



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## OFFICE OF MINE RECLAMATION

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August 6, 2010

Via e-mail: [trel@placer.ca.gov](mailto:trel@placer.ca.gov)

**Via Certified Mail:** 7009 0960 0000 4467 3737

Mr. Ted Rel  
County of Placer  
Community Development Resource Agency  
3091 County Center Dr., Suite 120  
Auburn, CA 95603

Dear Mr. Ted Rel:

### 15-DAY NOTICE OF SURFACE MINING AND RECLAMATION ACT (SMARA) NON-COMPLIANCE, RED INK MAID MINE, ID #91-31-0020, COUNTY OF PLACER

The purpose of this letter is to notify the County of Placer (County) of violations of the Surface Mining and Reclamation Act of 1975 (SMARA) at the Red Ink Maid mine. The County is the SMARA lead agency for this mine, which is operated by Richard Sykora at Wildcat Mining Enterprises, LLC.

Based on production information submitted by the mine operator to the Department of Conservation's (Department) Office of Mine Reclamation (OMR) in the mine operator's annual reports (MRRC-2), and the lack of 2008 and 2009 annual reports, the mining operation has been idle since 2007, as defined by Public Resources Code (PRC) Section 2727.1. According to OMR mine files, the mine operator for the Red Ink Maid mine and the County of Placer have not submitted an interim management plan for review and approval as required by PRC Section 2770(h)(1).

Subsequently, the mining operation at the Red Ink Maid mine has remained idle for over one year without an interim management plan and is therefore considered abandoned, as defined by PRC Section 2770(h)(6).

Pursuant to PRC § 2207 (a) and (b), the owner or the operator of a mining operation in the State shall provide annual reports that provide production amounts to the lead agency and the DOC, as well as a fee, no later than July 1, for the preceding year. Based on the lead agencies annual inspection report and OMR files, annual reports have not been provided since the year 2007.

Public Resources Code (PRC) Section 2773.1(a)(3) provides that 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.

California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Section 3804(c) further provides that the mine operator shall annually submit to the lead agency a revision of the written calculation of the financial assurance amount. Based upon the lead agency's annual inspection and OMR records, an annual financial assurance cost estimate has not been submitted by the mine operator since 2006.

On March 10, 2010, the Red Ink Maid mine was inspected by the lead agency, OMR, the USFS and the RWQCB. The result of that inspection was a Notice of Violation from the RWQCB for violations of the mine's Waste Discharge Requirements (WDRs). The mine has also been operating in violation of the reclamation plan requirements calling for mine waste dumps to be stabilized and revegetated. The waste dump #5 was also determined to be constructed in violation of WDRs which require adequate slope stability.

PRC Section 2774.1 provides that, if the lead agency or the Director of the Department of Conservation (Department) determines that a violation of SMARA has occurred, either agency may notify the mine operator of the violation by personal service or certified mail. If the violation extends beyond 30 days after the date of the notification, the lead agency or the Department may issue an order requiring the operator to comply with SMARA. Although the lead agency has primary responsibility for enforcing SMARA, enforcement actions may be initiated by the Department, but only after the lead agency has been notified in writing of the violation for at least 15 days and has not taken appropriate enforcement action.

Pursuant to PRC Section 2774.1, this letter serves as official notice to the County that, unless appropriate enforcement action is taken to cause the operator to correct current violations and come into compliance with SMARA, the Department will take such action as it deems appropriate to enforce SMARA. Appropriate action required by this notice means that by August 23, 2010, the County shall, at a minimum, issue a notice of violation (NOV) that the Red Ink Maid mine is not in compliance with the approved reclamation plan. A schedule for compliance shall be completed by the lead agency to force the operator to come into compliance within 45-days or they will be determined to be abandoned, for lack of having an approved IMP, lack of annual reporting, lack of providing annual financial assurance cost estimates and violations of the approved reclamation plan as noted. Reclamation must commence in accordance with the approved reclamation plan within this 45-day period.

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Thank you for your efforts in implementing SMARA. If you have any questions regarding this notice, please contact Mike Luksic at (916) 445-0395.

Sincerely,



Kenneth E. Trott  
Environmental Program Manager  
Reporting and Compliance Unit  
Compliance Section

cc: Richard Sykora, Mine Operator  
Jeff Huggins, RWQCB  
Rick Weaver, USFS  
Mike Luksic, OMR