

§ 3504.5. Conduct of Mine Inspections.

Title 14. Natural Resources

Division 2. Department of Conservation

Chapter 8. Mining and Geology

Subchapter 1. State Mining and Geology Board

Article 1. Surface Mining and Reclamation Practice

Amend Title 14 CCR § 3504.5

§ 3504.5. Conduct of Mine Inspections.

(a) Mine inspections shall be performed by a qualified lead agency employee who in the determination of the lead agency has demonstrated competence in performing inspections of surface mining operations, or a California state-licensed person as specified in Public Resources Code Section 2774 (b)(1). A qualified lead agency employee may include contract employees and those hired pursuant to third-party contracts. The evaluation of any aspect or condition of the mining operation that constitutes the practice of geology, engineering, landscape architecture, forestry, or land surveying, under California law, shall be done by or under the supervision of California State licensed persons or specialists. The mine inspection conducted under Public Resources Code 2774(b)(1) shall include those aspects or conditions that may require evaluation by California state-licensed persons or specialists.

(b) Inspectors shall be trained and maintain a current certificate of completion of an inspection workshop pursuant to Public Resources Code Section 2774 (e)(3). California state-licensed persons or specialists who only provide an evaluation of a particular aspect or condition of a surface mining operation requiring licensure or expertise may, but are not required to, obtain a certificate of completion of an inspection workshop conducted by the Department.

(c) Mine inspections shall not be performed by any person who holds a financial interest in or has been employed by the surface mining operation in any capacity, including contract employees and those hired pursuant to third-party contracts, during the 12 months preceding the mine inspection. A qualified lead agency employee may inspect mining operations owned and operated by the lead agency.

(d) In addition to the requirements of Public Resources Code Section 2774 (b)(1), the person conducting the mine inspection shall include in the mine inspection documentation any reports or documents prepared by California state-licensed persons or specialists, which shall be provided to the Department and the mine operator within 90 days of conducting the inspection.

NOTE

Authority cited: Section 2755, Public Resources Code. Reference: Section 2774(b)(1), Public Resources Code.