

State Cracks Down On Lake Elsinore's Lax Mining Oversight

City continues on shaky ground with State Mining and Geology Board.

Toni McAllister, Lake Elsinore-Wildomar Patch, 5-13-11

In front of a standing-room only crowd of several hundred local residents, mine workers and city and county officials, Lake Elsinore got a reprieve from state mining officials today, despite findings that reveal a history of lax oversight of mining operations in the city.

After hearing more than five hours of comments during a public meeting/hearing at the Lake Elsinore Cultural Center, the State Mining and Geology Board (SMGB) voted 7-0 to grant the city six months to become compliant with its responsibilities as Lead Agency under the Surface Mining and Reclamation Act of 1975 (SMARA).

If the city fails to come up to standards, the seven SMGB members promised that the Department of Conservation's Office of Mine Reclamation (OMR), which administers SMARA, will step in and take over as Lead Agency in Lake Elsinore, something the city is fighting to prevent.

"These weren't administrative issues to us," SMGB member Charlie Wyatt said of the city's many mistakes over the years as Lead Agency. "If this were an up or down decision, I wouldn't be betting on you."

"There is a history of neglect," SMGB member John Lane said. "My real concern is what happens after we leave."

The board acknowledged that the city has worked over the last several months to begin a path to compliance. But SMGB member Robert Tepel likened the efforts to a "new found religion" arrived upon only after the state began cracking down on the city.

Since 2007, the SMGB has received public complaints about Lake Elsinore's ability to effectively oversee the city's seven clay and aggregate mines situated on 3,457 acres. In 1990, the city assumed Lead Agency control from the county for mines east of Lake Street; in 2008 the city gained control of the remaining mines.

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

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

Most of the area's mines are owned by the conglomerate Castle & Cooke.

In December 2010 the city was put on notice by the SMGB that it "failed to inspect or cause the inspection of surface mining operations as required by SMARA," that it had "not fulfilled its responsibilities and obligations as a SMARA lead agency," and had "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."

Two Alberhill Ranch residents, Paulie Tehrani and Sharon Gallina, single-handedly brought the lax oversight to the state's attention.

“They’ve (city of Lake Elsinore) never responded to our complaints,” Tehrani told the board Thursday.

She said that in addition to complaints about excessive noise and dust from nearby mines in her community, there have been numerous complaints lodged with the city about the land at Alberhill Ranch, which several residents maintain has never been properly reclaimed under SMARA.

“We’re concerned – people are sick,” Tehrani added. “We’re scared for our health.”

“We’ve asked the city,” Gallina said. “We can’t get anyone to do anything for us.”

Lake Elsinore resident Chris Hyland argued that the city paved the way for the developer and mine owner Castle & Cooke to build homes at Alberhill Ranch.

“These houses never should have been built,” she said.

The majority of people in attendance at Thursday’s hearing, however, showed support for the city.

“We are best suited for local control,” said Lake Elsinore City Councilman Brian Tisdale, the only councilmember to remain present during the entire hearing.

Lake Elsinore City Councilwoman Melissa Melendez argued that the city can respond more quickly and appropriately than an agency located outside the area. She also said the city understands what it needs to do moving forward.

“You should have no doubt that we got the message loud and clear,” she told the board.

Dozens of meeting attendees wore stick-on badges that read, “We Support The City of Lake Elsinore – Keep Jobs Local.”

Tony Cruz, a second-generation mine worker, told the board that neither he nor his father ever suffered illness from working in the mines and said the city’s mining history should continue on.

What would Lake Elsinore be without “the unique legacy of Pacific Clay products?” he asked.

But SMGB Vice Chair Brian Baca reminded the audience that the board’s sole purpose Thursday was to consider only whether the state should take over Lead Agency status from the city.

Jobs, land use issues, mine operating hours, noise and dust control matters would not be affected if the state took over as Lead Agency, he said.

Baca also urged that the city should consider allowing the state to take over as a matter of practicality.

“The city has a lot on its plate (besides mining),” he said. “The only thing on OMR’s plate is mine reclamation.”