

- 45-day comment period, April 28, - June 12, 2017
- 15-day comment period, July 11, - July 26, 2017
- 15-day comment period, November 1- November 17, 2017

§ 3504.5. Conduct of Annual Mine Inspections, Per Calendar Year. ~~The purpose of this section is to clarify and make specific the scope, nature, and frequency of a surface mine inspection required under Public Resources Code Section 2774(b).~~

~~(a) Inspection of a surface mining operation shall be conducted not less than once each calendar year to determine if the operation is in compliance with the requirements of Public Resources Code Chapter 9, commencing with section 2710. The lead agency, or the board if the board is the lead agency, shall send written notice to the operator at least ten days prior to any inspection.~~

~~(b) Annual mine inspections shall be performed by A a California state licensed person as specified in Public Resources Code Section 2774 (b)(1), or by a qualified lead agency employee, who in the determination of the lead agency, has demonstrated competence in performing annual mine inspections of surface mining operations or a California state-licensed person as specified in Public Resources Code Section 2774 (b)(1), shall perform inspections. Evaluation of geological and engineering conditions, when required, shall be performed by or under the supervision of a Geologist Registered to practice in the state under the Geologists and Geophysicists Act or a Professional Engineer registered to practice in the state under the Professional Engineers Act. 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 a California state-licensed person. The mine inspection conducted under Public Resources Code 2774(b)(1) inspector shall include indicate on the Surface Mining Inspection Report, those aspects or conditions of the operation that may require further 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, that 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.~~

~~(e) Annual A surface 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 as a consultant or as a contractor, during the year 12 months preceding the annual mine inspection. A qualified lead agency employee may inspect mining operations owned and operated by the lead agency.~~

~~(d) Annual surface mine inspections may be conducted by a specialist or a team of specialists with expertise that includes but is not limited to, geology, engineering, surveying, ecology, water chemistry and quality, and permitting. Persons participating in the inspection shall follow such reasonable requirements of the operator so that there is minimal interference with the surface mining operation and the inspection is conducted in a safe manner in accordance with all state and federal safety requirements.~~

~~(e) The operator shall be responsible for the reasonable cost of the annual inspection conducted by the lead agency or by the board if the board is the lead agency.~~

~~(f) Inspections may include, but shall not be limited to the following: the operation's horizontal and vertical dimensions; volumes of materials stored on the site; slope angles of stock piles; waste piles and quarry walls; potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with Public Resources Code Chapter 9.~~

~~(gd) In addition to the requirements of The annual mine inspection form report to the lead agency shall consist of the inspection form MRRC 1 (4/97), developed by the department and approved by the board, as referenced in Public Resources Code Section 2774 (b)(1), is the annual Surface Mining Inspection Report, and may include any other reports or documents prepared by the person conducting the annual mine inspection shall include in the mine inspection documentation, and when necessary, any reports or documents prepared by California state-licensed persons or specialists, which inspector or inspection team. The lead agency shall provide a copy of the completed inspection report along with the lead agency's statement regarding the status of compliance of the operation to the director within 30 days of completion of the inspection. A copy of the completed Surface Mining Inspection Report, any supporting reports or documents, and the notice of completion and lead agency statement of compliance shall also be provided to the Department and the mine operator within 3090 days of conducting completion of the inspection.~~

#### NOTE

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

#### HISTORY

*1. New section filed 4-7-2003; operative 5-7-2003 (Register 2003, No. 15).*