

Ojai quarry is a regulatory minefield

Zeke Barlow, Ventura County Star, 7-6-10

The list of regulatory agencies and special interest groups concerned with Larry Mosler's Ojai Rock Quarry reads like an alphabet soup of acronyms.

The DFG, LARWQCB and NOAA are looking into watershed issues, the DOC and OMR are examining how the mine operates, while the STTC fears the mine is harming Ojai's quality of life. And don't forget the VCAPCD, ACOE, VCWPD, VCRMA and a host of others that have some say in the operation of Mosler's quarry.

The issues surrounding the mine include rock and dirt entering Matilija Creek — home of endangered steelhead trout — as well as Mosler working outside the permitted conditions of his quarry, which include a limited amount of truck trips and how much land he is allowed to mine.

Mosler, as well as those who want him to clean up his quarry, said there needs to be some semblance of unity in order to accomplish anything.

“How can I do something if nobody comes up here and tells me this isn't good?” yelled Mosler as he stood in the mine cut into the side of a mountain visible from Highway 33. “Tell me what you want done, and I will do it.”

Tangled web of agencies

Even Russ Baggerly, a board member of the Casitas Municipal Water District, which recently asked the Army Corps of Engineers to use some regulatory muscle to help protect the steelhead trout that could be affected by the quarry, said the web of agencies must come together to figure out what to do.

“No one seems to have the courage to go up there and do something about the problems that the mining operation is having on the environment,” he said. “I think all the regulatory agencies need to come together and give him a waiver or permission and let him clean up the mess without having to file four or five permit applications.”

But while the many arms of local, state and federal governments — as well as a handful of environmental groups — may create a confusing tangle of rules, the issue over Mosler's operation of the mine is relatively simple.

Some believe the mine is not only violating operational rules but is also causing rocks to fall into nearby Matilija Creek, which is affecting the steelhead's ability to swim upstream. Ventura County has issued 15 violations against the mine, said Dan Klemann, a manager with the Ventura County Planning Department, which oversees the mine's operation.

Despite more than three weeks of requests by The Star to review the files concerning Mosler's mine, Klemann said the case file was too large, with too much confidential information, to make it immediately accessible.

Mosler argues he has done everything asked of him and has supplied the needed documents, but the agencies haven't told him what he needs to do now.

The way he sees it, the agencies aren't talking to each other. In January, the Ventura County Watershed Protection District gave Mosler an emergency order before a storm, asking for rock that could be used to repair levees. But when Mosler provided the rock, it was on a Saturday — a day he is not allowed to operate, under his permit with the county. He was issued a violation.

He argues that if one agency in the county approves an order, the other agencies should be OK with it. About half of the rock that comes out of Mosler's mine goes toward county-related projects, he said.

Klemann said it's Mosler responsibility to be aware of the many rules that govern his mine, including that he can't work on Saturdays. Working with a dozen regulatory agencies is part of owning a quarry, he said.

“When it comes to a mine, there are a lot of regulations that apply to it, enforced by a number of agencies, and it is incumbent upon the operator to be aware of these regulations,” he said.

The Los Angeles Regional Water Quality Control Board has issued two violations against the mine recently because of rocks and silt going into the creek. But Ejigu Solomon, who handles Mosler's case for the water board, said Mosler told him making the needed changes would cause his quarry to be unsafe for his workers. While the necessary changes are neither simple nor cheap, Solomon said they are feasible.

Rocks are a persistent problem

Mosler said one big problem is that the previous owner mined the quarry from the bottom, making the top unstable and causing rock slides. A slide in recent years sent rocks into Matilija Creek, which prompted steelhead advocates and agencies that work with endangered species to get involved.

The rocks were removed, but there are new ones there now. One agency cites him for allowing rocks to go into the creek, but he has to get permission from at least two other agencies to remove them and apply for the various permits to do so. Mosler said it makes the whole process drag on. He said he wants to stabilize the mine, too, but it would require him to work outside his permitted area.

“Unfortunately, when a property owner tries to cooperate with one agency, he has to check with the other agencies to make sure he is permitted to do it,” said Natasha Lohmus, a biologist with the California Department of Fish and Game. “The one thing the public has to understand is that this is going to be an ongoing project and it will probably be a while before it is fixed. Every year when we have a storm, more rocks are going to fall into the creek.”

The Stop the Trucks Coalition, which has been fighting increased truck traffic through Ojai, is trying to put pressure on the many agencies involved.

“Someone is not doing their job,” said Michael Shapiro, head of the group. “Somewhere at the agency level some bad decisions are being made.”

Shapiro said without concrete enforcement of the rules that carry penalties, Mosler “can get away with what he wants.”

Mosler dismisses Shapiro's group, as well as environmentalists concerned about his mine's impact on the creek, as “busybodies.”

Klemann said if Mosler doesn't comply with the various violation notices the county issued, it is prepared to start the process to impose fines.

But even the people who want something to happen immediately recognize the mine will likely be an issue for years.

"I think we are at a crucial moment, but ultimately the long-term solution is years away," said Ben Pitterle of the Santa Barbara Channelkeeper environmental group.

Mosler agreed all this tangle isn't going to go away soon and said he knows how the whole argument will end — "in the courtroom."