

Attachment 7

This page intentionally left blank.

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director
John Guertin, Acting Deputy Director

Daniel Dobrilovic, Acting Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

November 16, 2015

VIA CERTIFIED MAIL: 7015 0640 0007 1705 8762

Vance Querfurth, owner
Carmel Stone Mine
720 Pajaro Street
Salinas, CA 93901

THE COUNTY OF MONTEREY HEREBY GIVES THIRTY (30) DAY NOTICE OF VIOLATION TO OWNER/OPERATOR, PURSUANT TO PUBLIC RESOURCES CODE, SECTION 2774.1. (A), AND MONTEREY COUNTY CODE, SECTION 21.84.050 – VIOLATION OF CONDITIONS OF APPROVAL, FOR FAILURE TO FILE COMPLETED 2014 MINING OPERATION ANNUAL REPORT AND SUBMIT FEES WITH UPDATED FINANCIAL ASSURANCE MECHANISM, CALIFORNIA MINE ID # (91-27-0030) /PLANNING FILE NUMBER PLN090191.

Dear Mr. Querfurth and Mr. Wyse, P.E.:

This letter is to notify you that the County has referred the following matter to its Code Enforcement branch to begin enforcement proceedings to correct the following issues. Update the Financial Assurance Mechanism and resolve issues identified in the recent annual inspection as listed below.

Your current MRRC-1 and MRRC-2 indicate that the cost of reclamation has increased; as a result you are required to increase the financial assurance mechanism to cover the cost of reclamation. The report indicates that your most recent posted Certificate of deposit is for 73,906 the 2014 cost estimate indicates that reclamation cost have exceeded that amount.

Further, the County's recent annual mine inspection identified the following inconsistencies with with the approved Reclamation Plan:

1. The extent of mine disturbance has occurred to the NE perimeter of the permitted Carmel Stone Mine and appears to have extended beyond the approved limits. A survey to define the limits of the permitted mine area should be accomplished by the Mine Operator. A plan will need to be developed to reclaim the area disturbed beyond the permitted mine limits.

2. Perimeter, slope erosion control methods and associated mine operations are not totally consistent with the Reclamation Plan in certain limited areas (portions of the N slopes). Site improvement plan will need to be developed for those disturbed slope areas and direction on mining operations adjustments given to the operator.
3. 10/24/2013 Inspection identified that the mining area did not have two detention ponds. We do not consider this item a violation. The mining operations were generally found to drain to a couple of low points noted by silt settlement. Such drainage control would keep the rainfall/runoff contained on the top of the disturbed mining area even without 2 defined detention ponds. The Mine Operator was advised that more defined detention ponds should be developed as mining operations progress. Such assistance for locating future detention ponds will be addressed on subsequent site visits.
4. 10/24/2013 Inspection identified that the mining area did not have notable topsoil stockpiles. We do not consider this as a violation. The topsoil is very limited at the site as shale is right at the surface in most areas. The topsoil includes the surface vegetation which is incorporated into perimeter vegetation berms as described in the Reclamation Plan. The mine operator was advised to create tree stockpiles and not use the trees in perimeter vegetation berms. Further assistance with developing topsoil and vegetation stockpile will be addressed on subsequent site visits.

Please submit updated Certificate of Deposit constant with the FACE and a response with your plan to correct the inconsistencies with the approved reclamation plan, within 30 days, no later than December 16, 2015.

If additional inspections are required outside the normal inspection cycle County staff will be accompanied by a contracted technical expert from Benchmark Resources, a consulting firm specializing in surface mining and regulatory compliance. If you need any specific technical expertise in advance of the inspection, you may request assistance by contacting your planner, or Dave Brown, at (916) 984-6724 (dbrown@benchmarkresources.net).

Thank you for your assistance in keeping your operation and Monterey County SMARA compliant. If you have any questions regarding the above or this process, please contact me at (831) 755-5169, via fax at (831) 757-9516 or e-mail at montanor@co.monterey.ca.us.

Sincerely,



Ramon A. Montano, Assistant Planner
Condition Compliance Team

CC: Office of Mine Reclamation, Greg Middleton, Bureau of Land Management