

§ 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 mine 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 a California state-licensed person. The mine inspector shall 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 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) The mine inspection form, as referenced in Public Resources Code Section 2774 (b)(1), is the Surface Mining Inspection Report, and may include any reports or documents prepared by the person conducting the mine inspection, and when necessary, any reports or documents prepared by California state-licensed persons or specialists. A copy of the Surface Mining Inspection Report, any supporting reports or documents, and the notice of completion 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, Public Resources Code.*

*HISTORY*

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