

## Chapter 22.190 - SURFACE MINING PERMITS

### 22.190.010 - Purpose.

- A. The Surface Mining Permit is established to regulate surface mining and reclamation of mined lands in compliance with the Surface Mining and Reclamation Act of 1975, Division 2, Chapter 9, of the California Public Resources Code, beginning with Section 2710.
- B. It is the intent in regulating surface mining activities to ensure that:
  - 1. The production and conservation of minerals is encouraged while addressing concerns relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment during and after mining operations;
  - 2. Adverse effects on the environment, including air pollution, impedance of groundwater movement and water quality degradation, damage to wildlife habitat, flooding, erosion, and excessive noise are prevented or mitigated;
  - 3. Mined lands are returned to a usable condition readily adaptable for alternative land uses, with no residual hazards to public health or safety; and
  - 4. Consistency is achieved with the mineral resources management policies of the General Plan.

(Ord. 2019-0004 § 1, 2019.)

### 22.190.020 - Definitions.

Specific terms used in this Chapter are defined in Section 22.14.190 of Division 2 (Definitions), under "Surface Mining Operations."

(Ord. 2019-0004 § 1, 2019.)

### 22.190.030 - Applicability.

- A. General Applicability. Except as specified in Subsection D, below, a person shall not use any property within the unincorporated area of Los Angeles County for surface mining operations unless a Surface Mining Permit is first obtained and a Reclamation Plan is approved as provided by this Chapter.
- B. Uses Authorized. Where a Surface Mining Permit has been obtained pursuant to this Chapter and while such permit is in full force and effect in conformity with the conditions of such permit, said property shall be used exclusively for surface mining operations and the following specific uses:
  - 1. The stockpiling of rock, sand and gravel, and other minerals, including the installation, maintenance, or operation of rock-crushing plants or apparatus.
  - 2. Batching plants or mixing plants for either portland cement or asphaltic concrete, except where specifically prohibited as a condition of such permit.

3. Any use permitted in the zone, subject to the limitations and conditions set forth therein, provided the Commission Hearing Officer specifically authorizes such use in the permit.
4. Accessory uses to mining operations and processing of minerals.

C. Filing Time—Plans for Existing Operations.

1. Surface Mining. Any person desiring a Surface Mining Permit as provided for in this Title 22 may file an application with the Director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by either the Board or Commission or Hearing Officer on an application for the same or substantially the same permit. In all cases, the required Reclamation Plan shall accompany the Surface Mining Permit application.
2. Reclamation Plan. In any case of existing surface mining operations as described in Subsection D.4, below, the required Reclamation Plan may be filed with the Director without an application for a Surface Mining Permit. Such Reclamation Plans shall be filed no later than one year from January 26, 1980, the effective date of this Chapter.

D. Exemptions. This Chapter does not apply to any of the following activities or situations:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or other natural disaster.
2. Surface mining operations that are required by federal law in order to protect a mining claim if such operations are conducted solely for that purpose.
3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
4. Any surface mining operation for which a valid, unexpired zone exception was granted prior to November 23, 1970, or for which a valid Conditional Use Permit (Chapter 22.158) is in full force and effect, or which was lawfully established in Zone Q, provided that such operation shall remain in compliance with and subject to all limitations and conditions imposed by such former grant or zone, and provided further that all Reclamation Plans, interim management plans and financial assurances shall be obtained or provided as required by this Title 22 and the California Public Resources Code, Division 2, Chapter 9, beginning with Section 2710.

(Ord. 2019-0004 § 1, 2019.)

22.190.040 - Application and Review Procedures.

- A. Application Checklist. The application submittal shall contain all of the materials required by the Surface Mining Permit Checklist.
- B. Type III Review. The application shall be filed and processed in compliance with Chapter 22.230 (Type III Review—Discretionary) and this Chapter.
- C. Publication. Notwithstanding Section 22.230.040 (Public Hearing), notice of application shall be published in two newspapers of general circulation at least one of which is a newspaper available in the community in

which such use is proposed to be established. Such publications, if made in a daily newspaper, shall be for a period of not less than five consecutive publications of such newspaper, and if made in a weekly newspaper, shall be for a period of not less than two consecutive publications of such paper, the first publication in either case appearing not less than 20 days before the date of the hearing.

- D. Notification of Filing. The Director shall furnish a copy of each submitted application for a Surface Mining Permit, Reclamation Plan and proposal for financial assurance to the State Geologist and the Director of Public Works. The Director shall notify the California Department of Transportation of a request for a Surface Mining Permit, if notification of the Department of Transportation is required pursuant to Section 2770.5 of the California Public Resources Code.
- E. Protection of Proprietary Information. Applications for Surface Mining Permits, Reclamation Plans, and other documents submitted pursuant to this Chapter are public records, unless it can be demonstrated to the satisfaction of the Commission or Hearing Officer that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The Commission or Hearing Officer shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Geologist and to persons authorized in writing by both the mining operator and the applicant or his successor in interest.
- F. Fees. The applicant shall pay to the County the actual cost incurred by Public Works in conducting inspections and/or reviews pursuant to the provisions of this Chapter. Such cost shall be computed using actual hours expended by staff multiplied by the most current applicable hourly rates, approved by the Auditor-Controller, that are available at the time that costs are assessed.

(Ord. 2019-0004 § 1, 2019.)

#### 22.190.050 - Development Standards.

Unless the Commission or Hearing Officer deems otherwise, and so specifies in the permit, surface mining operations shall comply with Section 3503 (Surface Mining and Reclamation Practice) of Title 14 of the California Code of Regulations and be conducted in accordance with the following requirements:

- A. Slopes.
  - 1. No excavation shall be permitted that creates a temporary slope steeper than one foot horizontally to one foot vertically. The Director of Public Works may require that excavations be made with a cut face more flat in slope than the above slope requirements if deemed necessary for slope stability and public safety at any time.
  - 2. Temporary slopes shall not be created that will interfere with the construction of finished slopes conforming to the requirements of the Reclamation Plan.
  - 3. Slopes affecting off-site property shall meet the requirements of Appendix J of Title 26 (Building Code) of the County Code.
- B. Erosion and Sedimentation Control.

1. Measures shall be taken to prevent erosion of adjacent lands by waters discharged from the site of mining or the off-site discharge of sediment. Such measures may include the revegetation of slopes and the construction of properly designed retarding basins, settling ponds and other water treatment facilities, ditches, and diking.
  2. No discharge of sediment into off-site bodies of water shall be permitted that will result in higher concentrations of silt than existed in such water prior to surface mining operations.
  3. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
  4. The removal of vegetation and overburden in advance of surface mining shall be kept to a minimum.
- C. Water Quality Control. Mining operations shall be conducted in accordance with applicable standards of the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.
- D. Protection of Fish and Wildlife Habitat. All reasonable and practicable measures shall be taken to protect the habitats of fish and wildlife during surface mining operations.
- E. Runoff and Flood Control. Surface mining operations shall be conducted in such a manner as to prevent or minimize flooding and/or alteration of the natural drainage system.
- F. Setbacks.
1. No surface mining operation or structure shall be located within 50 feet of any public street or highway or any lot in other than the applicant's ownership unless the written consent of the owner in fee of such property is first secured and recorded with the Registrar-Recorder/County Clerk, and except where the contiguous property is currently or intermittently being mined in the same manner.
  2. No surface mining operation or structure shall be located within 100 feet of any stream bed, flood control channel, reservoir, water conservation facility, area within an adopted Flood Protection District, or area designated as an Area of Special Flood Hazard, without first obtaining the approval of the Director of Public Works. Where approval is requested, a comprehensive flood-hazard analysis evaluating the effect surface-mining operations will have on drainage and erosion on adjacent property shall also be submitted.
- G. Insurance Requirements.
1. Before commencing surface mining operations, the owner or operator shall secure insurance to the extent of \$100,000 against liability in tort arising from the production, activities, or operations incidental thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations.
  2. This insurance requirement is separate and independent from any bonding requirement which may be required by the Commission or Hearing Officer to assure the completion of the operator's Reclamation Plan as required by Section 22.190.080 (Reclamation Plan).
- H. Control of Dust, Vibrations, Smoke, Dirt, Odors, and Bright Lights.
1. All activities of mining and processing minerals shall be conducted in a manner such that dust, vibrations, smoke, dirt, odors, and bright lights do not exceed levels compatible with uses of adjacent lands.
  2. All private roads shall be wetted while being used, or shall be oiled or hard-surfaced and maintained to

prevent the emanation of dust. All private access roads leading off any public street or highway shall be paved with asphalt or concrete surfacing not less than three inches in thickness for the first 50 feet of said access road.

- I. Boundary Markers. The outer boundaries of all property used or intended to be used for surface mining operations shall be posted within 90 days following the effective date of such mining permit, and permanently thereafter, with signs displaying the message "SURFACE MINING" in letters not less than four inches in height, and in letters not less than one inch in height, the message "This property may be used at any time for the extracting and processing of rock, sand, gravel, decomposed granite, clay, and similar materials, as authorized by the Zoning Code (Title 22), County of Los Angeles." Such signs shall be posted not more than 500 feet apart, with signs placed at each change in direction of boundary lines of the property, and displayed in such a manner as to give reasonable notice to passersby of the message contained thereon.
- J. Hours of Operation. All operations shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., except in cases of public emergency, or whenever any reasonable or necessary repairs to equipment are required to be made.
- K. Salvage of Topsoil. Unless otherwise specified in the Reclamation Plan, all topsoil removed in surface mining operations shall be stored at the site of mining operations and shall be used in future reclamation of the site.
- L. Benches. Benches shall be provided wherever necessary to control drainage on slopes, or to provide for access, or for public safety as determined by the Commission or Hearing Officer on the recommendation of the Director of Public Works.
- M. Fencing. Prior to the commencement of any surface mining operation, the area to be used for such operations shall be enclosed with a fence as required by Chapter 11.48 (Oil Well Sumps, Sand and Gravel Pits, and Similar Excavations) of Title 11 of the County Code. Such fencing may be limited to the area currently being used for such operations; provided, however, that the operation shall be continuously enclosed as excavation progresses.
- N. Explosives. Storage of explosives for use in surface mining operations shall be subject to Chapter 22.164 (Explosives Permits).

(Ord. 2019-0004 § 1, 2019.)

#### 22.190.060 - Findings and Decision.

- A. Common Procedures. Findings and decision shall be made in compliance with Section 22.230.050 (Findings and Decision) and include the findings in Subsection B, below.
- B. Findings.
  - 1. The requirements for Reclamation Plan approval set forth in Section 22.190.080.A (Findings Prerequisite to Approval) have been met by the applicant.
  - 2. The requested surface mining operation conducted at the location proposed will not adversely affect the health, safety, or welfare of persons residing in the surrounding area or otherwise endanger or constitute

a menace to the public health, safety, or general welfare.

3. Adverse ecological effects resulting from surface mining operations will be prevented or minimized.
4. The proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate.
5. The proposed site for surface mining operations is consistent with the General Plan.

(Ord. 2019-0004 § 1, 2019.)

#### 22.190.070 - Conditions of Approval.

- A. Annual Report. The mine operator shall submit annually to the Director of Public Works copies of all reports required pursuant to Section 2207 of the California Public Resources Code.
- B. Imposition of Additional Conditions Authorized When. Conditions may be imposed to ensure that the approval will be in accordance with the findings required by Section 22.190.060 (Findings and Decision). Such conditions may include those in Section 22.158.050 (Conditions of Approval) or may involve any pertinent factors affecting the establishment, operation, and maintenance of surface mining operations, including, but not limited to:
  1. Off-street parking for equipment and for the cars of employees.
  2. Screening and/or landscaping to assure integration with surrounding areas.
  3. Regulation of signs.
  4. The surfacing of parking areas and roads.
  5. Days of operation.
  6. The following factors for which standards are established in Section 22.190.050 (Development Standards):
    - a. Setbacks.
    - b. Hours of operation.
    - c. Fencing.
    - d. Grading benches.
    - e. Regulation of noise, dust, bright lights, smoke, vibrations, dirt, and odors.
- C. Administration and Inspections.
  1. The Director of Public Works shall conduct such inspections of idle and active surface mines as are required by the terms or conditions of any entitlement, regulation, or law, including this Title 22 and the California Public Resources Code, Division 2, Chapter 9, beginning with Section 2710, and shall make such additional inspections as the Director of Public Works deems necessary to enforce the terms or conditions of any such entitlement, regulation or the applicable State and County Codes.
  2. Public Works shall report its findings to the mine operator and to the State Geologist, as required by law, and shall report to the Director of Regional Planning or to other persons or agencies where the Director of Public Works deems it necessary to make such additional notification.

- D. Periodic Review of Permit Conditions and Reclamation Plan. The periodic review of the conditions contained in S Mining Permits and approved Reclamation Plans, as provided in Subsection B, above, and Section 22.190.080.C (Reclamation Activities—Specifications), respectively, shall be conducted by the Commission or Hearing Officer in accordance with the schedule adopted at the time such permits or plans were approved. The Commission or Hearing Officer, in their review, shall hold one or more public hearings pursuant to Chapter 22.222.120 (Public Hearing Procedure), and shall consider such new or changed circumstances as physical development near the mining site improved technological innovations in the field of reclamation which may significantly improve the reclamation process. Modified permits or Reclamation Plans shall be binding upon the operator and all successors, heirs, and assigns of the applicant.
- E. Expiration Date. The Commission or Hearing Officer may establish an expiration date for a Surface Mining Permit. Where no expiration date is specified in the permit, the permit shall terminate and cease to be in effect at the time a new principal use is established on the subject property or upon being deemed abandoned, as provided in Section 22.190.090 (Idle Mine Operations), whichever occurs first.

(Ord. 2019-0004 § 1, 2019.)

#### 22.190.080 - Reclamation Plan.

##### A. Findings Prerequisite to Approval.

1. The Commission or Hearing Officer shall approve a Reclamation Plan if the Commission or Hearing Officer finds, based upon substantial evidence in the record, that the plan conforms to the requirements of Sections 2772, 2773 and 2773.1 of the California Public Resources Code, Sections 3501 and 3503 of Title 14 of the California Code of Regulations, and the provisions of this Title 22 and, further, that the mined lands will be reclaimed so that they are readily adaptable for uses consistent with the General Plan.
2. Should the Commission or Hearing Officer take an action which is at variance with a recommendation or objection raised by the State Geologist, their findings shall address, in detail, why the specific comment or objection was not accepted.
3. In approving a Reclamation Plan, the Commission or Hearing Officer shall:
  - a. Require such changes to the plan and impose such conditions as are necessary to conform the plan to requirements of the applicable State and County Codes, including provision of financial assurances and annual adjustments of such assurances as required by the California Surface Mining and Reclamation Act and related regulations.
  - b. Establish a schedule for beginning and completion of all reclamation activities, which schedule shall, at the discretion of the Commission or Hearing Officer, be based upon times certain or upon milestone events, or a combination of both.
  - c. Establish a schedule for annual inspections of reclamation activities pursuant to the provisions of Section 2772(b) of the California Public Resources Code.
  - d. Establish a schedule for periodic review of the Reclamation Plan at intervals of not less than 10 years, said review to be conducted as provided in Section 22.190.070.D (Periodic Review of Permit Conditions

and Reclamation Plan).

- e. Require as a condition of approval, financial assurances in accordance with Section 2773.1 of the California Public Resources Code.
  - f. Require that the mine operator file a covenant against the property with the Recorder-Registrar/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing mine as described in Section 22.190.030.D.4, within 30 days following notice of approval:

"This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County and the State of California may enter upon such land to enforce such Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law."
  - g. Verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area was reviewed by SEATAC in accordance with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).
4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to ensure that the plan is in accord with the requirements in Subsection C, below.

B. Financial Assurances.

1. Each mine operator shall provide and maintain financial assurances for completion of reclamation of disturbed lands in compliance with the approved Reclamation Plan and Section 2773.1 of the California Public Resources Code and the administrative regulations adopted pursuant to said Section 2773.1.
2. At the time of each annual inspection, and as provided by Section 2770 of the California Public Resources Code, the Director of Public Works shall establish the amount of financial assurance required pursuant to the approved Reclamation Plan and State law and regulations.
3. In the case of a new mine or of an idle mine which is to be reactivated after not having been worked since January 1, 1976, the financial assurance shall be tendered to the County before commencement of mining operations. The Director of Public Works shall establish the amount of such assurance based upon the estimated amount of disturbed lands after the first full year of mining.
4. The Director of Public Works shall notify the mine operator of the amount of assurance in person or by certified mail, with copies sent to the Director and the State Geologist.
5. For ongoing mining operations the assurance shall be tendered to the County within 60 days of receipt by the mine operator of notice of the amount of the assurance from the Director of Public Works.
6. Forfeiture of the financial assurances shall be subject to the provisions of Section 2772.1 of the California Public Resources Code and all proceeds from the forfeited financial assurances shall be used to conduct and complete reclamation in accordance with the approved Reclamation Plan.



C. Reclamation Activities—Specifications. Unless otherwise specified in the approved Reclamation Plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

1. Concurrent Reclamation.

- a. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved Reclamation Plan.
- b. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations on such lands.

2. Disposal of Overburden and Mining Waste.

- a. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of Public Works. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.
- b. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the Commission or Hearing Officer.
- c. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the Department of Public Health.
- d. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by Public Works.

3. Revegetation.

- a. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.
- b. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.
- c. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

4. Resoiling.

- a. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the Commission or Hearing Officer may require in its approval of the applicant's Reclamation Plan.
- b. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

5. Final Slopes.

- a. Final slopes shall be engineered and contoured to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of Public Works, the Commission or Hearing Officer may require the establishment of terrace drains to control drainage and erosion.
- b. Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the Commission or Hearing Officer satisfaction, that a steeper slope will not:
  - i. Reduce the effectiveness of revegetation and erosion control measures where they are necessary;
  - ii. Be incompatible with the alternate future uses approved by the Commission for the site; and
  - iii. Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

6. Drainage, Erosion, and Sediment Control.

- a. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the Commission or Hearing Officer deems otherwise based on recommendations from Public Works.
- b. Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation.
- c. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the Director of Public Works. In addition, final excavation shall eliminate potholes and similar catchments to prevent potential breeding areas for mosquitoes.
- d. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.
- e. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.
- f. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards of the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

7. Backfilling and Grading.

- a. Subject to the approval of Public Works, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.
- b. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities

identified in the applicant's Reclamation Plan.

8. Water Features. Reservoirs, ponds, lakes, or any body of water created as a feature of the reclamation plan shall be approved by Public Works and by the Department of Public Health.
- D. Establishment of New Principal Use—Restrictions. No new principal use shall be established on any property for which a Reclamation Plan has been approved unless all reclamation required therein has been completed, except as otherwise provided herein. Where concurrent reclamation is approved pursuant to Subsection C.1, above, the Commission or Hearing Officer may approve the establishment of a new principal use upon completion of each phase of the Reclamation Plan.
- E. Amendments. Amendments to an approved Reclamation Plan, including attendant time schedules, may be submitted to the Commission or Hearing Officer at any time, detailing proposed changes from the original plan. Amendments to an approved Reclamation Plan shall be approved in the manner prescribed for approval of a Reclamation Plan.
- F. Information and Documents Required.
  1. The Reclamation Plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.
  2. All Reclamation Plans shall contain the following information and documents:
    - a. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase.
    - b. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the Reclamation Plan.
    - c. A description of the existing vegetation at, and surrounding, the site;
    - d. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site.
    - e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.
    - f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:
      - i. The manner in which mining wastes and related contaminants will be controlled and disposed of; and
      - ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.
    - g. An assessment of the effect of implementation of the Reclamation Plan on future mining in the area.
    - h. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance

with the approved Reclamation Plan.

- i. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Commission or Hearing Officer to ensure the permanency of all features of the Reclamation Plan. This Subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the County.
  - j. Such other information as the Commission, Hearing Officer, or Director may require. The Director may waive the filing of one or more of the above items where unnecessary to process the application.
3. Where Reclamation Plans are not filed as a part of a Surface Mining Permit, such plan shall be accompanied by an application for separate Reclamation Plan approval which contains the following information:
- a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process.
  - b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.
  - c. A statement indicating the reason under Section 22.190.030.D (Exemptions) why a Surface Mining Permit is not required. Include any identifying Conditional Use Permit or Zone Exception Case numbers.
  - d. The requirements of a Surface Mining Permit checklist.

(Ord. 2019-0072 § 3, 2019; Ord. 2019-0004 § 1, 2019.)

#### 22.190.090 - Idle Mine Operations.

- A. Within 90 days of a surface mining operation becoming idle, as defined in this Title 22 and in Section 2727.1 of the California Public Resources Code, the mine operator shall submit an interim management plan to the Director for review and approval as required in Section 2770(h) of the California Public Resources Code.
- B. Before submitting the plan for review, the mine operator shall request an inspection of the site by Public Works. Upon notification of the results of the inspection, the operator shall submit a plan indicating what measures will be necessary for the protection of adjacent properties, environmental resources, and the general public, for review and approval.
- C. The interim management plan shall be reviewed and acted upon in accord with the procedures set forth in Section 2770 of the California Public Resources Code and upon adoption shall be an amendment to the approved Reclamation Plan.
- D. Required financial assurances shall remain in effect during the period the surface mining operation is idle. Posting shall be maintained as provided in Section 22.190.050.I (Boundary Markers).
- E. The interim management plan may remain in effect for a period not to exceed five years, at which time the Director in accordance with Section 2770 of the California Public Resources Code shall do one of the following:

1. Renew the interim management plan for a period not to exceed five years, if the Director finds that the surface operator has complied fully with the interim management study; or
  2. Require the surface mining operator to commence reclamation in accordance with the approved Reclamation Plan.
- F. Notwithstanding any provision of this Title 22 or of an entitlement granted pursuant to this Title 22, unless review of an interim management plan is pending before the Commission or Hearing Officer, or an appeal is pending before the Board, a surface mining operation which after January 1, 1991, remains idle for over one year after becoming idle without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

(Ord. 2019-0004 § 1, 2019.)

#### 22.190.100 - Appeal to State Mining and Geology Board.

An applicant whose request for a Surface Mining Permit to conduct mining operations has been denied, or any person who is aggrieved by the granting of a permit to conduct mining operations in an area of statewide or regional significance may, within 15 days following denial of an appeal, also appeal to the State Mining and Geology Board as provided in Section 2775 of the Surface Mining and Reclamation Act of 1975.

(Ord. 2019-0004 § 1, 2019.)