

RECLAMATION OF AGGREGATE MINING OPERATIONS

INTRODUCTION

The County Services and Special Districts Committee of the 1997/98 Grand Jury became interested in the reclamation of the open mining operations known as the Southern Pacific Milling (SPM) pits near the Santa Clara River. Our concern was that no action is being taken at this time to fill the pits to the level imposed on SPM by the Conditional Use Permit (CUP-1942) issued by the County of Ventura.

INQUIRY

We met with and interviewed SPM operation management and their legal counsel, Cal-Mat operations management and their legal counsel, the Director of Public Works, Planning Director of Resource Management, Deputy Director of Water Resources and Engineering Department, Deputy Director of Transportation, Deputy Director of Flood Control, General Manager of United Water Conservation District (UWCD), Director of Water Department of the City of Oxnard (City) and County Counsel. In addition, site visits were made to the SPM and Cal-Mat operations to view the pits and identify the scope of the report.

FINDINGS

Open pit mining operations in the Santa Clara River area have been active since the 1920s. No permits were issued for mining operations until the 1950s. The pits on the SPM site were excavated to a depth in excess of 100 feet and are partially water filled.

SPM advised us that their potential liability from CUP-1942 compliance could be \$20 million. These costs are impacted by the fact that UWCD, through their operations, has impacted the water table to a point where the amount of fill required has increased dramatically. In CUP-1942 there is mention of reclamation of the site to conform to RA-40-AC (Rural Agriculture or Park and Open Space).

SPM has exhausted all aggregate to be mined at that site and it is using the batch plant (concrete production facility) only with aggregate from off-site locations.

SPM offered the following options to fulfill their legal obligation:

1. Relocate batch plant on premises and dig that excavated site for the purposes of obtaining fill for the current open pits
2. Obtain aggregate from outside sources to provide material to remain in business and also to partially fill the pits with the residual sand
3. Posting of a \$10 million bond to reclaim the operations at their site

Cal-Mat's Conditional Use Permit (CUP) was different than that of SPM in that the terms and conditions imposed on Cal-Mat were more stringent to the extent of refill requirements.

Cal-Mat has operated under the terms of its CUP (filling the pits as excavation proceeded). The reclaimed pits are now 20 feet deep. Permission was given to Cal-Mat in 1996 by the Board of Supervisors (Ferro Water Resource Alternative) to dig an additional 25 feet and backfill the pits to an elevation two feet higher than the pre-mining elevation.

Cal-Mat would have surplus aggregate to sell to SPM in order to aid in filling SPM's pits to an acceptable level, if a deeper mining project for the Ferro site were approved.

The City is concerned that by allowing Cal-Mat to dig deeper than the current 20 feet, they may be exposed to ground water contamination without recourse to remedy this concern. A recent court ruling will require the County of Ventura to reevaluate the environmental effects of mining below the historic high-ground watermark.

CONCLUSIONS

The Cal-Mat pits are in an ideal location for storage of water by UWCD. There are pipelines in place within proximity to Cal-Mat's pits to divert water from the Freeman Diversion Dam to the settling ponds along Los Angeles Avenue.

The SPM pits are in a good location for aquifer replenishment and could be ideal for wetlands and recreation areas after the mining operations cease. Hydroponics filtration of water through the SPM pits stored in the Cal-Mat pits would assure that the water being used for groundwater replenishment would be of high quality.

The enforcement of refill criteria for SPM pits appears to be subjective. The terms in the CUP-1942, as measured against current environmental requirements, are inadequate. Inspections made of the pits are subject to interpretation resulting in questionable enforcement criteria.

If Cal-Mat is permitted to dig beyond the authorized limits and cease operations at that site, UWCD would be allowed to use the pits for clean water storage.

RECOMMENDATIONS

- That the open pits at the SPM site be filled to the level specified in CUP-1942 as soon as possible.
- That Cal-Mat be allowed to mine to a level of 22 feet below the historic high-ground watermark. The excess aggregate from this excavation could be used for filling the SPM site and provide UWCD a clean water storage site.

- That the county facilitate arrangements to assure that Cal-Mat deed title of the site to UWCD when its mining operations are complete.
- That an independent testing laboratory, acceptable to all parties, be allowed access to the excavation sites for testing, inspections for possible water contamination and assurance of CUP compliance.

RESPONSE REQUIRED

Resource Management Agency

City of Oxnard

Southern Pacific Milling

Cal-Mat