

SURFACE MINING INSPECTION REPORT

Instructions for completing this form are on the reverse side. Attach notice(s) of violation(s) and order(s) to comply for all observed non-compliance.

I. Mine Name as reported by Operator on Mining Operation Annual Report Pope Creek Quarry	Inspection Date: 8/4 and 9/30, 2011	CA MINE ID#: 91 - 28-0007
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II. SMARA Lead Agency Name (City or County <u>only</u>) County of Napa		
Inspector Donald Barrella	Telephone (707) 299-1338	
Title Planner III	Organization Napa County Conservation Development & Planning Dept.	
Mailing Address 1195 Third Street #210		
City Napa	State CA	ZIP Code 94559
E-mail Address (Optional) donald.barrella@countyofnapa.org		

III. Mine Operator Don Wesner Incorporated		
Contact Person Don Wesner	Telephone (707) 963-2008 cell (707) 320-7105	
Mailing Address 1525 Skellinger Lane (P.O. Box 452, Rutherford CA 94573)		
City Napa	State CA	ZIP Code 94558
E-mail Address (Optional) kujala2008@aol.com		

IV. Does the operation have:	P	NR	No	Yes
A permit to mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # 97420-SMP
An approved Reclamation Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RP # 97420-SMP Reclamation Plan
Has the operator filed a Mining Operation Annual Report (form MRR-2)? Check one: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown				
Is this operation on Federal Land? Check one: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If "Yes", provide one or both of the Federal Mine Land Identification Numbers below:				
California Mining Claim Number (CAMC#):				
U.S. Forest Service Identification Number (USFS ID#):				

DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).

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V. Does the Operator currently have a Lead Agency approved Financial Assurance? Check one: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", complete section below. If "No", refer to instructions on the reverse of this page and complete Section VI.		Inspection Date: 8/4 and 9/30, 2011	CA MINE ID#: 91 - 28-0007
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Current Amount on File	Date of Expiration
<input checked="" type="checkbox"/> Surety Bond	111827	\$ 63,039.00	none
<input type="checkbox"/> Certificate of Deposit		\$	
<input type="checkbox"/> Letter of Credit		\$	
<input type="checkbox"/> Trust Fund		\$	
<input type="checkbox"/> Pledge of Revenue		\$	
<input type="checkbox"/> Budget Set Aside		\$	
<input type="checkbox"/>		\$	
The Financial Assurance Amount must be adjusted annually. Attach a copy of the revised Financial Assurance Amount calculation with this report.		Date of Financial Assurance Amount Calculation: August 2007	
Does the current mechanism(s) on file cover the new annual calculation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "No", date operator was notified that a new mechanism is required: See Section VI	

VI. Financial Assurance comments.

The current assurance mechanism covers the last approved cost estimate (\$63,039; August 2007). An updated cost estimate has not been approved (see below); therefore, a new/updated mechanism has not been requested. Once an adequate Financial Assurance Cost Estimate (FACE) has been submitted, reviewed, and approved a new/updated mechanism will be requested.

Since 2008/2009 the county has been requesting that an adequate FACE update be provided. In October 2008 a cost estimate was provided by the operator that the County could not conclude was adequate. In January of 2009 and October of 2010 the operator was notified that an updated cost estimate was still necessary. On November 19, 2010, a SMARA Notice of Violation was issued and on December 17, 2010, an updated cost estimate was provided by the operator. Review of the December 2010 cost estimate identified several items that need to be addressed and/or included for the county to consider the estimate adequate. On February 24, 2011, the county issued a Notice of Noncompliance which identified (among other things) that an adequate FACE update was still necessary, and on April 8th and 12th, 2011 the operator provided another FACE update. Review of the April 2011 FACE update again identified several items that need to be addressed for the county to consider the FACE adequate (see the FACE Review Memo dated August 20, 2011). The FACE update will need to be revised to address the issues and shortcomings identified in the August 20, 2011 FACE Review Memo and resubmitted to the county for review and comment.

Therefore, the operation is in violation of PRC Section 2773.1(a)(3), CCR Section 3804(c), NCC Section 16.12.415, and conditions of #97420-SMP: see the attached Initial Notice of Noncompliance dated August 26, 2011 and Final Notice of Noncompliance / Notice of Violation dated October 5, 2011 for details. This matter has been scheduled for hearing before the Planning Commission on November 16, 2011 for compliance determinations, possible revocation or suspension of the permit, and/or possible issuance of an order to comply.

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VII. Is the operation in compliance with provisions of the approved Reclamation Plan with respect to:	OK	VN	NI	NA	CA MINE ID # 91 - 28-0007
Wildlife Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Inspection Date: August 4 and September 30, 2011
Revegetation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Agricultural Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weather Code(s): CR - both inspection days
Stream Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Duration of Inspection: Approximately 2.5 hours for each inspection
Tailings and Mine Waste Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Closure of Surface Openings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate Disturbed Acreage: 11
Building, Structure, and Equipment Removal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Topsoil Salvage, Maintenance, and Redistribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Operation Code(s): AD
Backfilling, Regrading, Slope Stability, and Recontouring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drainage, Diversion Structures, Waterways, and Erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Reclamation Code(s): RN
Other (list or explain below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

VIII. Comments/Description of Violation(s) and Corrective Measure(s) Required (NOTE: please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form):

See the Initial Notice of Noncompliance dated August 26, 2011 and Final Notice of Noncompliance / Notice of Violation dated October 5, 2011 for details regarding equipment, structure, spoils piles, and debris removal, and commencement of reclamation. As indicated in the referenced notices the site is in substantially the same condition as it was during the 2009/2010 inspection. During this inspection period activity at the quarry has been limited to sales of stockpiled aggregate material and importation of old concrete for recycling: no active quarrying has occurred this reporting period.

Since 2008/2009 the County has been informing the operator and owners: 1) that an adequate FACE needs to be provided; 2) that equipment, debris, and structures not associated with the operation be removed; and, 3) that reclamation in accordance with #97420-SMP be commenced. See the 2008/2009 and 2009/2010 annual inspection reports and Notice of Noncompliance dated February 24, 2011 (attached), in addition to the notices identified above. As of the date of this inspection report these requests have gone unfulfilled. As such the operation is in violation of CCR Section 3709(b), NCC 16.12.340 and conditions of #97420-SMP. However, it should be noted that some pieces of equipment and miscellaneous debris have been removed during the 2009-2010 inspection period and the operator has indicated that additional equipment will be removed and reclamation of a portion of the Batch/Wash Plant will commence this October: see attached letter from Don Wesner, Inc. dated September 9, 2011.

IX. Number of Violations: 3	Inspector's Signature: 	Date Signed: October 7, 2011
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DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).



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Hillary Gitelman
Director

To: File #P11-00376	From: Donald Barrella
Date: October 7, 2011	Re: Pope Creek Quarry, Mine ID#91-28-0007 APN 018-080-023 Photo Supplement 2010/11 Inspection Report

Batch/Wash Plant area:

August 4, 2011

September 30, 2011



Trailer to left is in the background above.



August 4, 2011



September 30, 2011



Rock Quarry Area:

August 4, 2011



September 30, 2011



Equipment in photo to left is the same as above.



Equipment in background is the same as above left photo.



Equipment in background is that shown in photo to left.



Note water tankers for reference.