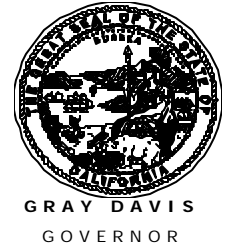




STATE MINING & GEOLOGY BOARD
 DEPARTMENT OF CONSERVATION
 STATE OF CALIFORNIA



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 CHAIRMAN

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 VICE CHAIRMAN

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ROBERT E. TEPEL

**ORDER OF THE STATE MINING AND GEOLOGY BOARD
 IMPOSING ADMINISTRATIVE PENALTIES
 IN THE MATTER OF:**

**DIAMOND QUARRY
 CALIFORNIA MINE ID NUMBER 91-09-0003
 SIERRA ROCK, OPERATOR
 LORING BRUNIUS, OWNER
 FRED A. PECHNER, AGENT
 1845 QUARRY ROAD
 PLACERVILLE, CALIFORNIA 95667**

■ ■ ■
 801 K STREET
 MS 24-05
 SACRAMENTO
 CALIFORNIA
 95814

PHONE
 916/322-1082

FAX
 916/445-0738

INTERNET
 consrv.ca.gov

ORDER

As of the effective date of this Order, you are hereby ordered to pay administrative penalties in those amounts and conditions cited below to the State Mining and Geology Board (SMGB) for failures to comply with the *Order to Comply at the Diamond Quarry*, issued by the SMGB on July 11, 2002, Pursuant to Public Resources Code Section 2774.1.

Violation 1 -- Over-excavation of the highwalls has occurred in at least two locations along portions of the east highwall and along portions of the south highwall.

Penalty Amount of \$10,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$10,000 every 30 days thereafter until the Quarry completes correction of the over excavation of the highwalls to the satisfaction of the SMGB, or demonstrates through the use of a slope stability analysis acceptable to the SMGB that the highwalls are stable in their current configurations. The Quarry was advised to re-evaluate the slope stability in light of significant water seepage, variable rock types and structural integrity, documented slope failures along the walls, and the over-

Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress

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excavation of the slopes configurations that will prevent reclamation of the Quarry walls to their approved final design without encroachment into established setback areas.

Violation 2 -- The Depth of the excavation exceeds that presented in the approved Reclamation Plan;

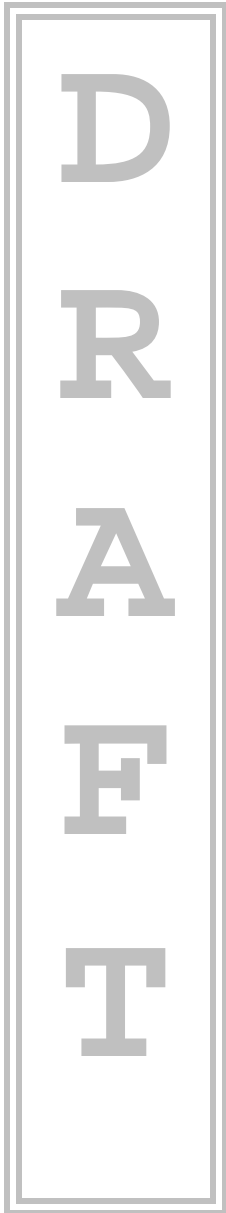
Penalty Amount of \$10,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$10,000 every 30 days thereafter until the Quarry completes correction of the over excavation of the Quarry floor to the SMGB's satisfaction, or provides mitigation of the situation through reclamation plan amendments acceptable to the SMGB. The Quarry has been aware of the over deepening since February, 2001, and has taken no actions to remediate the situation.

Violation 3 -- The west highwall has undergone slope failures, and no additional geologic mapping or slope stability analysis have been performed to further address this unstable area.

Penalty Amount of \$10,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$10,000 every 30 days thereafter until the Quarry completes correction of the over excavation of the west highwall to the satisfaction of the SMGB, or demonstrates through the use of a slope stability analysis acceptable to the SMGB, that the west highwall is stable in its current configuration. The Quarry was advised to re-evaluate the slope stability in light of significant water seepage, variable rock types and structural integrity, and documented slope failures along the walls.

Violation 4 -- There has been an encroachment of the mining operation on the order of 30 feet into established setback areas along Cedar Ravine Road and along Quarry Road.

Penalty Amount of \$5,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$5,000 every 30 days thereafter until the Quarry completes correction to the satisfaction of the SMGB of the



encroachment into the 100 feet setback from the center of Cedar Ravine Road. This correction may be accomplished by obtaining agreements with El Dorado County to accept a lesser setback distance from the center of Cedar Ravine Road and amendments to the reclamation plan acceptable to the SMGB.

Violation 5 -- No revegetation test plot program is currently established.

Penalty Amount of \$10,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$10,000 every 30 days thereafter until revegetation test plots are established to the satisfaction of the SMGB and a monitoring program can be documented. No established revegetation test plots were found during the inspection.

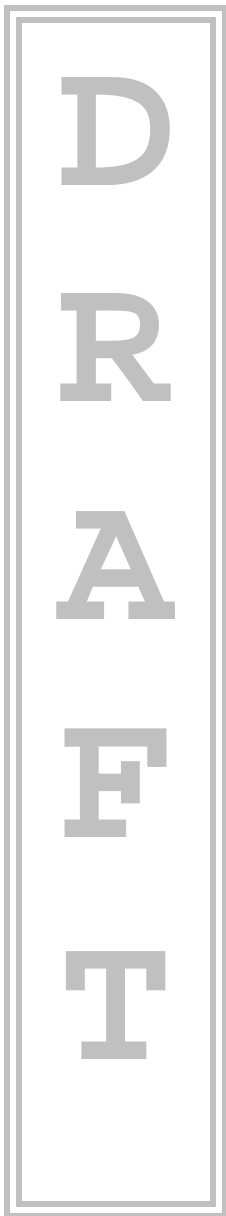
Violation 6 -- Failure to implement sediment erosion control and winterizing efforts.

Penalty Amount of \$1,000 to commence from September 12, 2002, which is the effective date of the Order to Comply, and an additional \$1,000 every 30 days thereafter until the requirements of Condition of Approval 11 are met that require topsoil areas to be seeded annually prior to the onset of the winter season for erosion control.

Unless a petition for review of this Order Imposing Administrative Penalties is filed with the Superior Court within thirty (30) days of the issuance of this Order, the administrative penalties are due. The administrative penalties must be paid with a cashier's check or money order made payable to the State Mining and Geology Board.

The administrative penalty payments and any additional documents should be sent to:

State Mining and Geology Board
801 K Street, MS 24-05
Sacramento, California 95814



Under Public Resources Code § 2774.2, you may petition the Superior Court for a review of this Order. You must file your petition within thirty (30) days of the date of this Order. If you have any questions regarding this Order, please contact the office of the State Mining and Geology Board at (916) 322-1082.

Date

John G. Parrish, Ph. D.
Executive Officer

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