A MINING INDUSTRY
TAKE ON SMARA
Surface Mining and Reclamation Act of 1975

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SMARA - What is it?

- The Surface Mining and Reclamation Act (SMARA), Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources. These policies are prepared in accordance with the Administrative Procedures Act, (Government Code) and are found in California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

- The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources.
What SMARA wants to prevent
Regular Revisions

SURFACE MINING AND RECLAMATION ACT OF 1975
As amended by:

Senate Bill 1300, Nejedly - 1980 Statutes
Assembly Bill 110, Areias - 1984 Statutes
Senate Bill 593, Royce - 1985 Statutes
Senate Bill 1261, Seymour - 1986 Statutes
Assembly Bill 747, Sher - 1987 Statutes
Assembly Bill 3551, Sher - 1990 Statutes
Assembly Bill 3903, Sher - 1990 Statutes
Assembly Bill 1506, Sher - 1991 Statutes
Senate Bill 1569, Rogers - 1992 Statutes
Assembly Bill 3098, Sher - 1992 Statutes
Assembly Bill 723, Sher - 1993 Statutes
Assembly Bill 904, Sher - 1993 Statutes
Assembly Bill 867, Sher - 1994 Statutes
Senate Bill 273, Leslie - 1995 Statutes
Senate Bill 614, Craven et al - 1995 Statutes
Assembly Bill 1373, Olberg - 1996 Statutes
Senate Bill 1549, Monteith - 1996 Statutes
Senate Bill 1664, Sher - 1997 Statutes
Assembly Bill 297, Thomson - 1999 Statutes
Senate Bill 244, Solis - 2000 Statutes
Senate Bill 666, Sher - 2000 Statutes
Senate Bill 483, Sher - 2002 Statutes
Senate Bill 22, Sher - 2003 Statutes
Senate Bill 649, Kuehl - 2003 Statutes
Assembly Bill 1984, Wolk - 2004 Statutes
Senate Bill 71 - 2005 Statutes
Senate Bill 1110 - 2005 Statutes
Senate Bill 668, Kuehl - 2006 Statutes
Senate Bill 833, Committee on Natural Resources and Water - 2009 Statutes
Senate Bill 133, Wolk - 2011 Statutes
Senate Bill 108, Rubio - 2011 Statutes
Assembly Bill 566, Galgiani - 2011 Statutes
Need for Reform

OFFICE OF THE GOVERNOR

SEP 28 2013

To the Members of the California State Senate:

I am signing Senate Bill 447, which allows mining operators to continue selling materials to the state if they have entered into a stipulated order to comply with the lead agency or the department to correct any violations.

This interim leniency is only acceptable as we take the time to reform the Surface Mining and Reclamation Act – from top to bottom.

Sincerely,

Edmund G. Brown Jr.
CALCIMA

- Established January 1, 2007
- Consolidated four prior associations into a single association
- CalCIMA promotes the construction and industrial materials industries in California.
- CalCIMA’s bylaws specifically prohibit metals mining in their membership.
- For the first time this industry promoted itself with a single voice on the merits of Distance Matters, environmental stewardship and compliance
- Proactively became involved in SMARA reform through AB 1142
SMARA Reform

- AB 1142
- SB 209
- Both Signed by Governor Brown in April 2016
- Balanced approach to the issues, as a result of the Governor’s Stakeholder Process
Results of NOT working together
Administrative Changes

- Office of Mine Reclamation becomes Division of Mine Reclamation
- Assistant Director of Mine Reclamation becomes Supervisor of Mine Reclamation
- Department of Conservation to report to Legislature five year expenditures relating to SMARA administration by 12/31/2021
- SMARA applicability to on-site excavation and earth moving as integral part of a construction project.
- Clarifies that “stabilization” in reclamation refers to Slope Stabilization
- Defines “Financial Assurances” and applies to both Estimate and Mechanism
More Impactful Changes

- Reporting Changes
  - Fee Increase
  - Revenue Collection Limit Increase

- Reclamation Plans
  - Removes “Functional Equivalent” in place of a Reclamation Plan
  - Outlines appeal and hearing process for Reclamation Plan or Financial Assurances
  - Clarifies Lead Agency owned borrow site reclamation plans, idle mine requirements
  - Increases Reclamation Plan Element and Completeness requirements
  - Implements new stand alone Reclamation Plan Review procedure
More Impactful Changes

- Inspections
  - Redefines Inspection frequency requirements
  - Allows Lead Agencies to self inspect
  - Defines Qualified Personnel and Training Requirements
  - Clarifies Lead Agency Notification to DOC
  - Implements Inspection date requests

- Financial Assurances
  - Allows Corporate Self-bonding
  - Clarifies Financial Assurance Review Procedures
More Impactful Changes

- Enforcement
  - Authorizes Lead Agencies or DOC to issue violations within 30 days of inspections
  - Authorizes Lead Agencies or DOC and operators to enter Stipulated Order to Comply
  - Clarifies issuance of Order to Comply
  - Authorizes Operators to appeal to SMGB and timing of appeals
  - Clarifies Removal from 3098 list.
  - Allows DOC to seek judgment to collect unpaid penalties
More Impactful Changes

- SMGB Lead Agency Authority Take Over
  - Outlines SMBG Lead Agency Take Over process
  - SMGB may not take over vested rights determinations
We don’t get to choose where the rock is located, we only get to chose if we mine or not.
Mining with the Environment

- Reclamation Planning should recognize local land use patterns, documents and environmental conditions
- Mine Planning with final reclamation as part of the design process
- Innovation to improve practices and eliminate or reduce impacts
- Include environmental experts (Air, Water, Cultural, Traffic, Noise, Biological, Agricultural, Engineering, etc...)
- Complete Environmental Analysis BEFORE completing mine planning and lead agency submittal
- Take opportunity to complete inspector training workshop and certification
- Aggregate Mining must be prepared to adapt to changing conditions as mining proceeds
CUP APPLICATION PREPARATION
What Agricultural Reclamation looks like
What Habitat Reclamation looks like
What reclamation could look like
Future Needs

- IMP Update
- Inspection creep
- Annual Report Forms
Teichert Past and Present
Questions?