

§ 3504.5. Conduct of Annual Mine Inspections.

(a) Annual mine inspections shall be performed by 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. 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) California state-licensed persons or specialists, that only provide an evaluation of a particular aspect or condition of a surface mining operation requiring licensure or expertise, may obtain a certificate of completion of an inspection workshop conducted by the Department.

(c) Annual 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 annual mine inspection. A qualified lead agency employee may inspect mining operations owned and operated by the lead agency.

(d) The annual mine inspection form, as referenced in Public Resources Code Section 2774 (b)(1), is the annual Surface Mining Inspection Report, and may include any reports or documents prepared by the person conducting the annual 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).