



# STATE MINING AND GEOLOGY BOARD

## DEPARTMENT OF CONSERVATION

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### REVISED UPDATED INFORMATIVE DIGEST STATEMENT

This rulemaking action clarifies and makes specific the conduct of mine inspections for surface mining operations required by PRC section 2774.

The Surface Mining and Reclamation Act (SMARA, Public Resources Code (PRC) §2710 et seq.) was enacted to ensure that any significant adverse impacts of mining to the environment are prevented or mitigated and public health and safety are protected. Under SMARA, surface mining operators are required to submit to their respective lead agencies for approval, a plan for reclaiming lands disturbed by mining activities, as well as proof of financial assurances, to ensure that those disturbed lands are reclaimed in accordance with the approved reclamation plan. Lead agencies are responsible for ensuring their surface mining operators are in compliance with SMARA's permit, conditions of approval that relate to the reclamation plan, and financial assurance requirements. The Department of Conservation (Department) and the State Mining and Geology Board (SMGB) provide lead agency assistance and oversight. Currently, the SMGB administers certain lead agency responsibilities under SMARA for 38 individual surface mining operations by conducting annual inspections, reviewing and approving financial assurance cost estimates, and undertaking compliance and enforcement actions when deemed necessary.

PRC section 2774 (b)(1) requires inspections for surface mine operations to occur in intervals of no more than 12 months. It requires inspections to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, state-licensed forester, or a qualified lead agency employee. A qualified lead agency employee may only conduct the inspection if he/she has not been employed by the surface mining operation in any capacity during the previous 12 months, except that a qualified lead agency employee may inspect surface mining operations conducted by the local agency. The lead agency shall provide a notice of completion to the director within 90 days of conducting the inspection.

The proposed amended regulations would ensure inspections are conducted by California state-licensed persons or qualified lead agency employees, would clarify the term "qualified lead agency employee," and would make specific that the mine inspector include in the mine inspection any aspects or conditions that may require evaluation by a California state-licensed person or specialist. Additionally, it would include contract employees and those hired pursuant to third-party contracts to adhere to the ethical responsibilities of mine inspectors, and make specific the timeframe of when all documentation associated with the mine inspection must be received, as well as who receives it.

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*The Mission of the State Mining and Geology Board is to Provide Professional Expertise and Guidance, and to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources, the Reclamation of Mined Lands, and the Development and Dissemination of Geologic and Seismic Hazard Information to Protect the Health and Welfare of the People of California.*

### *Anticipated Benefits of the Proposed Regulation*

The broad objective of the proposed amended regulatory language is to make procedural improvements and updates to the conduct of mine inspections based on statutory changes to PRC section 2774 (b)(1). The proposed amended regulations are intended to provide non-monetary benefits such as protection of public health and safety, worker safety, and the environment as well as improve the integrity of statutorily required mine inspections.