



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: July 11, 2013

Agenda Item No. 12: Consideration of Changes to Inspection Form MRRC-1 (4/97) Pursuant to Title 14, Division 2, Chapter 8, Subchapter 1, California Code of Regulations, Article 1, Section 3504.5(g).

INTRODUCTION: Inspection of a surface mining operation is required not less than once each calendar year to determine if the surface mining operation is in compliance with the requirements of Public Resources Code (PRC) Chapter 9, commencing with Section 2710. Inspection Form MRRC-1, as referred to in California Code of Regulations (CCR) Section 3504.5(g), was last revised in April 1997. The Department of Conservation (DOC) develops the inspection form; whereas, the State Mining and Geology Board (SMGB) approves the form. Due to the overall poor quality and adequacy of inspections statewide, efforts to revise Inspection Form MRRC-1 have been initiated by the DOC Office of Mine Reclamation (OMR) with collaboration from the Executive Officer. At its October 11, 2012 meeting, the Policy and Legislation Committee discussed proposed revisions to the form, and requested that OMR report back to the Committee following sufficient time for stakeholders to review and comment on the proposed revisions. Comments from stakeholders and amendments to the revised form were further considered at the Committee's December 13, 2012, and March 14 and June 13, 2013 meetings. A revised inspection form, which incorporates comments, is before the SMGB for approval consideration.

REGULATORY AUTHORITY: California Code of Regulations (CCR) Section 3504.5(g) states:

"The inspection report to the lead agency shall consist of the inspection form MRRC-1 (4/97), developed by the department and approved by the board, and any other reports or documents prepared by the 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 inspection report and lead agency statement of compliance shall also be provided to the mine operator within 30 days of completion of the inspection."

BACKGROUND: Inspection of a surface mining operation is required not less than once each calendar year to determine if the surface mining operation is in compliance with the requirements of PRC Chapter 9, commencing with Section 2710. Inspection Form MRRC-1, as referred to in CCR Section 3504.5(g), was last revised in April 1997. The DOC develops the inspection form; whereas, the SMGB approves the form. Due to the overall poor quality and adequacy of inspections statewide, efforts to revise Inspection Form MRRC-1 have been initiated by OMR with collaboration from the Executive Officer.

At its October 11, 2012 meeting, the Committee discussed proposed revisions to the form, and requested that OMR report back to the Committee following sufficient time for stakeholders to

review and comment on the proposed revisions. Comments from stakeholders and amendments to the revised form were further considered at the Committee's December 13, 2012, and March 14 and June 13, 2013 meetings. At its March 14, 2013, meeting, the Committee requested from OMR a copy of all comments received, and written indication as to how such comments were responded to. In addition, at its June 13, 2013 meeting, the Committee received additional comments from the California Construction and Industrial Materials Association (CalCIMA) which required further consideration. Consideration of SMGB staff conducting a test inspection using the revised form was also proposed.

SMGB CONSIDERATION: The SMGB is considering approval (with modification, if appropriate) of revised form MRRC-1.

EXECUTIVE OFFICER RECOMMENDATION: The Executive Officer recommends that the SMGB approval (with modification, if appropriate) of the revised inspection form MRRC-1.

SUGGESTED MOTION LANGUAGE: The SMGB may consider the following motion language:

Motion – Approval by whole SMGB:

Mr. Chairman, in light of the evidence presented before the State Mining and Geology Board today and contained in the Executive Officer's Report, I move that the Board approve revised inspection form MRRC-1 [as modified] pursuant to California Code of Regulations Section 3504.5(g).

Respectfully submitted:



Stephen M. Testa
Executive Officer