

California Department of Conservation  
Division of Mine Reclamation

# **Lead Agency Review and Assistance (LARA) Program**

## **Final Report**

Prepared for:

**City of Riverside**

(lead agency under the  
Surface Mining and Reclamation Act of 1975)

December 2021



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**LIST OF ABBREVIATIONS AND ACRONYMS USED IN THIS REPORT**

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
AB	Assembly Bill	Proposed law, introduced by a Member of the Assembly of the California Legislature during a session for consideration by the Legislature, and identified numerically in order of presentation
AR	Annual Report	Document from a surface mine operator to the Division of Mine Reclamation noting mining activity for the previous calendar year; due on July 1 of each year with the required fee
CCR	California Code of Regulations	Regulations adopted, amended, or repealed by state agencies pursuant to the Administrative Procedure Act
CEQA	California Environmental Quality Act	California statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible
City	City of Riverside	SMARA lead agency for this Lead Agency Review and Assistance Program review
CUP	Conditional Use Permit	Development permit issued by the lead agency to mine operators
DMR	Division of Mine Reclamation	Division within the California Department of Conservation established in 2017 under Senate Bill 209 (Pavley)
DOC	California Department of Conservation	A State of California department comprised of four divisions: Land Resources Protection, Mine Reclamation, California Geological Survey, California Geologic Energy Management Division
FACE	Financial Assurance Cost Estimate	Estimate of the financial cost to reclaim a surface mining operation pursuant to the requirements of the mine's approved reclamation plan
FAM	Financial Assurance Mechanism	Financial instrument established by the mine operator that is subject to forfeiture under certain conditions
IMP	Interim Management Plan	Maintenance measures submitted as an amendment to the surface mining operation's approved RP providing necessary measures the operator will implement during idle status
IN	Inspection Notice	See NOCI
IR	Inspection Report	Regulatory form MRRC-1 to be used by the lead agency to document site inspections as required by PRC Section 2774(b)

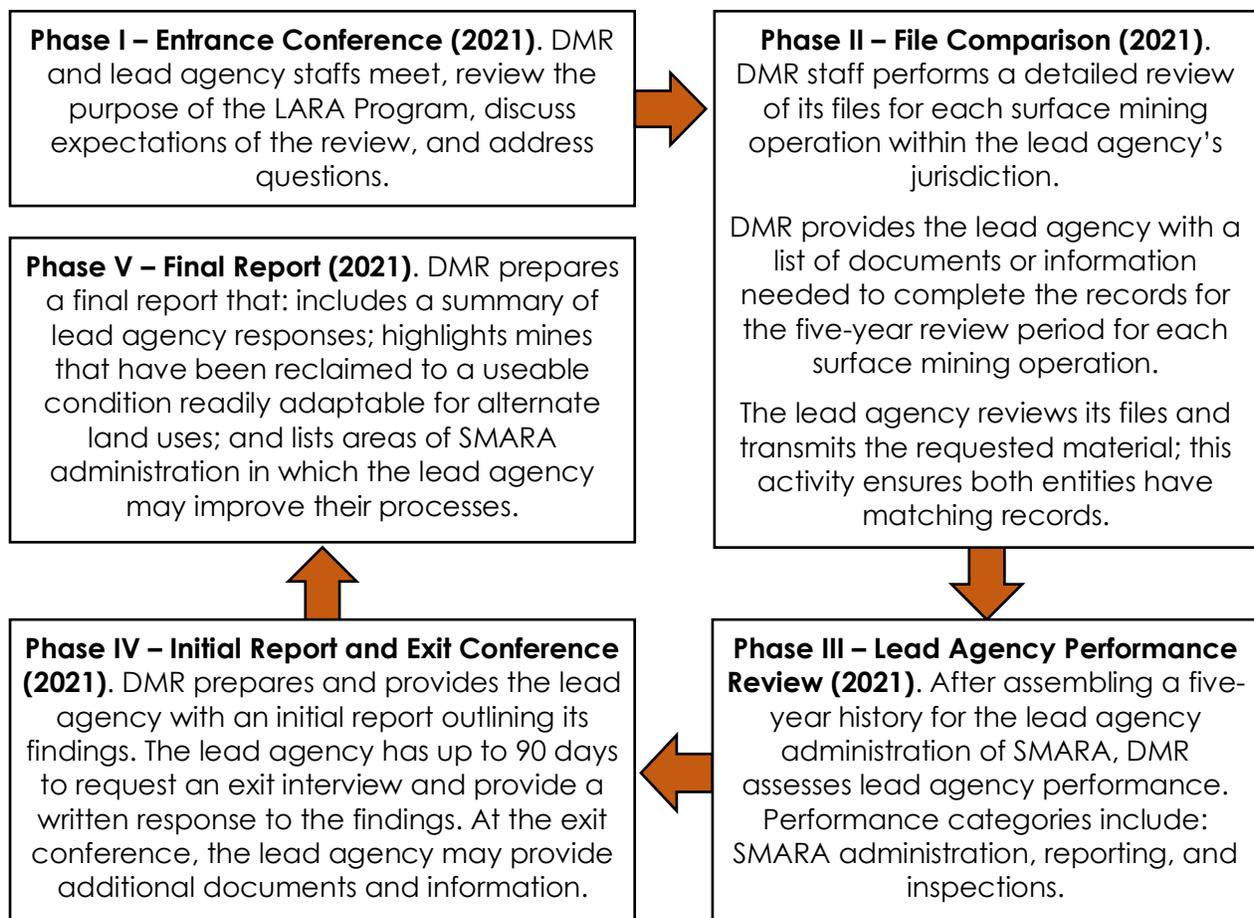
<b>Acronym</b>	<b>Term</b>	<b>Description</b>
LARA	Lead Agency Review and Assistance	Program designed as both a review of each lead agency's SMARA program and an extension of the Division of Mine Reclamation's education and outreach efforts
NOCI	Notice of Completion of Inspection	Notice that accompanies the annual inspection report submitted by a lead agency to the Division of Mine Reclamation that includes prescribed information as required under PRC Section 2774(b)
PRC	Public Resources Code	Those provisions of current statutory laws relating to the conservation, utilization, and supervision of natural resources, including mines and mining, oil and gas, and forestry
RP	Reclamation Plan	Plan describing how mined lands will be conducted to minimize adverse environmental effects, mined lands will be reclaimed to a usable condition that is readily adaptable for alternate land uses, and residual hazards to public health or safety will be eliminated
SB	Senate Bill	Proposed law, introduced by a Member of the Senate of the California Legislature during a session for consideration by the Legislature, and identified numerically in order of presentation
SMARA	Surface Mining and Reclamation Act of 1975	Statute enacted in 1975 and effective in 1976 that governs surface mine operations in California; it is codified in PRC Sections 2710 through 2796.5
SMGB	State Mining and Geology Board	Regulatory, policy, and hearing body that represents the State's interests in geology, geologic, and seismologic hazards, conservation of mineral resources, and reclamation of mining lands
SOA	Statement of Adequacy	Statement by the lead agency that it finds the Financial Assurance Cost Estimate (FACE) adequate to fund complete reclamation according to the approved reclamation plan; the lead agency submits the SOA when the FACE is sent to the Division of Mine Reclamation for review and comment

## EXECUTIVE SUMMARY

This Initial Report provides recommendations from the Department of Conservation's Division of Mine Reclamation (DMR), pursuant to DMR's Lead Agency Review and Assistance (LARA) Program, to the City of Riverside (City), as lead agency under the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). The goal of the LARA Program is to ensure effective local administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed cost estimates, in addition to uniform application of mining laws and regulations throughout California.

This Initial Report reviews the City's administration of the core requirements of SMARA during the five years from 2016 through 2020 (hereafter referred to as the review period) for the one (1) existing surface mine within the City's jurisdiction. This review period includes two years after the substantial changes to SMARA took effect in 2017 and 2018 (see Attachment C). Figure ES-1 identifies the steps in the LARA Program review process, which are described in detail in the body of the Initial Report.

**Figure ES-1. LARA Program Review Process Flowchart with Phase Completion Date**



Based on its LARA Program review, DMR staff presents the following recommendations to the City. (For details, see Section III of this Initial Report.)

## A. Reclamation Plans and Interim Management Plans

1. **Recommendation #1.** The City should pursue approval of an IMP for the decomposed granite pit it operates within its jurisdiction. The IMP process, including subsequent submittal to DMR, is detailed in PRC Section 2770(h).

PRC Section 2770(h)(6) provides that surface mining operations which become idle without a subsequently approved IMP, are “considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.”

The City’s decomposed granite pit operates on a sporadic basis which results in the potential for the City’s mining operation to become idle. Without an approved IMP, the City faces the prospect of operating a granite mining operation that is considered abandoned. Following passage of Senate Bill 209, effective January 1, 2017, local governments which operate borrow pit surface mining operations can avoid the consequences of an abandoned status by following the process described in PRC Section 2770.1. The benefits of pursuing an IMP under PRC Section 2770.1, include: (1) an exemption from IMP expiration intervals set forth in PRC Section 2770(h)(2) allowing for a borrow pit surface mining operation IMP to remain in effect until the reclamation is completed in accordance with the approved reclamation plan (PRC Section 2770.1 (b)); (2) an exemption from abandonment provisions of PRC Section 2770(h)(6) per PRC Section 2770.1 (a)(3); and (3) the ability to conduct inspections once every two calendar years during idle periods per PRC Section 2770.1 (c).

## B. Financial Assurances

2. **Recommendation #2a.** Operator submittal and lead agency approval of Financial Assurance Cost Estimates (FACEs) must comply with PRC Sections 2773.1, 2773.4, and 2774.2.5. Specific to the City and focused on post-2017 SMARA requirements:
  - a. The City shall ensure that the surface mining operator (in this case, the City) submits a FACE annually for review, either:
    - o within 30 days of an annual inspection being conducted pursuant to Section 2774, an operator shall provide an annual FACE to the lead agency for review (PRC Section 2773.4(d)(1)(A))
    - o within 30 days of the applicable inspection date (i.e., a date requested by the operator pursuant to PRC Section 2207 or a date set by the lead agency pursuant to Section 2774(c)) should the lead agency fail to cause the inspection of the surface mining operation (PRC Section 2773.4(d)(1)(B))
  - b. For FACE submittals to DMR and per PRC Section 2773.4(a)(2), the City’s process must include a statement that the FACE is “adequate, complete,

and consistent with Section 2773.1, Article 11 (commencing with Section 3800) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations [14 CCR]) and the State Mining and Geology Board's (SMGB) Guidelines adopted pursuant to PRC Section 2773.1."

- c. Following approval, the City must provide a copy of its final response to the supervisor's comments as well as the approved FACE to DMR. Per PRC Section 2774.2.5, the copy of the approved FACE must be submitted in an electronic format.

**Recommendation #2b.** The City must establish and maintain in-house measures and procedures to ensure organized record-keeping and monitoring of surface mining reclamation under its jurisdiction. SMARA states, "[T]he lead agency shall forward a copy of each permit and approved reclamation plan and financial assurance instrument to the director of the Department of Conservation" (14 CCR Section 3504). Additional documents that must be submitted to DMR include:

- Approved Reclamation Plans or plan amendments within 60 days of their approval
- IMPs at the time of approval
- FACEs within 30 days of their approval
- Financial Assurance Mechanisms (FAMs) at the time of approval
- Notices of Violation at the time of issuance
- Stipulated Orders to Comply at the time of issuance
- Orders imposing an administrative penalty at the time of issuance
- Notices of completion of inspection including the completed inspection form at the time of issuance
- Permits at the time of approval
- Administrative decision at the time of issuance following an appeal of an Order to Comply
- Notices to an operator of a violation or failure to comply with an Order to Comply or Stipulated Order to Comply
- Vested rights determinations

PRC Section 2774.2.5 requires that these approved documents be submitted to DMR in electronic format to be determined by DMR.

- 3. Recommendation #3.** The City must ensure that the surface mining operation has an adequate FAM to cover reclamation (PRC Sections 2736, 2770, and 2773.1). The operator, in this instance the City, shall be required to replace the approved FAM if the annual FACE identifies a need to increase the amount of the FAM (PRC Section 2773.1(3)).

### C. Annual Inspections, Inspection Reports, and Inspection Notices

**4. Recommendation #4.** The City must ensure that inspections of the surface mining operation are conducted annually in compliance with SMARA (PRC Section 2774(b)(1)). Furthermore, current SMARA statutes require that the City must transmit the IR along with a Notice of Completion of Inspection (NOCI) to DMR within 90 days of inspection completion as outlined in PRC Section 2774(b)(1). Specifically, the City must:

- Cause surface mining operations to be inspected in intervals of no more than 12 months
- Ensure mine inspectors have completed a DMR inspection workshop no less than every 5 years (PRC Section 2774(d)(3))
- Provide a NOCI to the supervisor [of DMR] within 90 days of conducting the inspection
- Ensure that the notice contains a statement regarding the surface mining operation's compliance with SMARA and a copy of the completed inspection form
- Ensure that statements specify, as applicable, all the following:
  - (A) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor
  - (B) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
  - (C) A statement describing the lead agency's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
  - (D) A statement as to whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency

### D. General Findings and Recommendations

**5. Recommendation #5.** Per statute (PRC Section 2774(a)), the City must update its existing surface mining ordinance and submit the updated ordinance to the SMGB for certification to comply with SMARA. This would ensure that the ordinance is consistent with the most recent changes to the SMARA statutes (see Attachment C).

## I. INTRODUCTION

### A. Purpose and Scope

The Department of Conservation's Division of Mine Reclamation (DMR) presents this Initial Report for the City of Riverside (City) as part of DMR's Lead Agency Review and Assistance (LARA) Program. This Initial Report provides the results of a review of the City's administration of the core requirements of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). The review:

- Is based on the records of one existing (and not yet reclaimed) surface mining operation within its jurisdiction (see Table 1 and Figure 1)
- Covers the period from 2016 through 2020 (hereafter the review period)

**Table 1. City of Riverside Surface Mines for the LARA Program Review**

Mine ID #	Mine Name	Commodity	Area Excavated (acres) <sup>1</sup>
91-33-0077	City of Riverside Granite Pit	Decomposed Granite	13.5 acres

Notes:

<sup>1</sup> Approximate value (rounded to whole acres) averaged over the 5-year review period (2016-2020) from data presented in operator's annual reports.

During the review period, which included substantial changes to SMARA that took effect in 2017 and 2018 (see Attachment C), SMARA lead agencies core requirements included:

- Review and approval of reclamation plans (RPs), RP amendments, and interim management plans (IMPs)
- Issuance of permits or other mining authorizations
- Review and approval of financial assurances
- Enforcement of mine operator's annual reporting requirements
- Conducting and completion of annual inspection requirements for all mining operations within the lead agency's jurisdiction

**Figure 1. Existing Surface Mines in Lead Agency's Jurisdiction during Review Period (2016-2020)\***



\*See mine identification legend in Table 1.

## B. Regulation of Surface Mines in California

### 1. Overview

SMARA recognizes both the need for mined materials and the need to manage surface mining operations as reflected in the Legislature's statement of intent described under PRC Section 2712, which states:

*It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:*

- a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.*
- b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.*
- c) Residual hazards to the public health and safety are eliminated.*

### 2. Lead Agency's Role

Lead agencies have the primary responsibility for the administration and enforcement of SMARA. Lead agency responsibilities include:

- Establishing mineral resource management policies and mining ordinances to be incorporated in their general plan
- Issuing a mining permit or other authorization to mine, including determining the nature and scope of vested mining rights where appropriate
- Reviewing and approving RPs and financial assurances that meet minimum SMARA requirements
- Conducting inspections of surface mines in their jurisdiction to ensure compliance with SMARA
- Taking appropriate actions to ensure compliance under SMARA including the enforcement of reporting requirements under PRC Section 2207
- Submitting information to DMR pursuant to SMARA requirements
- Seizing financial assurances and completing reclamation after determining an operator's financial incapacity or abandonment of the operation

#### Surface Mining Operation Permits

California is unique among states in that the permitting of surface mines occurs through local governments acting as the lead agency. PRC Section 2774 requires that every lead agency shall adopt ordinances in accordance with state policy that establish procedures for the issuance of a permit to conduct surface mining operations. PRC Section 2732.5 defines a permit as "any authorization from, or approval by, a lead

agency, the absence of which would preclude surface mining operations." PRC Section 2735 defines "[S]urface mining operations" as all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine." The lead agency issues surface mining operation permits.

### Reclamation Plan (RP)

RPs and RP amendments that meet minimum SMARA requirements provide a foundation for the lead agency's regulation of ongoing mining operations. Lead agencies are required to:

- Review, analyze, and certify RPs as complete and in compliance with SMARA
- Submit RPs and RP amendments to DMR for review prior to approval
- Respond to any DMR comments
- Provide a 30-day notice of the approval hearing or administrative approval
- Provide notice of approval within 30 days
- Provide an official copy of the approved RP or plan amendment, including an index showing any permit conditions of approval or binding mitigation measures within 60 days of approval
- File the approval of the RP with the County Recorder

RPs also provide a basis for the calculation of financial assurances.

### Interim Management Plan

IMPs shall be considered an amendment to the surface mining operation's approved RP and shall only provide for necessary measures the operator will implement during its idle status to maintain the site in compliance with SMARA PRC Section 2770(h). The IMP may remain in effect for a period not to exceed five years, at which time the lead agency shall do one of the following:

- Renew the IMP for an additional period not to exceed five years, which may be renewed for one additional five-year period at the expiration of the first five-year renewal period, if the lead agency finds that the surface mining operation has complied fully with the IMP
- Require the operator to commend reclamation in accordance with the approved RP

The lead agency approval process for the IMP and subsequent submittal to DMR are detailed in PRC Section 2770(h).

Effective January 1, 2017, when the lead agency owns and operates the surface mining operation (e.g., a borrow pit) and that operation is solely for use by that lead agency, the lead agency shall include in its RP maintenance measures that become effective when the borrow surface mining operation is idle. The maintenance measures shall maintain the site in compliance with SMARA while the borrow pit is idle (PRC Section 2770.1(a)(1)).

In circumstances where a lead agency has a RP for their borrow pit mining operation that was approved prior to the passage of SB 209 in 2017, the lead agency can seek approval of an IMP. Under an approved IMP for a borrow pit mining operation that is owned and operated by a lead agency, inspection requirements are extended to a two-year cycle when the operation is idle, the operation can avoid being considered abandoned and the IMP is exempt from expiration intervals set forth in PRC Section 2770(h)(2). These, and other procedural requirements, are provided for under PRC Section 2770.1.

### Financial Assurances

The Financial Assurance Cost Estimate (FACE) is prepared by the operator following approval of RPs or RP amendments as well as 30 days following the annual inspection. The FACE represents the cost for the lead agency or DMR to complete reclamation of all disturbed lands in accordance with the approved RP utilizing third party contracts in the event the operator is unable to do so. Any adjustments to the cost estimate for reclamation must be reflected in the Financial Assurance Mechanism (FAM) for the surface mining operation. The FAM must always remain at least equal to the annually approved FACE. The current requirements (effective January 1, 2018) for the FACE review process are found in PRC Section 2773.4. The lead agency must:

- Review the FACE on an annual basis using the parameters of the RP and site conditions to ensure that it is adequate to complete reclamation reducing potential liability to local or state government
- Adjust the FACE if necessary, to reflect, among other things, the expansion or decrease in mining disturbances
- Submit a statement of adequacy (SOA) to DMR that the FACE submitted for comment is adequate, complete, and consistent with PRC Section 2773.1, Title 14 of the California Code of Regulations (14 CCR) Section 3800, and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines
- Respond to any comments from DMR within 30 days
- Provide a 30-day notice of the approval hearing or administrative approval
- Approve or deny the FACE within 60 days of receipt of DMR comments or consultation
- Provide final response to DMR comments within 30 days of approval
- Provide DMR with electronic copy of the approved FACE within 30 days of their approval

Following approval of the FACE, the lead agency should receive an appropriate FAM from the operator within 30 days. The lead agency must review this document for adequacy within 15 days of receipt.

### Annual Inspection, Inspection Notice, and Notice of Completion of Inspection

Annual inspections help to ensure SMARA compliance and that specific deviations from the approved RP are identified and handled timely and appropriately. Current statutes require that lead agencies must:

- Conduct annual inspections to ensure compliance with SMARA and the mining operation's RP
- Ensure that mine inspectors have completed a DMR inspection workshop no less than every 5 years (PRC Section 2774(d)(3))
- Document mine conditions in Inspection Reports (IR) and Inspection Notices (IN; now referred to as a Notice of Completion of Inspection or "NOCI" under PRC Section 2774(b)(1))
- Submit the IR and the NOCI regarding the surface mining operation's compliance with PRC Section 2774(b)(1) and PRC Section 2774(b)(2) to DMR within 90 days of conducting the annual inspection. (Prior to 2020, the lead agency could submit a letter or email with appropriate statements of compliance in place of the IN/NOCI.)

### **3. Surface Mine Operator's Role**

Under SMARA, surface mine operators must:

- Prepare RPs and RP amendments, including IMPs, that meet minimum SMARA requirements
- Maintain their surface mining operation in compliance with SMARA, the approved RP, permit conditions related to reclamation condition, conditions of approval, and minimal acceptable practices for reclamation pursuant to 14 CCR Section 3503
- Comply with annual reporting and reporting fee provisions pursuant to PRC Section 2207. This includes the submission of an Annual Report (AR) to DMR noting specific operational aspects for the previous calendar year with the report due on July 1 of each year along with the required fee
- Prepare and submit to the lead agency within 30 days of the annual inspection, a FACE that meets minimum SMARA requirements pursuant to PRC Section 2773.1
- Maintain a FAM in an amount equal to or greater than the approved FACE

### **4. Division of Mine Reclamation's Role**

DMR was created to provide a backstop to enforcement, provide oversight of operators, and assist and provide document review for local governments that administer SMARA within their respective jurisdictions. The primary focus of DMR is on existing surface mining operations and the return of those mined lands to a usable and safe condition. Among other responsibilities, DMR reviews and comments on proposed RPs, RP amendments, and FACEs received from the lead agency after the lead agency

certifies these documents are complete and compliant with SMARA. DMR also processes mining operators' ARs and fees as required in PRC Section 2207. If necessary, DMR initiates compliance actions that encourage SMARA compliance when the lead agency fails to take appropriate actions. Legacy abandoned mines (prior to 1976) are addressed through DMR's Abandoned Mine Lands Unit.

## **C. Lead Agency Review and Assistance Program**

### **1. Background**

The LARA Program was developed following extensive input from lead agencies and other stakeholders. In December 2015 and January 2016, DMR held stakeholder workshops in four cities—Redding, San Luis Obispo, Santa Ana, and Sacramento—that provided an overview of the proposed LARA Program. Comments received during the workshops influenced final development of the LARA Program and the LARA Guidelines (<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/LARA%20Guidelines.pdf>).

### **2. Program Goal**

The goal of the LARA Program is to assist local agencies in effective administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed cost estimates in addition to uniform application of mining laws and regulations throughout California.

### **3. Legislative Amendments Since 2016**

Amendments to SMARA are reflected in LARA Program implementation where applicable (see Attachment C for summary of new legislation). The LARA Program review period for this Report covers the City administration of SMARA between 2016 and 2020; therefore, any statutory amendments that occurred in 2016 and went into effect in 2017 do not apply to review year 2016.

## **D. City of Riverside**

### **1. General Plan and Surface Mining Ordinance**

#### General Plan

The City's General Plan is intended to fulfill State requirements for comprehensive, long-term planning for the physical development of the City and contains information that pertains to SMARA implementation. This material occurs in the Surface Mining and Reclamation Act (SMARA) section of the Introduction. Mineral Resources are outlined in the Open Space and Conservation section of the general plan providing a discussion of the mineral resources located within the City. The General Plan is posted at <https://riversideca.gov/cedd/planning/city-plans/general-plan-0>).

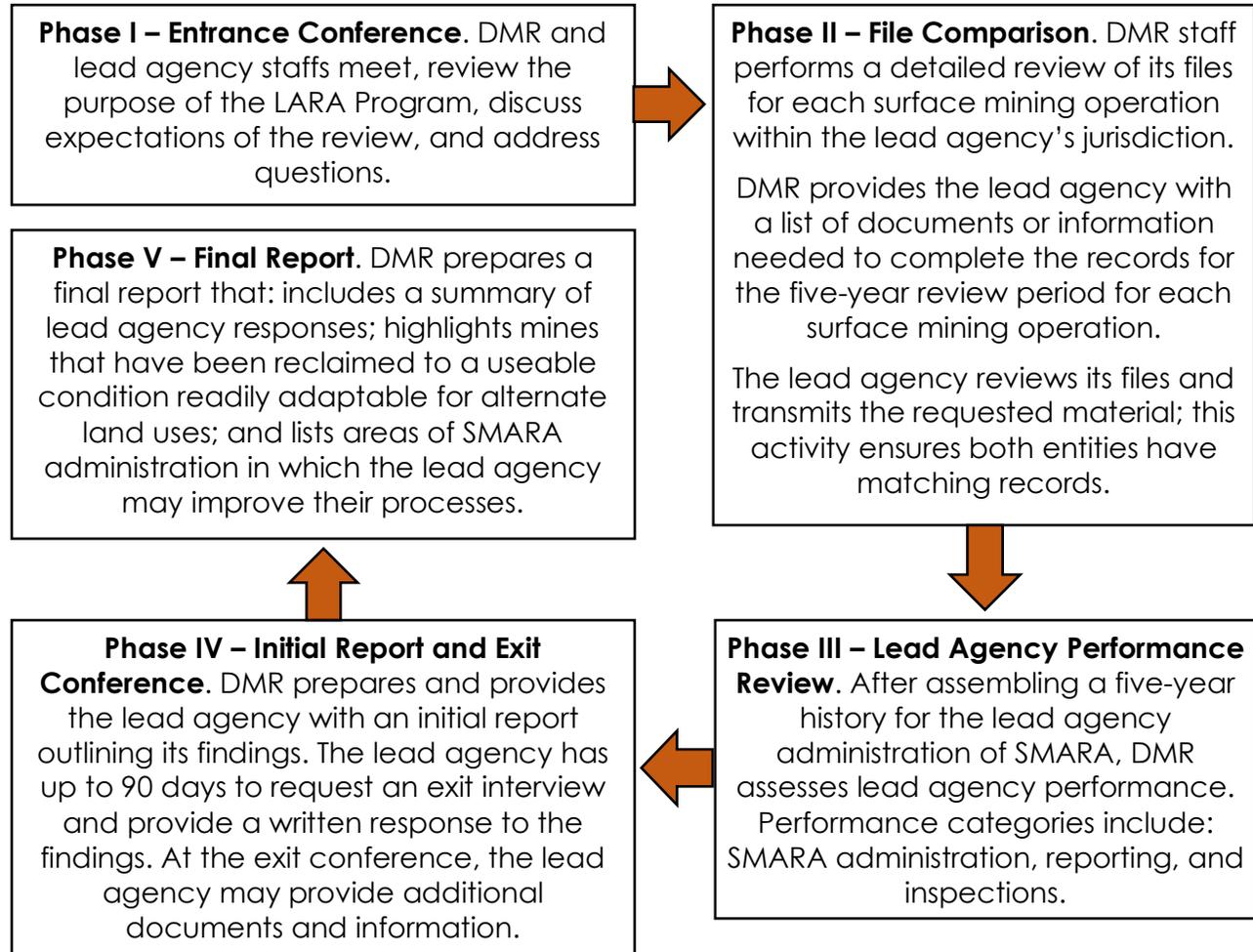
### Surface Mining Ordinance

The City's Surface Mining and Reclamation Ordinance constitutes the comprehensive mining regulations in relation to SMARA. On November 10, 1999, the State Mining and Geology Board (SMGB) certified the City's mining ordinance under Resolution number 99-36, Ordinance number 6476. The City's ordinance is posted at <https://www.conservation.ca.gov/smgb/reports/Documents/Ordinances-City/Riverside.pdf>.

## II. LEAD AGENCY REVIEW AND ASSISTANCE PROGRAM REVIEW ACTIVITIES

The LARA Program review process consists of the five phases identified in Figure 2.

**Figure 2. LARA Program Review Process Flowchart**



### A. Phase I: Entrance Conference

On August 11, 2021, DMR and City staff held an introductory meeting (Entrance Conference). The purpose of the meeting was to introduce staff of the City and DMR, provide an overview of the LARA Program, discuss the LARA Program review and mutual expectations, and answer any questions. During the meeting, City staff were informed that a list of missing documents based on DMR files, would be transmitted shortly after the meeting. Meeting participants were:

**City of Riverside**

- Gilbert Hernandez, Interim Director of Public Works
- Robert Rivers, Principal Management Analyst

**Division of Mine Reclamation**

- Carol Atkins, Manager, Environmental Services Unit
- Cameron Campbell, Mine Supervisor
- Cy Oggins, Manager, Reclamation and Remediation Unit
- David Rader, Engineering and Geology Unit
- Joanne Heraty, Environmental Scientist
- Katherine Faulkenberry, Environmental Scientist

Current DMR and City contacts for the LARA Program review are listed in Attachment E.

**B. Phase II: File Comparison**

DMR staff inventoried the contents of its mine files for the one existing surface mining operation subject to SMARA within the City's jurisdiction and within the review period (Table 1 and Figure 1 above identify the existing surface mining operations in the City). To ensure that both the City's and DMR's files contained the same operative documents as well as routine and non-routine submittals for this surface mining operation: (1) on July 30, 2021, DMR staff requested from the City any documents missing from DMR's files; and (2) on August 19 and September 21, 2021 City staff provided a portion of all requested documents that were available.

Examples of non-routine submittals and supporting documents include:

- Current approved RP (as amended, if applicable)
- Current approved Conditional Use Permit (CUP) and Conditions of Approval
- Comment letters from DMR regarding RP or RP amendments
- Documents certifying RPs and RP amendments as complete and ready for review
- Response letters from the City (if DMR commented on a document)
- City hearing notices
- Lead agency inspector certificate of completion documents for DMR inspection workshops
- Final responses to comments (if DMR commented on a document)
- Any documents related to compliance actions during the review period

Examples of annual routine submittals include:

- FACE with the associated Statement of Adequacy (SOA) and responses to any DMR comment letters
- FAM
- IR with the associated IN or NOCI

**C. Phase III: Performance Review**

**1. Reclamation Plans and Amendments, Permits, Interim Management Plans and Compliance Actions**

SMARA Section 2770 requires that a person shall not conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation (unless excepted under SMARA). Table 2 details the permit and reclamation plan for the surface mining operation within the jurisdiction of this lead agency. Attachment A provides a detailed chronology for the LARA Program review period for this mine's SMARA-related activities.

**Table 2. Surface Mining Operation Permits and Reclamation Plans**

Mine ID # / Name	Initial Mining Activity	Current Permit	Permit Expires	Current RP	RP Expires
33-0077 / City of Riverside Granite Pit	1940	1/22/1981, CUP 17-801 <sup>1</sup>	None	RP for 1981 CUP	None

Abbreviations: CUP = Conditional Use Permit; RP = Reclamation Plan

Notes:

1 Prior to 1981, the City's surface mining operation/borrow pit operated without a CUP since the use predated the City's zoning regulations. Upon expansion in 1981, a permit was granted for the entire property (the existing facility plus the proposed expansion area).

During the LARA review period, the surface mining operation had a current RP and permit. Additionally, no amendments were processed for the RP, no permit modifications were made, no IMPs were submitted, and no compliance actions were taken.

**2. Financial Assurances**

Financial assurances under SMARA consist of the initial and annually updated FACE and FAM. The FAM is required to be equal to or greater than the FACE. Effective January 1, 2018, operators must submit their annual FACE to the lead agency no later than 30 days after the annual inspection (PRC Section 2773.4(d)(1)(a)). Additionally, beginning in 2018, DMR under appropriate circumstances may appeal a lead agency's approval of a FACE to the SMGB.

Table 3 presents and compares FACE and FAM data for the City's active surface mining operation during the review period (2016-2020). DMR did not have in their files nor did they receive any FACE documents upon request. The City has a financial assurance mechanism in the form of a budget set aside approved in 2009. Table 4a provides a summary of the annual documents required by SMARA that were within DMR files or were provided by the lead agency.

**Table 3. Financial Assurances (2016-2020)**

Mine ID #	Name	FACE Document Date <sup>1</sup>	FACE Amount	FAM Document Date	FAM Amount	FAM/FACE Relationship
33-0077	City of Riverside Granite Pit	NS	NS	2009	\$184,738.00 <sup>1</sup>	NC
		NS	NS			NC
		NS	NS			NC
		NS	NS			NC
		NS	NS			NC

Abbreviations: + = FAM and FACE are at least equal; FACE = Financial Assurance Cost Estimate; FAM = Financial Assurance Mechanism; NC = Not Calculated; NS = Not Submitted during LARA review period

Notes:

<sup>1</sup> This FAM results from the City reserving funds as budget set aside (see July 14, 2009 City Memorandum from the Public Works Department to the Mayor and City Council resolution).

<sup>5</sup> NC indicates that information was not submitted, so a relationship could not be calculated.

**Table 4a. Lead Agency Document Submittal Performance Summary (2016-2020)**

Mine ID # / Name	FACE	SOA	FACE Approval	FAMs Received <sup>1</sup>
<b>33-0077 / City of Riverside Granite Pit</b>	0/5	0/5	0/5	1/1
<b>Summary: # of Records Submitted</b>	0/5	0/5	0/5	1/1
<b>Summary: % Submitted</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

Abbreviations: FACE = Financial Assurance Cost Estimate; FAM = Financial Assurance Mechanism; SOA = FACE Statement of Adequacy.

Notes:

<sup>1</sup> A single FAM exists for City of Riverside Granite Pit provided by a City resolution formalized in 2009. Documentation was provided by (1) the annual review process and (2) the LARA review process.

**Table 4b. Lead Agency Document Submittal Performance Summary (2016-2020)**

Mine ID # / Name	IR (annual)	IN/NOCI	Recorded Violations	Enforcement Actions
<b>33-0077 / City of Riverside Granite Pit</b>	4/5	3/5	2016: 0 2017: 0 2018: 0 2020: 0	0
<b>Summary: # of Records Submitted</b>	4/5	3/5		
<b>Summary: % Submitted</b>	<b>80%</b>	<b>60%</b>		

Abbreviations: IN = Inspection Notice; IR = Inspection Report; NOCI = Notice of Completion of Inspection

**3. Annual Inspection, Inspection Report (IR), Inspection Notice (IN or NOCI)**

The City is required to inspect mines annually (PRC Section 2774(b)). Typically, the City inspects the mine in its jurisdiction during December of each year. Tables 4a and 4b

above contain a Performance Summary for the one mine within the City's jurisdiction; Table 4b is focused on IRs, IN or NOCI, and recorded violations. The City conducted three out of the five annual inspections required (80%) during the review period. Three IRs were transmitted to DMR with the respective IN (2016) or NOCI (2017-2020) (60%).

#### **4. Annual Report (AR)<sup>1</sup>**

Pursuant to PRC Section 2207, surface mine operators are required to submit ARs and pay a reporting fee to DMR. Mine operators are also required to send a copy of their AR to the lead agency. Annual reports include information about the mine's reporting status (active, idle, under reclamation or reclaimed), disturbed and reclaimed acreage amounts, and production during the previous year. The City is also the operator for this mine and submitted 100 percent of their ARs during the review period. All fees were paid.

#### **D. Phase IV: Initial Report**

The Initial Report was transmitted to the City for review on October 14, 2021. The City provided comments and additional documents to DMR to consider in preparation of the Final Report (see Attachment D).

#### **E. Phase V: Final Report**

The Final Report was completed in December 2021 and was transmitted to the lead agency. Its availability was posted on the Department of Conservation website.

#### **1. Summary of Lead Agency Responses to the Initial Report**

The City submitted written comments regarding corrections to the text in the Initial Report and provided statements regarding continual compliance with SMARA, implementation of maintenance, storage, and backup procedures to ensure systematic administrative record keeping, and timely transmittals to DMR in the future. Comments from City staff and DMR staff responses to those comments are found in Attachment D.

#### **2. Reclamation During Review Period**

During the review period, the surface mining operation was reported operational with active backfilling under the Inert Debris Engineered Fill Operation permit occurring. This activity could be considered as reclamation supporting a final useable condition readily adaptable for alternate land uses pursuant to CCR Section 3805.5 for the northern portion of the site.

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<sup>1</sup> An AR is submitted by the mining operator, not the lead agency, and is, therefore, not directly covered in the LARA Program review – even though the City serves in both roles. Information on ARs is presented here as it is part of SMARA implementation.

### **3. Review of the Lead Agency's SMARA Administration**

Section III presents the DMR staff's findings and recommendations to the lead agency.

### III. FINDINGS AND RECOMMENDATIONS TO LEAD AGENCY

Presented below are DMR staff's findings and recommendations to the lead agency following staff's review of the City's administration of the core requirements of SMARA during the LARA Program review period (2016-2020).

#### A. Reclamation Plans and Interim Management Plans

1. **Finding #1** The City owns and operates the surface mining operation for decomposed granite that is used in a variety of applications including street construction, as well as disposal for demolition debris materials. Mining activities on site are stated to occur normally once or twice a year (City Planning Commission Meeting 1/22/1981). PRC Section 2727.1 defines "idle" as having "curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum annual mineral production within any of the last five years during which an interim management plan has not been approved." The City does not have an active IMP on file.

**Recommendation #1.** The City should pursue approval of an IMP for the decomposed granite pit it operates within its jurisdiction. The IMP process, including subsequent submittal to DMR, is detailed in PRC Section 2770(h).

PRC Section 2770(h)(6) provides that surface mining operations which become idle without a subsequently approved IMP, are "considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan."

The City's decomposed granite pit operates on a sporadic basis which results in the potential for the City's mining operation to become idle. Without an approved IMP, the City faces the prospect of operating a granite mining operation that is considered abandoned. Following passage of Senate Bill 209, effective January 1, 2017, local governments which operate borrow pit surface mining operations can avoid the consequences of an abandoned status by following the process described in PRC Section 2770.1. The benefits of pursuing an IMP under PRC Section 2770.1, include: (1) an exemption from IMP expiration intervals set forth in PRC Section 2770(h)(2) allowing for a borrow pit surface mining operation IMP to remain in effect until the reclamation is completed in accordance with the approved reclamation plan (PRC Section 2770.1(b)); (2) an exemption from abandonment provisions of PRC Section 2770(h)(6) per PRC Section 2770.1(a)(3); and (3) the ability to conduct inspections once every two calendar years during idle periods per PRC Section 2770.1(c).

#### B. Financial Assurances

2. **Finding #2.** Lead agencies shall require financial assurance of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved RP (PRC Section 2773.1(a)). As shown in Table 4a, the

City's review and submittal process for annual FACEs to DMR was not in compliance with SMARA. During the review period (2016-2020), the City submitted 0 out of 5 SOAs and FACEs for review and 0 out of 5 approved FACEs.

**Recommendation #2a.** Operator submittal and lead agency approval of FACEs must comply with PRC Sections 2773.1, 2773.4, and 2774.2.5. Specific to the City and focused on post-2017 SMARA requirements:

- d. The City must ensure that the surface mining operator submits a FACE annually for review, either:
  - o within 30 days of an annual inspection being conducted pursuant to Section 2774, an operator shall provide an annual FACE to the lead agency for review (PRC Section 2773.4(d)(1)(A))
  - o within 30 days of the applicable inspection date (i.e., a date requested by the operator pursuant to PRC Section 2207 or a date set by the lead agency pursuant to Section 2774(c)) should the lead agency fail to cause the inspection of the surface mining operation (PRC Section 2773.4(d)(1)(B))
- e. For FACE submittals to DMR and per PRC Section 2773.4(a)(2), the City's process must include a statement that the FACE is "adequate, complete, and consistent with Section 2773.1, Article 11 (commencing with Section 3800) of Subchapter 1 of Chapter 8 of Division 2 of 14 CCR) and the SMGB Guidelines adopted pursuant to PRC Section 2773.1."
- f. Following approval, the City must provide a copy of its final response to the supervisor's comments as well as the approved FACE to DMR. Per PRC Section 2774.2.5, the copy of the approved FACE must be submitted in an electronic format.

**Recommendation #2b.** The City must establish and maintain in-house measures and procedures to ensure organized record-keeping and monitoring of surface mining reclamation under its jurisdiction. SMARA states, "[T]he lead agency shall forward a copy of each permit and approved reclamation plan and financial assurance instrument to the director of the Department of Conservation" (14 CCR Section 3504). Additional documents that must be submitted to DMR include:

- Approved RPs or plan amendments within 60 days of their approval
- IMPs at the time of approval
- FACEs within 30 days of their approval
- FAMs at the time of approval
- Notices of Violation at the time of issuance
- Stipulated Orders to Comply at the time of issuance
- Orders imposing an administrative penalty at the time of issuance
- Notices of completion of inspection including the completed inspection form at the time of issuance

- Permits at the time of approval
- Administrative decision at the time of issuance following an appeal of an Order to Comply
- Notices to an operator of a violation or failure to comply with an Order to Comply or Stipulated Order to Comply
- Vested rights determinations

PRC Section 2774.2.5 requires that these approved documents be submitted to DMR in electronic format to be determined by DMR.

- 3. Finding #3.** During the review period, the City, who also is the operator of the one surface mine within its jurisdiction, did not ensure that an adequate FAM for the surface mining operation was maintained. The approved 2009 FAM cannot be evaluated to determine if it is at least equal to the current approved FACE for adequate reclamation costs, as annual FACEs were not completed for this review period.

**Recommendation #3.** The City must ensure that each surface mining operation has an adequate FAM to cover reclamation (PRC Sections 2736, 2770, and 2773.1). An operator shall be required to replace an approved FAM if the annual FACE identifies a need to increase the amount of the FAM (PRC Section 2773.1(3)).

### C. Annual Inspections, Inspection Reports, and Inspection Notices

- 4. Finding #4.** The City conducted 80 percent of the annual inspections and submitted 60 percent of INs/NOClS (or transmittal letters that contain the information required in INs/NOClS) to the supervisor [of DMR] as required by SMARA (see Table 4b).

**Recommendation #4.** The City must ensure that inspections of the surface mining operation are conducted annually in compliance with SMARA (PRC Section 2774(b)(1)). Furthermore, current SMARA statutes require that the City must transmit the IR along with a NOCI to DMR within 90 days of inspection completion as outlined in PRC Section 2774(b)(1). Specifically, the City must:

- Cause surface mining operations to be inspected in intervals of no more than 12 months
- Ensure mine inspectors have completed a DMR inspection workshop no less than every 5 years (PRC Section 2774(d)(3))
- Provide a notice of completion of inspection (NOCI) to the supervisor [of DMR] within 90 days of conducting the inspection
- Ensure that the notice contains a statement regarding the surface mining operation's compliance with SMARA and a copy of the completed inspection form
- Ensure that statements specify, as applicable, all the following:

- (A) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor
- (B) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
- (C) A statement describing the lead agency's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
- (D) A statement as to whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency

#### **D. General Findings and Recommendations**

5. **Finding #5.** The City has a mining ordinance certified by the SMGB per PRC Section 2774.5; it was last certified by the SMGB on November 10, 1999.

**Recommendation #5.** Per statute (PRC Section 2774(a)), the City must update its existing surface mining ordinance and submit the updated ordinance to the SMGB for certification to comply with SMARA. This would ensure that the ordinance is consistent with the most recent changes to the SMARA statutes (see Attachment C).

## **IV. RESOURCES USED IN REPORT PREPARATION**

### **A. City of Riverside**

1. The City of Riverside, General Plan: (available at <https://riversideca.gov/cedd/planning/city-plans/general-plan-0>)
2. City of Riverside, Ordinance No. 6476, an ordinance amending Chapter 5.46 of the Riverside Municipal Code adopting updates to the City's Surface Mining and Reclamation Ordinance (available at <https://www.conservation.ca.gov/smgb/reports/Documents/Ordinances-City/Riverside.pdf>)

### **B. State of California**

(See Attachment B)

# **ATTACHMENT A**

## **SMARA-Related Chronologies for Each Mine for the LARA Review Period**

### A — CITY OF RIVERSIDE GRANITE PIT (33-0077) MINE CHRONOLOGY

**Abbreviations used in Attachment A:**

COA = Conditions of Approval

CUP = Conditional Use Permit

DMR = Division of Mine Reclamation

FACE = Financial Assurance Cost Estimate

FAM = Financial Assurance Mechanism

IN = Inspection Notice

IR = Inspection Report

LARA = Lead Agency Review and Assistance

NOCI = Notice of Completion of Inspection

RP = Reclamation Plan

**A – CITY OF RIVERSIDE GRANITE PIT (33-0077) MINE CHRONOLOGY**

DATE	Administrative Activity	RP	Permit (CUP), COA	FACE	FAM	IR	IN or NOCI	Enforcement
<b>Background Administrative Approvals</b>								
1940	Mining began on parcels that are now City of Riverside Granite Pit (decomposed granite mining)							
1/22/1981	City and Environmental Planning Commission approved resolution no. 2097 for RP and Permit of Project C-17-801; no expiration	RP	X					
9/17/1996	FAM approved (City Council Resolution No. 18978) in the amount of \$169,278.95				X			
<b>Current Permit Status/RP Status</b>								
1/22/1981	RP, CUP, COA approved (C-17-801); no expiration	RP	X					
3/23/2009	FACE submitted; total cost of reclamation was calculated to be \$184,738.00; received by DMR 3/23/2009			X				
7/14/2009	FAM approved (City Council Resolution No. 21880) in the amount of \$184,738				X			
<b>LARA Review Period (2016-2020)</b>								
6/9/2016	Lead Agency conducted inspection; no new or current violations; IR signed on 6/22/2016; received by DMR 8/19/2021 during LARA review file comparison phase					X		
6/21/2016	Lead Agency prepared IN; received by DMR 8/19/2021 during LARA review file comparison phase						X	
6/12/2017	Lead Agency conducted inspection; no new or current violations; IR signed on 6/16/2017; received by DMR with AR on 6/30/2017					X		
6/16/2017	Lead Agency prepared NOCI; received by DMR 6/30/2017 along with the AR and IR						X	
6/15/2018	Lead Agency conducted inspection; no new or current violations; IR signed on 6/22/2016; received by DMR 9/20/2021 during LARA review file comparison phase					X		

**A – CITY OF RIVERSIDE GRANITE PIT (33-0077) MINE CHRONOLOGY**

DATE	Administrative Activity	RP	Permit (CUP), COA	FACE	FAM	IR	IN or NOCI	Enforcement
6/10/2020	Lead Agency conducted inspection; no new or current violations; IR signed on 7/1/2020; received by DMR with AR on 7/2/2020					X		
7/1/2020	Lead Agency prepared NOCI; received by DMR 8/19/2021 during LARA review file comparison phase						X	

## **ATTACHMENT B**

### **Resources Available to Lead Agencies (as of October 2021)**

#### **LEAD AGENCY REVIEW AND ASSISTANCE (LARA) PROGRAM WEB FILES**

- California Department of Conservation Division of Mine Reclamation webpage:  
<https://www.conservation.ca.gov/dmr>
- Information on the LARA Program, including final LARA reports:  
<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/LeadAgencyReview.aspx>
- Access to the LARA Program Review Process Guidelines:  
<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/LARA%20Guidelines.pdf>
- California Department of Conservation State Mining and Geology Board Financial Assurances guidelines:  
[https://www.conservation.ca.gov/dmr/SMARA%20Mines/financial\\_assurances](https://www.conservation.ca.gov/dmr/SMARA%20Mines/financial_assurances)

## Resources Available to Lead Agencies (continued)

### **SURFACE MINING AND RECLAMATION ACT OF 1975 (SMARA)**

#### **Statute**

- California Public Resources Code and California Code of Regulations for SMARA: <https://www.conservation.ca.gov/smgb/Regulations/Documents/DMR-SR-1-Jan-2019.pdf>

#### **Rulemaking Updates**

- To be alerted to proposed regulatory changes to SMARA, sign up through the Department's website at: <https://www.conservation.ca.gov/smgb/Pages/Rulemaking/Overview.aspx>

#### **SMARA Inspection Workshops**

- The Division's SMARA Inspector Training Workshops and the Inspection Guidance Document, as required under PRC Section 2774(e): [https://www.conservation.ca.gov/dmr/workshops/Pages/current\\_schedule.aspx](https://www.conservation.ca.gov/dmr/workshops/Pages/current_schedule.aspx)

#### **Division Points of Contact**

- The Division has staff available to assist lead agencies in the Reporting Unit, Engineering Geology Unit, and Environmental Services Unit. An organization chart can be found on the DMR website at: <https://www.conservation.ca.gov/dmr>

#### **Reclamation Plan Review and Approval**

- Additional resources can be found on the Division's website, including:
  - Checklist of Reclamation Plan Requirements  
The checklist is organized by topic (i.e., geologic requirements, revegetation requirements, etc.)
  - New online Annual Reporting System (including online Annual Report fee payment)
  - Annual Report form and instructions
  - Financial Assurance forms and instructions (FACE and FAMs)
  - Inspection Form and Notice of Completion of Inspection (NOCI) form

## ATTACHMENT C

### Lead Agency Review and Assistance (LARA) Program Summary of Amendments to SMARA Legislation

Effective dates January 1, 2017 and January 1, 2018

**Senate Bill No. 854, Summary:** *Published on June 27, 2018.*

- Establishes electric submittal of official copies of mining operational documents including reclamation plans, reclamation plan amendments, interim management plans, finance assurance documents, notices of violation, orders to comply, stipulated orders, orders imposing an administrative penalty, notices of completion of inspection, permits, vested rights determination and instructs DMR to post these documents on their website.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB854](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB854)

**Senate Bill No. 809, Summary:** *Published on October 5, 2017.*

- Transfers various duties assigned to the Director of Conservation to the Supervisor of Mine Reclamation, as specified, and transfers various duties assigned to the Department of Conservation to the Division of Mine Reclamation (DMR), as specified.
- Requires an operator to provide the lead agency and Mine Supervisor an updated Financial Assurance Mechanism (FAM) on approved forms, which includes updated requirements, and within 30 days of the lead agency Financial Assurance Cost Estimate (FACE) approval.
- Requires the lead agency and the Supervisor of DMR to notify the operator within 15 days of receipt of the FAM does not meet requirements.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB809](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB809)

**Senate Bill No. 209, Summary:** *Published on April 18, 2016.*

- Establishes the DMR within the Department of Conservation under the direction of the Supervisor of Mine Reclamation.
- Raises the amount of the annual reporting fee to \$10,000 per mining operation and raises the maximum amount of the total revenue generated from the reporting fee to \$8,000,000.
- Provides for an operator (after the State Mining and Geology Board (SMGB) has adopted specified regulation) to include a corporate financial test in a FAM.

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB209](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB209)

**Assembly Bill No. 1142, Summary:** *Published on April 18, 2016.*

- Requires reclamation plans filed by an operator of a mining operation with a lead agency include specified reclamation maps; requires a lead agency when submitting a proposed reclamation plan to DMR to incorporate specified items of information and documents in the submitted reclamation plan within certain timeframes; requires certain actions be taken by DMR upon receiving a proposed reclamation plan.
- Requires operator to replace an approved financial assurance only if the FACE identifies a need to increase the amount of the financial assurance; requires a lead agency to submit the FACE for a surface mining operation to DMR for review as specified and requires DMR to take certain actions upon receiving a FACE.
- Requires a lead agency or the SMGB to conduct a specified public hearing if the lead agency has evidence that an operator maybe financially incapable of performing reclamation in accordance with its approved reclamation plan or that the operator has abandoned a surface mining operation without completing reclamation and to take appropriate actions to forfeit the operator's financial assurances.
- Authorizes a lead agency employee conducting mine inspections to have met specified criteria, including having completed mine inspection workshop (by July 1, 2020).
- Imposes new requirements on the lead agency related to the timing of mine inspections.
- Authorizes DMR to establish a training program for lead agency employees who inspect surface mining operations no later than December 31, 2017.
- Lays out process for enforcement actions.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1142](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1142)

## **ATTACHMENT D**

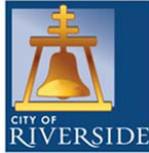
### **City of Riverside Staff Comments on Initial Report and Division of Mine Reclamation Staff Responses**

D1 — City of Riverside Staff Comments on Initial Report

D2 — Division of Mine Reclamation Staff Responses to City of Riverside Staff  
Letter

## ATTACHMENT D1

### City of Riverside Staff Comments on Initial Report



Public Works Department

*City of Arts & Innovation*

December 8, 2021

Carol E. Atkins  
Manager, Environmental Services Unit  
California Department of Conservation  
Division of Mine Reclamation  
801 K Street, MS 09-06  
Sacramento, CA 95814

SUBJECT: Comments on the Lead Agency Review and Assistance (LARA) Program – Initial Report

Dear Ms. Atkins:

The City of Riverside appreciates the opportunity to review the LARA Program Initial Report. After review, staff has made the following comments in response to the Recommendations.

- Recommendation #1. The City of Riverside Granite Pit serves three main purposes: mining for decomposing granite, depositing materials (asphalt chips, concrete, clean fill), and providing temporary storage of street substrate materials such as rock. Although the mining component has remained idle, the mine is not abandoned. City crews have a weekly presence within the Granite Pit. Currently no decision has been made regarding the submission of an Interim Management Plan (IMP) to make the Granite Pit idle and decrease our Annual Inspection to every two years.
- Recommendation #2a. We are working on compliance with the current Financial Assurance Cost Estimate (FACE). We expect to submit a current FACE in the 1<sup>st</sup> Quarter of 2022.
- Recommendation #2b. As we work towards compliance with the FACE and the Financial Assurance Mechanism (FAM), this recommendation will be addressed. Additionally, we will make sure that the Notice of Completion of Inspection (NOCI) is submitted with each Annual Inspection.
- Recommendation #3. Our last FAM was a City of Riverside Resolution submitted in 2009, in the amount of \$184,738. Assuming the current FAM does not provide an adequate coverage amount calculated by the revised FACE, we will submit an appropriate FAM. We anticipate this will be completed in the 1<sup>st</sup> Quarter of 2022.

- Recommendation #4. Staff were using a Geologist Consultant to complete required Inspection Reports, Annual Reports, and NOCI. Unfortunately, the Geologist relocated out of country and is no longer available to assist. The 2019 reports were completed but have not been located. In order to avoid similar mishandling of documents, staff have implemented maintenance, storage, and backup procedures to prevent lost documents.
- Recommendation #5. The City of Riverside Ordinance Number 6476 is currently listed under the Certified Mining Ordinances on the California Department of Conservation web page. In reviewing other ordinances from other cities, it appears there are many Certified Mining Ordinances that have a certified date of 1999 or prior. In review of Attachment C, we will have our ordinance reviewed to make sure any appropriate updates are incorporated.
- Page A2. An "X" should be placed in the column marked FACE with a date of 3/23/2009.

If you have any questions, please contact Bob Rivers at [rrivers@riversideca.gov](mailto:rrivers@riversideca.gov) or (951) 351-6082.

Sincerely,

  
Gil Hernandez  
Interim Public Works Director

cc

## ATTACHMENT D2

### Division of Mine Reclamation Staff Responses to the City of Riverside Staff Letter

*(Numbers follow recommendation nomenclature within the City of Riverside's letter.)*

- 1. The City posed that the City of Riverside Granite Pit should not be considered abandoned for administrative purposes and currently no decision has been made to submit an IMP.**

PRC Section 2770(h)(1) requires that within 90 days of a surface mining operation becoming idle (as defined in PRC Section 2727.1) the operator shall submit an IMP to the lead agency for review. In this situation, the operator and lead agency are one and the same. Borrow pit surface mining operations operated by a lead agency, solely for their use, can avoid the consequences of the operation being considered abandoned under PRC Section 2770(h)(6) in two ways. For new operations, IMP type provisions can be included in the reclamation plan, or, for older plans that pre-date PRC Section 2770.1, the lead agency can seek approval of an IMP. In either case, and as provided in subdivision (a)(3) of PRC Section 2770.1, "A lead agency that complies with this subdivision shall be exempt from the requirements of paragraph (6) of subdivision (h) of Section 2770." In addition to the benefits of avoiding abandonment of the operation, inspections of the operation can move to a two-year cycle, as long as the site remains idle. It appears that more than 90 days have passed since the site has become idle, and as such, an IMP should be submitted for the mine to comply with SMARA. DMR staff looks forward to providing technical and review assistance when the City submits the IMP.

- 2a. The City noted that they are working to comply with current FACE requirements and expect a revised FACE to be submitted within the 1<sup>st</sup> Quarter of 2022.**

DMR staff looks forward to reviewing the FACE submittal.

- 2b. The City noted that they are simultaneously working to comply with FAM requirements and will ensure that the NOCI is submitted with each Annual Inspection.**

DMR staff appreciates the City's acknowledgement to provide compliance updates for FAM and NOCI documents.

- 3. The City noted that a revised FAM would be submitted in the event the current FAM does not provide adequate coverage calculated by the revised FACE expected within the 1<sup>st</sup> Quarter of 2022.**

DMR staff thanks the City for providing an update on the status of revised FACE and FAM submittals. DMR staff looks forward to reviewing these documents within the timeline established by PRC Section 2773.4(d).

**4. The City noted that they will implement maintenance, storage, and backup procedures to prevent lost documents (i.e., IRs, ARs, NOCIs).**

DMR staff thanks the City for their commitment to ensure future administrative submittals and records pertaining to the City of Riverside Granite Pit are complete and compliant with SMARA statutes and regulations.

**5. The City noted that they will review their mining ordinance to ensure appropriate updates are incorporated.**

DMR staff appreciates the City of Riverside's commitment to review and update their surface mining ordinance as appropriate.

**6. The City identified a correction to text that should be made in attachment A2 of the Report.**

This edit has been made to the Final Report.

## **ATTACHMENT E**

### **Lead Agency Review and Assistance Program Contacts (as of October 2021)**

#### **DIVISION OF MINE RECLAMATION**

Main Phone Number: (916) 323-9198

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