

Lake Elsinore's Supervision Of Local Mining Under Scrutiny By State Officials

Depending on the state's ongoing investigation, Lake Elsinore could lose some or all of its lead agency authority over mining operations in the city.

Toni McAllister, Lake Elsinore-Wildomar Patch, 2-9-11

Mining of clay, rock and aggregate has been ongoing in Lake Elsinore for more than 100 years, and recently the city's supervision of the activity has drawn criticism from state officials.

Lake Elsinore's enforcement of surface mining standards came under fire from the California State Mining and Geology Board (SMGB) on Dec. 21 when the agency issued a notice of deficiencies and gave the city 45 days to respond.

The SMGB notice outlined deficiencies in the city's enforcement responsibilities under the Surface Mining and Reclamation Act of 1975 (SMARA).

In a Feb. 8 news release, the city said it has submitted an official response.

"Most of the deficiencies identified by the SMGB apply to the completion of administrative tasks," said Lake Elsinore Director of Public Works Ken Seumalo in the Tuesday news release. "We took immediate action to review and respond to the identified deficiencies and expect the SMGB to accept our response to the 45-day notice."

The news statement continued, citing, "While none of the deficiencies identified by the SMGB involve issues related to safety or public health, the city took immediate action to review and respond to the identified deficiencies and introduced a plan to improve elements of their SMARA Program."

SMARA governs mining activity in the state and is implemented and enforced by local lead agencies. SMARA requires mining operations to obtain a local permit to mine; provide a reclamation plan; and provide financial assurances to guarantee reclamation can be completed if there is default on responsibilities.

The Department of Conservation's Office of Mine Reclamation (OMR) administers SMARA at the state level, with policy direction provided by the SMGB. OMR and the SMGB have the responsibility to review each lead agency's SMARA program to ensure it is being implemented properly.

The outcome of SMGB's ongoing investigation will determine how much SMARA lead agency authority the city should continue to have -- all, some, or none.

Lake Elsinore is home to seven surface mines; five of them are currently active.

According to the SMGB notice (see attached notice) that was sent via certified mail to Seumalo in December, the city was cited on several points, including that it "failed to inspect or cause the inspection of surface mining operations as required by SMARA."

The notice also stated that the “The city to date 1) has not fulfilled its responsibilities and obligations as a SMARA lead agency, and 2) has not demonstrated an ability to administer its SMARA program in an appropriate manner consistent with the intent of SMARA and the SMGB’s regulations. No Notice of Violation or subsequent Order-to-Comply, have ever been issued by the City to a surface mine operation within its jurisdiction.”

There were also several administrative deficiencies cited in the notice.

According to Tuesday’s news release from the city, representatives from Lake Elsinore met with an SMGB executive officer “to gain insight and direction for maintaining its SMARA program in compliance with state law. As a result, the city contracted with a consulting firm specializing in mining compliance to support Lake Elsinore in properly administering the SMARA program.”

Dennis Fransway, principal environmental scientist at San Diego-based EnviroMine Inc., confirms that his company as been hired by the city to consult.

“The city began with us in 2009,” Fransway said, noting that the tangle of current Lake Elsinore mining issues is complex.

“Mining has been going on in the area for more than 100 years, and many agencies have been involved,” he said, explaining that in more recent years the city and the county had split responsibility for overseeing the mines.

“All the mines are now located within the city limits,” Fransway said.

According to Fransway, the five active mines include Pacific Clay Pits, Wyroc Inc., Mountain Avenue Pit #2, Murdock Alberhill Ranch, and Nichols Canyon Mine.

Many area mines are owned by the conglomerate Castle & Cook.

The city’s two inactive mines include Mountain Hill Pit #1 and Brighton Alberhill Clay Mine.

“Brighton hasn’t been in operation since 1996-97. The city has attempted to close Mountain Hill Pit #1,” Fransway said, noting that official closure is still pending.

Fransway said the Brighton Alberhill mine has been contentious. In the 1990s, site reclamation was approved along with plans to develop the area. But development has yet to happen, and Fransway points to a down economy and paperwork problems with the site reclamation.

“There were mistakes made,” Fransway said of the reclamation process, noting that in recent weeks the city issued a violation to the Brighton Alberhill mine operator related to reclamation.

Don Drysdale from the public affairs office of California’s Department of Conservation said via email Tuesday afternoon that the city’s response will be reviewed over the next few weeks and discussed in a public meeting of the board on April 14 in Lake Elsinore.

“Prior to that meeting, the (SMGB) board’s executive officer, Stephen Testa, will post a report online summarizing his opinion of the city’s response,” Drysdale wrote. “The board will then decide whether to accept some or all of the executive officer’s findings.”

Drysdale emphasized that the issue is not the compliance of individual mines, but rather the city's performance as lead agency for the administration of SMARA.

"No fines will be considered or issued for individual mines," Drysdale wrote. "The board simply will determine whether to assume none, some or all SMARA lead agency authority from the city."