

10/04/2011

ADDITIONAL

DOCUMENTS

ITEM # 9a

CDD - PLANNING

**NOTICE OF ORDER FOR
STANDARD INDUSTRIAL
MINERALS**

**Mono County
Community Development Department**

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Compliance Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
mgarcia@mono.ca.gov

August 30, 2011

Standard Industrial Minerals, Inc.
c/o Richard Harmon
PO Box 303
Bishop, CA 93515

Re:

- 1) NOTICE OF ORDER PURSUANT TO PUBLIC RESOURCES CODE SECTION 2774.1;
- 2) NOTICE OF PUBLIC HEARING PURSUANT TO PUBLIC RESOURCES CODE SECTION 2774.1.

For Standard Industrial Minerals, Hot Creek Kaolin Mine, California Mine Identification No. 91-26-0002, and Pacific Sericite Mine, California Mine Identification No. 91-26-0003, Mono County, California.

Mr. Harmon,

As you will recall, Mono County issued two Notices of Violation of the California Surface Mining and Reclamation Act ("SMARA") to Standard Industrial Minerals, Inc. ("SIM") on or about July 13, 2009. Based on our records, SIM remains in violation of several sections of the California Surface Mining and Reclamation Act (SMARA).

The following violations continue to exist at the Pacific Sericite and Hot Creek mines:

Violation No. 1 – California Surface Mining and Reclamation Act section 2773.1.(a)3.

(a) Lead agencies shall require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan, as follows: (3) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

Removing the financial assurances mechanisms that were in place for both your mining operations without informing Mono County or the Department of Conservation is a violation of the California Surface Mining and Reclamation Act, section 2773.1.

Violation No. 2 – California Surface Mining and Reclamation Act, Section 2770.(h) 1&6.

(h)1. Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit to the lead agency for review and approval, an interim management plan. The review and approval of an interim management plan shall not be considered a project

#9a

for purposes of Division 13 (commencing with Section 21000). The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan, for purposes of this chapter. The interim management plan shall provide measures the operator will implement to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions. 6. Unless review of an interim management plan is pending before the lead agency, or an appeal is pending before the lead agency's governing body, a surface mining operation which remains idle for over one year after becoming idle as defined in Section 2727.1 without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.

Both the Hot Creek and Pacific Sericite mine sites have been idle for over one year. No Interim Management Plans have been submitted to or approved by Mono County. Therefore, your mine sites are considered abandoned and in violation of SMARA California Surface Mining and Reclamation Act, section 2770h.

Violation No. 3 – Mono County Code Section 7. 20.010 D 4 “Public Nuisance”

D. “Public Nuisance” means any of the following: 4. Any violation of state law, including but not limited to the State Housing Law (commencing with 17910 of the California Health and Safety Code);

Violation numbers 1 and 2 are violations of the Surface Mining and Reclamation Act and are determined to be a “Public Nuisance,” as they are violations of the Mono County Code Section 7.20.010 D 4. Please take notice that, pursuant to Mono County Code Section 1.12.060, this violation is subject to the proceedings applicable under SMARA as set forth herein. Any appeal of this violation shall be considered, if at all, in conjunction with the public hearing discussed below.

California Surface Mining and Reclamation Act Section 2774.1(c) states that any operator who violates or fails to comply with an order issued under subdivision (a) after the order's effective date, as provided in subdivision (b), or who fails to submit a report to the director or lead agency as required by Section 2207, shall be subject to an order by the lead agency or the director imposing an administrative penalty of not more than five thousand dollars (**\$5,000 per day, assessed from the original date of noncompliance**) with this chapter or Section 2207. The penalty may be imposed administratively by the lead agency or the director. Mono County will assess the fines at the maximum \$5,000 per day due to the seriousness of the violations of removing the financial assurance mechanisms from both mine sites. The County also determines the maximum penalty will be appropriate due to the history of non-compliance for both mines and the fact that all Notices of Violation have essentially been ignored by SIM dating all the way back to March 2008.

You are hereby directed to abate the above-mentioned violations and comply with the following order:

Order No. 1

Pursuant to section Public Resources Code Section 2774.1(a), seeing that Standard Industrial Minerals has removed the all financial assurance mechanisms and has effectively abandoned both of your mine sites in Mono County (91-26-0002 and 91-26-0003), you are hereby ordered to immediately begin reclamation on or before November 1, 2011, for both the Hot Creek Kaolin

and Pacific Sericite mines per the standards set forth in the approved reclamation plans respectively. In the Case of the Hot Creek Kaolin mine, the reclamation plan condition of approval 1.a states that final reclamation shall be completed within one year from abandonment. For the Pacific Sericite mine, the reclamation plan condition of approval 1.a also requires that final reclamation shall be completed within one year from abandonment.

Therefore, if the operator does not commence reclamation at both Hot Creek and Pacific Sericite Mines by the November 1, 2011, Mono County will impose a \$5,000 per day per mine site. Failure to complete reclamation on or before November 1, 2012 will also result in the issuance of a \$5,000 per day fine being levied for each mine not meeting final reclamation standards. If fines are levied, they will be assessed dating back to July 13, 2009, the date the original Notices of Violation were sent.

Additionally, pursuant to Mono County Code Section 1.13.050, 1.12.020, and 1.12.030, failure to comply with a County Regulation may result in the issuance of an Administrative Citation (fines & penalties).

An Administrative Fine under the county code violation amounts to **\$100.00** per day for each violation of a County Regulation, applicable for each of the first five days of noncompliance. After the initial five-day period, the fine will then be **\$500.00** per day for each violation for each day thereafter.

As per the Mono County Code Section 7.10.060, noncompliance with any term or condition of a mining operations permit issued under this chapter, including but not limited to any mitigation measures, monitoring requirements, or financial assurance requirements, shall constitute a misdemeanor and a public nuisance, and shall be grounds for suspension or revocation of the permit by the planning commission.

NOTICE OF PUBLIC HEARING

You are hereby notified that pursuant to PRC section 2774.1(b) a public hearing regarding this order is scheduled before the Mono County Board of Supervisors on October 4, 2011, at the Mono County Courthouse, in Bridgeport, CA, on the second floor, in the board chambers. Please note that the time of this hearing will be assigned by the Clerk of the Board and will be released with the meeting agenda. For further information please contact Lynda Roberts at 760-932-5530 or by email at lroberts@mono.ca.gov.

Public Resources Code Section 2444.2(a) states the following: Within 30 days of the issuance of an order setting administrative penalties under subdivision (c) of Section 2774.1, the operator may petition that legislative body of the lead agency, if the lead agency has issued the order, or the board for orders issued by the director, for review of the order. If the operator does not petition for review within the time limits set by this subdivision, the order setting administrative penalties shall not be subject to review by any court or agency.

If you have any additional questions or I can be of assistance, please do not hesitate to call me at (760) 932-5424 M-F. Thank you for your attention to this matter, and I look forward to your voluntary compliance.

Sincerely,

Nick Criss, Compliance Officer
Mono County Compliance Division

CC: File/CA MINE ID NO. 91-26-0002 & CA MINE ID NO. 91-26-0003
Gerry Le Francois, Principal Planner
Department of Conservation, Office of Mine Reclamation
Scott Burns, Community Development Director

Via: Certified Mail/Return Receipt Requested To:
Standard Industrial Minerals, Inc.
c/o Richard Harmon
PO Box 303
Bishop, CA 93515

Standard Industrial Minerals, Inc.
c/o Richard Harmon
PO Box 10477
Reno, NV 89510

10/04/2011

ADDITIONAL

DOCUMENTS

ITEM # 10A

ECONOMIC DEV.

MONTHLY

TOURISM UPDATE



PLEASE MAKE REPLY TO:

September 22, 2011

Ms. Alicia Vennos
Economic Development Manager
MONO COUNTY TOURISM COMMISSION
P.O. Box 603
Mammoth Lakes, CA 93546

Dear Ms. Vennos:

Congratulations! Western Brochure Distributors/Certified Folder Display Service, Inc. submitted your *Eastern Sierra Visitor Guide* brochure as an entry in the *International Association of Professional Brochure Distributors 2011 International Best Brochure Competition*. On behalf of the Association, I am pleased to inform you that MONO COUNTY TOURISM COMMISSION is a **1st Place Regional Winner** in the competition. The contest results were announced at our recent annual meeting in Annecy, France.

From a possible field of over 19,000 brochures, representing the collective client base of the Association membership, nominees were narrowed down to a list of 75. These nominated brochures, which included yours, were then evaluated through competitive comparisons using specific criteria including: headline quality, construction, content and overall appeal. The judges were industry professionals representing brochure distribution and display companies from across the U.S., Mexico, Canada and Europe.

The Association commends you for the competitive advantages of your brochure. Please accept this **1st Place Regional Award of Excellence** and sincere congratulations from *Western Brochure Distributors/Certified Folder Display Service* and all the other members of the International Association of Professional Brochure Distributors for a job well done!

Sincerely,

Bill Orleans
President

cc: *Western Brochure Distributors/Certified Folder Display Service, Inc.*

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