



October 20, 2021
Client Number 3778
Report Number 10857

Jim King, Chair, and Members of the
Ventura County Planning Commission
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009-1740

**RE: October 22, 2021 Planning Commission Meeting, Agenda Item No. 7A
Appeal of Reclamation Plan Amendment and Addendums to EIR
Ojai Quarry, APNs 009-0-090-16 and 009-0-090-18
Case No. PL 18-013, Larry Mosler**

Dear Chair King and Members of the Planning Commission:

In accordance with the request of our client, Larry Mosler of Mosler Rock Ojai Quarry, Advanced Geotechnical Services, Inc., (AGS) has prepared this letter to address the 'quarry tailings disposal area' which has been designated on the reclamation plan as approved by the County of Ventura. This letter is provided as a supplement/update to our previously published report entitled **Quarry Tailings Discussion Letter, Mosler Rock/Ojai Quarry, 1555 Maricopa Road, APN 009-0-090-150, US Highway 33, Ojai Area of Ventura County, California**, Report No. 9094, dated February 7, 2012, a copy of which has been included as an attachment to this letter.

As detailed in our attached letter dated February 7, 2012, the 'quarry tailings disposal area' as defined on the reclamation plan is intended to be an area to receive 'waste' products, i.e. unsaleable materials with no commercial value, generated by the approved mining operations. This disposal area is *not* intended to provide a structural purpose with respect to the stability of the site, and the disposal area has been provided as a designated area which *may* be acceptable for the placement of waste products at the completion of the quarry operations. The placement of waste products in this area is *not* a specific requirement; this area has simply been designated as an area which *may* receive these waste materials, at the conclusion of the mining operations at the site, *if so necessary*.

It is our understanding that the designated 'quarry tailings disposal area' has been mis-interpreted to be an area which *is* to receive a certified, compacted structural fill placed under supervised, engineered control to the limits and extents shown on the approved reclamation plan. This is *not* the intent of this noted 'quarry tailings disposal area'. This disposal area is *not* defined specifically as an area to receive a structural fill, or any fill for that matter, and as such, the interpretation of the requirement to place an engineered fill in this area is errant. The 'quarry tailings disposal area', as noted in the previous paragraph of this letter, is merely designated as an area which *may* receive waste products at the conclusion of the mining operations at the site, and the placement of earth materials in this area is *not* an absolute requirement.

Limits and Liability


This letter report has been prepared at the request of our client, Larry Mosler. The information presented in this letter report are based in part on the information presented in our previously published report entitled **Quarry Tailings Discussion Letter, Mosler Rock/Ojai Quarry, 1555 Maricopa Road, APN 009-0-090-150, US Highway 33, Ojai**

County of Ventura
Planning Commission Hearing
Case No. PL18-0136
Exhibit 15 - Public Comments

Area of Ventura County, California, Report No. 9094, dated February 7, 2012. This opportunity to be of service is sincerely appreciated. We have strived to provide our services in accordance with generally accepted geotechnical engineering practices in this community at this time, but we make no warranty, either express or implied. This report, and the report referenced herein should each be read from beginning to end to understand their limitations, and to avoid taking a recommendation out-of-context. If you have any questions, or if we may be of any further assistance, please do *not* hesitate to call.

Respectfully submitted,
Advanced Geotechnical Services, Inc.


Kenneth J. Palos
President


Brett Wanner, CEG
Principal Engineering Geologist



cc: (1) Larry Mosler -- Mosler Rock Ojai Quarry (1) File Copy

Attachment:

Advanced Geotechnical Services, Inc., (2012), **Quarry Tailings Discussion Letter**, Mosler Rock/Ojai Quarry, 1555 Maricopa Road, APN 009-0-090-150, US Highway 33, Ojai Area of Ventura County, California, Client No. 3778, Report No. 9094, dated February 7, 2012.



February 7, 2012
Client Number 3778
Report Number 9094

Larry Mosler
Mosler Rock Ojai Quarry
P.O. Box 502
Newbury Park, CA 91319

**Quarry Tailings Discussion Letter
Mosler Rock/Ojai Quarry
1555 Maricopa Road, APN 009-0-090-150, US Highway 33
Ojai Area of Ventura County, California**

In accordance with your request, Advanced Geotechnical Services, Inc., (AGS) has prepared this quarry tailing discussion letter for the subject site. This report has been prepared to discuss our definition of quarry tailings with respect to the reclamation plan which has been prepared for the subject site.

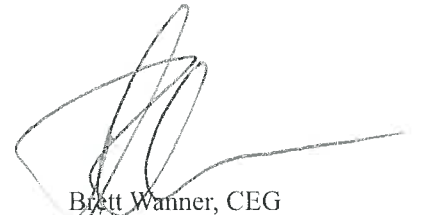
The currently approved reclamation plan for the subject site includes a region which has been designated as a quarry tailings disposal area. By definition, quarry tailings are the waste and by-product materials resultant of quarry and mining operations. In the instance of the Mosler Rock/Ojai Quarry, these materials consist of overburden topsoil, rock dust, and otherwise unsaleable materials which have no commercial value.

The area which has been designated as a quarry tailings disposal area at the quarry is intended to be a place to dispose of these materials onsite at the conclusion of the mining operations. Our understanding of the reclamation plan and the nature of the materials present at the site is that these materials are not intended to serve a structural purpose with respect to the overall stability of the slopes at the quarry, and that this area has merely been designated as an approved location to safely dispose of these materials at the conclusion of quarry operations, as necessary.

This opportunity to be of service is sincerely appreciated. This report should be read from beginning to end to understand its limitations and to avoid taking a recommendation out-of-context. If you have any questions, or if we may be of any further assistance, please do *not* hesitate to call. We look forward to being of continued service.

Respectfully submitted,
Advanced Geotechnical Services, Inc.

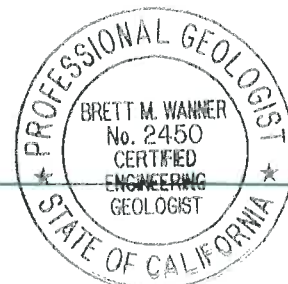

Kenneth J. Palos
President


Brett Wanner, CEG
Principal Engineering Geologist

Enclosure: *Report No. 9072*

cc: (4) Addressee [hardcopy, pdf email] (1) File

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www.jdscivil.com

MOS02.4059
Wednesday, October 20, 2021

Mosler Rock Ojai Quarry
Larry Mosler
P.O. Box 502
Newbury Park, CA. 91320

Subject: October 22, 2021 Planning Commission Meeting, Agenda Item No. 7A, Appeal of Reclamation Plan Amendment and Addendums to EIR, Ojai Quarry, APN's 009-0-016 and 009-0-090-18, Case PL 18-013

Mr. Mosler:

This letter is being drafted to address the recently revised and approved Reclamation Plan for the Ojai Quarry, specifically the removal of "quarry tailings disposal area" shown on prior approved Reclamation Plans.

This firm has been employed by the quarry operator and engaged in the reclamation plan revisions and updates since prior to 2006. Those revisions have been required by the County as part of the permit requirements and as part of work efforts that have occurred that were not identified in the original reclamation plan. Revisions have been made to add additional areas of work where the quarry operator was directed to remove unsafe conditions prior to being allowed to continue normal operations, adding additional storm water mitigation measures, and updating mining limits. Areas previously reclaimed have also been added to the current Reclamation Plan, as required by the County and State permitting processes.

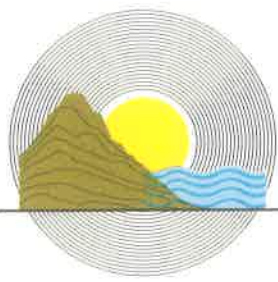
This firm has always understood the specific item of "quarry tailings disposal area", first shown on the original Reclamation Plan, and on subsequent updates, as being an area defined whereby the quarry operator or other reclamation entity could dispose of unsaleable or unusable materials left over from the normal operations. During the course of the current quarry operator providing the permit mandated Reclamation Plan updates, disagreement arose between Planning staff and the operator and his consultants over whether this area was required or optional. The consultants have worked with County staff in verifying the true use for the disposal area is optional, and not required. Slope stability reports have been submitted, reviewed and approved by the County that all support the position that the resulting mined slopes are stable and without the need for any engineered fill. To eliminate

future confusion over the use of this area, it has been removed from the current approved Reclamation Plan.

Jensen Design and Survey


Frederick T. Giroux, PE





GOLD COAST GEOSERVICES, INC.

Engineering Geologic and Geotechnical Consultants

October 19, 2021
File No. GC18-092902

Jim King, and members of the
Ventura County Planning Commission
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009-1740

SUBJECT: October 22, 2021 Planning Commission Meeting, Agenda Item No. 7A,
Appeal of Reclamation Plan Amendment and Addendums to EIR,
Ojai Quarry, APN's 009-0-016 and 009-0-090-18, Case No. PL 18-013,
Larry Mosler

REF.: Gold Coast GeoServices, Inc., Engineering Geologic Report for Ojai Quarry,
Ojai, County of Ventura, dated 8/22/19.

Dear Chair King and Members of the Planning Commission:

This letter-report was prepared at the request of Larry Mosler, owner/operator of the Ojai Quarry to address the "quarry tailings disposal area" as designated on the approved mining plan for the Ojai Quarry.

The undersigned engineering geologist assumed responsibility as the Engineering Geologist of record for the Ojai Quarry in 2019. I am familiar with the Ojai Quarry mining operations and Reclamation Plan.

A cross-section on the Reclamation Plan (as approved by the Ventura County Planning Commission in 2012) shows a "quarry tailings disposal area". The cross-section shows that quarry tailings may be disposed of within 2 bench areas. The cross-section shows that the quarry tailings may be placed to a finished surface slope of 1.5h:1v slope ratio (about 33 degrees) with a slope height of about 60 feet.

It is our understanding that as a condition of approval of the Reclamation Plan in 2012, a Ventura County Planner erroneously required that the Reclamation Plan be amended to require that quarry tailings be placed as compacted fill. As the responsible engineering geologist for the Ojai Quarry, it is my professional finding that is neither feasible nor necessary to place the quarry tailings as compacted fill, for the following reasons:

1. Compacted fill is also known as “engineered fill”. Engineered fill is classified as fill material that is placed for the purpose of support for engineered structures, or for support of unstable land (“buttress fill”). The area designated on the Reclamation Plan to receive quarry tailings will not be used for the support of engineered structures, and the quarry tailings will not be used to support unstable land. Placement of quarry tailings as compacted fill is therefore unwarranted.
2. Engineered grading for placement of compacted fill requires control by the engineering contractor of both the material composition of the fill and the moisture content of the fill material. Compacted fill is required to be placed at “optimum moisture content” that varies considerably depending upon the fill material composition. Many laboratory tests on the many material types will be required to determine the “optimum moisture content” of engineered fill material. Large quantities of water are required to prepare fill for compaction in engineered grading operations. Quarry tailings consist of diverse admixtures of sand, silt, clay, and rock material that can range in size to boulder-size rock material. It is not feasible to control either the material composition or the moisture content of quarry tailings for engineered fill or compacted fill placement procedure. It is therefore unwarranted to require compaction of quarry tailings.

Regarding the detail for the quarry tailings disposal area, it is important to note that the plan does not require that the quarry tailings disposal area be filled to the limits shown on the cross-section detail. Filling to the 1.5:1 slope surface line shown on the cross-section is discretionary. The plan shows that the finished surface slope may attain a 1.5h:1v finished slope surface ratio; however the plan does not require that the quarry tailing disposal area

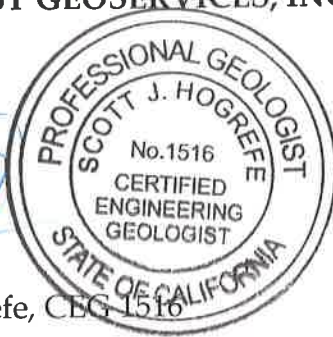

be filled to the 1.5:1 slope surface line shown on the cross-sectional detail. The quarry tailings disposal area may also utilize a flat or benched slope surface condition (below the 1.5:1 slope surface line), to reduce the potential for rockfall from the quarry tailings area.

REMARKS

Please call this office at (805) 484-5070 if you have any questions regarding this report.

Respectfully submitted,

GOLD COAST GEOSERVICES, INC.



Scott J. Hogrefe, CEG 1516



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October 20, 2021

Ventura County Planning Commission
800 S Victoria Avenue
Ventura CA 93009
Planning.PCComments@ventura.org

RE: OPPOSE Ojai Quarry Reclamation Plan Amendment, Case No. PL18-0136

Dear Chair King and Members of the Planning Commission:

The Ojai Quarry Reclamation Plan Amendment ("Amendment") seeks to eliminate the requirement in the existing Reclamation Plan to backfill an over-excavated area with 97,000 cubic yards of fill material (approximately the same volume as thirty Olympic-sized swimming pools). With the amendment, the over-excavated area would be left as-is and would be considered the new reclaimed surface. To support the Amendment, the Ventura County Planning Division has prepared a nine-page EIR Addendum to a 25-year-old EIR.

The Ojai Quarry is located adjacent to national forest land inside the boundary of the Los Padres National Forest, and is visible along Highway 33, a National Forest Scenic Byway. Our organization participated extensively in the County's approval of the permit extension for this mine in 2017, securing the inclusion of a landscaping provision in the Conditions of Approval. Since that time, we have regularly communicated with County staff as it appears the landscaping does not fulfill the intent of the landscaping condition.

Specifically, the stated purpose of Condition 52 (attached) of the Ojai Quarry CUP is "to minimize public views of the lower portions of the Ojai Quarry from State Highway 33 during surface mining operations." This purpose is not being fulfilled today, as the quarry equipment and facilities are just as visible to drivers along the Scenic Byway as it was before this condition was approved. While the permit condition requires the operator to "prepare a landscape plan that augments existing native vegetation in order to minimize views of quarry components" and to substantially maintain the plantings throughout the life of the permit, we have observed inconsistent implementation of this permit condition and have notified the Planning Division each time of alleged permit violations. County staff has been unwilling to issue any violation notices, however. The Commission should not approve the subject Amendment until the planting plan is revised and any permit violations are addressed.

Our staff visited the site earlier this year and could not locate the four planted oak trees as envisioned in the current planting plan. The vines called for in the planting plan are not functioning either. To be helpful, we have suggested several measures to deter wildlife from eating these vines, including planting deer-resistant plants, installing motion-activated sprinklers, or wireless deer fencing. The operator's landscape consultant should be able to work with County planning staff to identify next steps.

County Planning staff have mentioned on several occasions that the planting plan needs updating, but despite our best efforts to encourage movement in that direction, no revisions to the planting plan have occurred. As a result, the operation is no more screened than it was prior to the approval of the landscaping condition in 2017. In fact, new equipment on the site makes the operation even more visible from the scenic highway. We do not believe that this current situation is what the Board of Supervisors envisioned when adopting the landscaping condition and approving the permit extension and continue to express interest in working with your staff and the operator to identify a more effective landscaping strategy.

The County is seeking to expedite the approval of this Reclamation Plan amendment through the preparation of an addendum to the 1995 Environmental Impact Report for the quarry. Instead, we feel strongly that the County should prepare a Subsequent EIR prior to approving the Amendment. The Amendment is a significant departure from the current Reclamation Plan. The potential visual, geologic, and water quality impacts should be fully vetted in a Subsequent EIR that is subject to public review and input along with a proper analysis of alternatives. As part of that process, the County should consult with the California Department of Fish & Wildlife and NOAA Fisheries on any potential impacts or supposed benefits of the Amendment to endangered southern steelhead. A Subsequent EIR would also provide an opportunity to more thoroughly vet this Amendment for consistency with the County's General Plan.

Looking at the big picture, amending the Reclamation Plan at this time would set a terrible precedent by revoking a long-standing provision of the Reclamation Plan without any apparent justification other than making the mine more attractive for sale to a new owner. The facility continues to struggle with implementing the planting plan to fulfill the intent behind Condition 52. The area should be fully reclaimed following the cessation of mining activities; it should not be allowed to remain permanently scarred with dangerously steep slopes and poor drainage. Moreover, we are concerned that such significant changes are being considered just four years after the facility received a 30-year permit extension.

For the reasons outlined above, we urge you to deny the Amendment and direct the preparation of a Subsequent EIR. We also look forward to continuing to work with your staff to appropriately address the revision of the planting plan for this facility.

Best regards,

A handwritten signature in black ink, appearing to read "Jeff Kuyper". The signature is stylized with a large, sweeping "J" and a cursive "Kuyper".

Jeff Kuyper
Executive Director

Monitoring: The approved plan shall be kept in the project file maintained at the Planning Division offices. Compliance with the Stormwater Management plan will be monitored as part of the required annual inspection of this facility.

51. Water Quality Professional (*Applicant proposed condition*)

Purpose: To ensure compliance with the Regional Water Quality Control Board reporting requirements.

Requirement: Water samples collected at the project site shall be tested for contaminants with test results submitted to the State of California SMART database annually as required by the Regional Water Quality Control Board regulations. The Permittee shall hire a qualified water quality specialist until three consecutive years of compliance have been achieved, as determined by the Planning Director in consultation with the Regional Water Quality Control Board.

Documentation: Water sampling reports (i.e. test results) shall be provided to the Planning Division.

Timing: Water sampling reports shall be provided to the Planning Division within 10 days of submission to the State. This deadline can be extended by the Planning Director, at his/her sole discretion, for good cause shown.

Monitoring: The submitted reports shall be kept in the project file maintained by the Planning Division. Compliance with water quality requirements and this condition will be monitored as part of the required annual inspection of this facility.

52. Landscaping Plan

Purpose: To minimize public views of the lower portions of the Ojai Quarry from State Highway 33 during surface mining operations.

Requirement: The Permittee shall prepare a landscape plan that augments existing native vegetation in order to minimize views of quarry components. This plan shall incorporate native species compatible with the surrounding environment and consistent with the approved Reclamation Plan. The landscaping shall address the following areas:

- The area adjacent to the quarry facility entrance at State Highway 33 that is outside of the State Highway 33 right-of-way. The area shall be landscaped to the extent possible while maintaining site distance along the highway.
- The area along the lower quarry road and above Matilija Creek.
- The slope area between the lower quarry access road and the first bench road.

The above requirements do not apply to the working areas of the mining site. Areas that have been previously excavated but are no longer authorized for mineral extraction shall be reclaimed in accordance with the approved Reclamation Plan.

Documentation: The Permittee shall submit a Landscape Plan to the Planning Director for review and approval in consultation with the U.S. Forest Service.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration (ZCUI) under this CUP, the Permittee shall obtain approval of the landscape plan. The required plantings shall be installed within 90 days of the issuance of the ZCUI. The plantings shall be maintained substantially as designed in the approved landscape plan for the effective period of this CUP.

Monitoring: The state of the landscape plantings shall be evaluated as part of the annual Surface Mining and Reclamation Act inspection of the mining site.

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