, or otherwise breaches the terms of the settlement agreement, the County will continue to pursue the Administrative Penalty Order, after providing written notice to Corona Clay of the breach or failure. Corona Clay shall have thirty (30) days from the date of the written notice to cure the breach or failure. If the breach or failure is not cured within thirty (30) days from the date of written notice, the County will place Corona Clay's Petition for Review of the Administrative Penalty Order on the Board of Supervisor's public hearing agenda no sooner than thirty (30) days after the cure period has expired.

III. Other Provisions

1. The Parties understand and agree that, in the context of the County processing amendments to its General Plan and Zoning Ordinance, as well as processing Surface Mining Permit applications and Conditional Use Permit applications, County staff cannot guarantee the ultimate outcome of any public hearings before the County's Planning Commission or Board of Supervisors, nor prevent any opposition thereto by members of the public affected by or interested in the General Plan Amendment, Change of Zone, Surface Mining Permit applicant, and Conditional Use Permit application. The Parties recognize that Corona Clay's applications are all discretionary applications and the Board of Supervisors' consideration of such applications is a discretionary act and that nothing in this Agreement between the parties limits, in any manner, the County's exercise of its police power under the California Constitution. The Parties further understand and acknowledge that land use regulations involve the exercise of a public agency's police power and, at the time of executing any settlement, it is settled California law that government may not contract away its right to exercise its police power in the future. (*Avco Community Developers Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 800 (1976); *City of Glendale v. Superior Court* (1993) 18 Cal.App.4th 1768.)

2. Full and Final Settlement. The Parties agree that this is intended to be a comprehensive resolution of all existing land use violations on the Property and that this Agreement is intended to be a full and final settlement of all claims subject to this Agreement.

3. County Processing of Administrative Penalty Order Appeal. Corona Clay shall to reimburse the County for the costs incurred by the County, including staff time, processing Corona Clay's appeal of the Administrative Penalty Order. At the time of execution of this Settlement Agreement and Release, the County's costs incurred in processing Corona Clay's appeal of the Administrative Penalty Order are one hundred thirty-four thousand and two hundred fifty-nine dollars and forty-three cents (\$134,259.43). Should Corona Clay complete the processing of the applications and obtain approval of all applications identified in 1-4 of Corona Clay's Obligations

set forth above, within five (5) years of execution of this Settlement Agreement and Release, and provided that the County does not incur additional costs to enforce the provisions of this Settlement Agreement or the Administrative Penalty Order, the County agrees to waive the requirement that Corona Clay reimburse the County for the costs incurred by the County in processing the appeal of the Administrative Penalty Order. The County shall provide written proof of its waiver to Corona Clay within forty five (45) days of a request.

4. Material Breach. Failure of Corona Clay to process the General Plan Permit, Surface Mining Permit, Conditional Use Permit, and Change of Zone described in Corona Clay's obligations shall be considered a material breach of this Agreement.

5. Breach of Agreement. Should a party breach this Agreement, the non-breaching party shall give written notice and opportunity to cure, by mail, to the breaching party. Upon mailing date of the written notice of the breach, breaching party shall have thirty (30) days to cure the breach. If breaching party has not cured the breach, the breaching party shall be in default of this Agreement and any non-breaching party may pursue any and all legal rights and remedies to enforce the Agreement. If Corona Clay breaches this Agreement, any remedies available to this County under this section shall be in addition to pursuit of the Administrative Penalty Order. Nothing in this Agreement prevents the County from pursuing other remedies to correct the land use violations (unpermitted uses) on the Property should Corona Clay breach this Agreement and fail to cure that breach.

6. Effective Date of the Agreement. This Agreement shall be effective upon signature by all Parties. If the Agreement is signed on different dates, then the last date the Agreement is signed by a Party shall be the effective date of the Agreement.

7. Waiver of Attorneys' Fees and Costs. Except as expressly provided herein, each of Party shall bear its own attorney fees in preparing this Agreement. As expressly stated in 5. of Corona Clay's obligations above, Corona Clay shall be responsible for any fees and costs incurred by County Counsel in process the necessary land use permits through final decision in accordance with County Ordinance No. 671.

8. Representations. Each Party further represents and warrants, as to itself, but not as to any other Party, as follows:

a. Each Party shall execute all further and additional documents as shall be reasonable, convenient, necessary, or desirable to carry out the provisions of this Agreement.

b. By signing this Agreement, each Party represents and warrants that such Party has carefully read this Agreement, that the contents hereof are known and understood by such Party, and that this Agreement is signed freely by such Party.

c. Each corporate Party executing this Agreement represents and warrants that it has the full right and authority to enter into this Agreement, and the officer, agent, or other representative executing this Agreement on its behalf has the full right and authority to fully commit and bind such corporate Party to this Agreement.

d. Each Party is the sole and lawful owner of all the right, title, and interest in and to every claim and other matter that each such Party releases herein, and that each such Party has not heretofore assigned or transferred, or purported to assign or transfer, to any person, firm, or entity any claims or other matters herein released.

e. Each Party has received independent legal advice from attorneys of such Party's choice with respect to the advisability of executing this Agreement and the releases provided for herein, and prior to the execution of this Agreement by each Party, that Party's attorney, if any, reviewed this Agreement and discussed this Agreement with such Party, and the Party has made all desired changes.

f. Except as expressly stated in this Agreement, each Party represents and warrants that it has not made any statement or representation to any other Party regarding any facts relied upon by said other Party in entering into this Agreement, and each Party specifically does not rely upon any statement, representation, or promise of any other Party in executing this Agreement or in making the settlement provided for herein, except as expressly stated in this Agreement.

g. Each Party and its attorney(s), if any, has had a full and fair opportunity to investigate and evaluate the transactions, documents, facts, circumstances, and disputes out of which this Agreement arises prior to entering into this Agreement, and each Party hereto and their respective attorney(s), if any have made such investigation of the facts pertaining to this Agreement, and all of the matter pertaining thereto, as they deem necessary.

h. The terms of this Agreement are contractual and not a mere recital.

i. By signing this Agreement, each Party represents and warrants that such Party has carefully read this Agreement, that the contents hereof are known and understood by such Party, and that this Agreement is signed freely by such Party.

j. Each Party executing this Agreement in a representative capacity represents and warrants that it is empowered to do so.

k. The Parties, and each of them, represent and warrant to the others that they execute this Agreement with full knowledge of any and all rights that they may have by reason of any of the matters described herein and they have received herein. Each Party hereby further assumes the risk of mistake of fact in connection with the true facts involved in connection with the matters described herein, and with respect to any facts that are now unknown to them relating to, and agrees that this Agreement shall be in all respects enforceable and not subject to termination or rescission by any such difference in facts.

9. Final and Binding Agreement. This Agreement is intended to be and is final and binding on the Parties regardless of any claims of misrepresentations or mistake of law or fact.

10. Notices. All notices shall be given in writing by certified mail, postage prepaid, and return receipt requested, or by personal delivery. Notices shall be considered given upon the earlier

of (a) personal delivery, (b) two (2) business days following deposit in the United States mail, postage prepaid, certified or registered, return receipt requested, or (c) one (1) business day following deposit with an overnight carrier service. Notices shall be addressed as provided below for the respective party. The Parties agree, however, that if any party gives notice in writing of a change of name or address to the other party, notices to such party shall thereafter be given as demanded in that notice:

County: Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409
Attn: Charissa Leach, Assistant TLMA Director
Email: cleach@rivco.org

copy to: Riverside County Counsel
3960 Orange Street, Ste. 500
Riverside, CA 92501
Attn: Tiffany North, Assistant County Counsel
Email: tnorth@rivco.org

Corona Clay: Corona Clay Company
22079 Knabe Road
Corona, CA 92883
Attn: Craig Deleo
Email:

copy to: Rod Pacheco, Esq.
Pacheco & Neach PC
Three Park Plaza, Ste. 120
Irvine, CA 92614
Email: rpacheco@pncounsel.com

11. Successors and Assigns. Each of the Parties represents and warrants that none of the claims being released herein has been transferred, assigned, or otherwise conveyed to any other person or entity prior to the signing of this Agreement, and each of the Parties is the holder of the claims being released. This Agreement and all terms, conditions, and obligations contained herein, including, but not limited to, the release of Claims set forth herein, shall be binding upon and inure to the benefit of any assigns and successors-in-interest of the Parties.

12. Amendments. This Agreement may be amended only by written agreement signed by all of the Parties hereto, or their respective successor(s)-in-interest or assign(s), and/or by court order.

13. No Admission, Waiver, Consent or Acquiescence. This Agreement is executed pursuant to a compromise and settlement entered into by each of the Parties hereto without any admission or waiver of liability, but solely for the purpose of avoiding costly litigation on disputed claims pertaining to the Agreement and avoiding further uncertainty, controversy, and legal

expense. Without limiting the foregoing, neither the settlement of the dispute nor any consideration provided by any Party, nor anything contained in this Agreement, shall be taken or construed to be an inference or admission, consent, waiver, responsibility, or acquiescence by either of the Parties or as evidencing or indicating in any degree the truth or correctness of any rights, laws, claims or defenses asserted in the Action. Additionally, neither this Agreement as a whole or any part hereto shall be construed as indicating an absence of duty or liability by any Party.

14. Integration Provision. This Agreement and the Exhibits attached hereto constitute a single integrated written contract expressing the entire agreement of the Parties and supersedes all prior negotiations and agreements. There are no other agreements, written or oral, express or implied, between the Parties, and/or their successors and assigns, with respect to the matters released herein, except the Agreement set forth herein. Each Party to this Agreement has substantial experience with the subject matter of this Agreement and each has fully participated in the negotiation and drafting of this Agreement and has been advised by counsel of its choice with respect to the subject matter hereof. Accordingly, this Agreement shall be construed without regard to the rule that ambiguities in a document are to be construed against the drafter.

15. Counterpart Execution and Facsimile or Electronically Transmitted Signature. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which together shall constitute one document. Any copy of a signature transmitted by facsimile or by any other electronic means shall be deemed to be an original signature and thereby shall be binding on such Party to the same extent as if such facsimile or electronically transmitted signature were an original signature.

16. Severability. If any material portion of this Agreement is held to be unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.

17. Gender and Number. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include plural, unless the context otherwise requires.

18. Section Headings. The section headings contained in the Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several sections hereof.


19. Choice of Law/Venue. This Agreement shall be governed by and construed under the laws of the State of California. If any provision of this Agreement is invalid or contravenes California law, such provision shall be deemed not to be a part of this Agreement and shall not affect the validity or enforceability of the remaining provisions. Nothing contained herein shall be construed so as to require the commission of any acts contrary to law, and wherever there is a conflict between any provisions of this Agreement and any present or future statute, law, ordinance, or regulation, the former shall be curtailed and limited only to the extent necessary to make it comply with such statute, law, ordinance, or regulation. Any action arising out of this Agreement, or the matters addressed herein, shall be brought within the Superior Court of California, County of Riverside.

The parties, by agreeing to the terms of this Agreement, acknowledge they have had the opportunity to consult, and in fact did consult with an attorney in connection with their decision whether to execute this Agreement, and they have read and signed this Agreement without duress, coercion or undue influence, and with a full understanding of the terms.

IN WITNESS WHEREOF, this Agreement is executed on the dates set forth below.

Dated: 12/7/18

COUNTY OF RIVERSIDE

By: 
Juan C. Perez, Assistant County Executive
Officer – Transportation and Land
Management Agency Director

Dated: _____

CORONA CLAY COMPANY, INC.

By: _____
Name: Gerald K. Cole
Title: President/owner

FORM APPROVED COUNTY COUNSEL
BY:  _____
TIFFANY N. NORTH DATE 11/30/18

November 30, 2018

Re: Settlement Agreement and Release from County of Riverside

The Settlement Agreement and Release was entered and signed on November 30th, 2018 by all Board of Directors of Corona Clay Company. All parties are in agreement.

Gerald K. Deleo, B.O.D. *Gerald K Deleo* Date *11-30-18*

Craig J. Deleo, B.O.D. *Craig J Deleo* Date *11-30-18*

Cindy J. Deleo, B.O.D. *Cindy J Deleo* Date *11-30-18*

Kiana Deleo, B.O.D. *Kiana Deleo* Date *11/30/18*

Brandon Ward, B.O.D. _____ Date _____

November 30, 2018

Re: Settlement Agreement and Release from County of Riverside

The Settlement Agreement and Release was entered and signed on November 30th, 2018 by all Board of Directors of Corona Clay Company. All parties are in agreement.

Gerald K. Deleo, B.O.D. Gerald K. Deleo Date 11-30-18

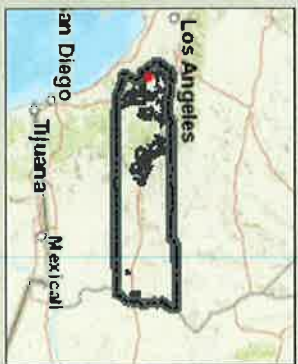
Craig J. Deleo, B.O.D. Craig J. Deleo Date 11-30-18

Cindy J. Deleo, B.O.D. Cindy J. Deleo Date 11-30-18

Kiana Deleo, B.O.D. Kiana Deleo Date 11/30/18

Brandon Ward, B.O.D. Brandon Ward Date 11/30/18

Exhibit A / Corona Clay Property



- Legend**
- Parcels
 - County Centerlines
 - Blueline Streams
 - ⋯ City Areas

Notes

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



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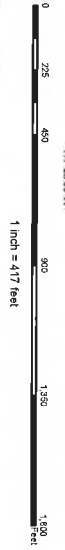
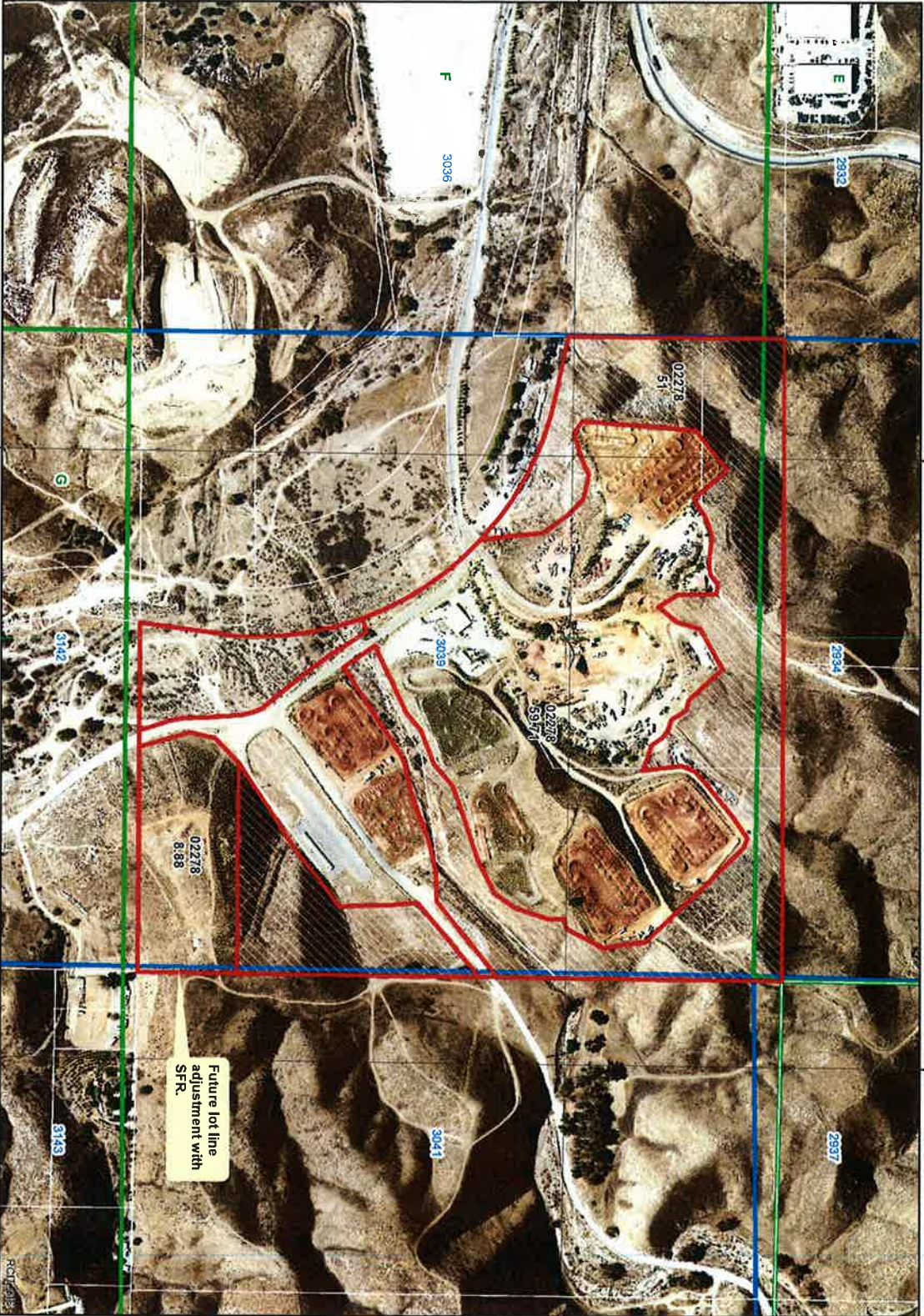
Lake Matthews
Quadrangle
CONSERVE

2008 NO
 2007 YES
 PARCELS
 Critical Cells

9/24/2018



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Mickay Zakaria
 Tech-Support@ProjectEPAUS/HANS_Retained/HANS_2015_111602278.mxd

