

ARTICLE I. GENERAL

Sec. 29-10. Purpose and intent

(a) The Surface Mining and Reclamation Act of 1975, Chapter 9 of the Public Resources Code, authorizes and directs local agencies to adopt ordinances establishing procedures for the review and approval of reclamation plans and the issuance of permits to conduct surface mining operations. This chapter is adopted to comply with the directive and fulfill various purposes of the act.

(b) The board of supervisors hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the county and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(c) The board further finds that the reclamation of mined lands, as provided in this chapter, will permit the continued mining of materials and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(d) The board further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, geological and social conditions are significantly different and that reclamation operations and the specifications may vary accordingly.

(Ord. No. 1036, §1; Ord. No. 1415, §1)

Sec. 29-11. Definitions

As used in this chapter, the following definitions shall apply:

Area of regional significance means an area designated by the State Mining and Geology Board pursuant to Public Resources Code Section 2790 which is known to contain a deposit of minerals, the extraction of which is judged to be in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local significance.

Area of statewide significance means an area designated by the State Mining and Geology Board pursuant to Public Resources Code section 2790 which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

Exploration or prospecting means the search for minerals by geological, geophysical, geochemical and other techniques including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.

Idle means to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Lead agency means the Solano County Planning Commission which has the principal responsibility for approving a surface mining operation pursuant to this ordinance.

Mined lands include the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining wastes, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in areas in which surface mining operations are located.

Minerals means any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic substances including but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

Mining waste includes the residual or soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by surface mining operations.

Operator means any person who is engaged in surface mining operations, or who contracts with others to conduct operations on the operator's behalf, but does not include a person engaged in surface mining operations as an employee with wages as the person's sole compensation.

Overburden means soil, rock, or other materials that lie above a natural mineral deposit, or in between deposits before or after their removal by surface mining operations.

Permit means any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

Person includes any individual, firm, association, corporation, organization or partnership, or any city, county, district, or the state, or any department or agency thereof.

Reclamation means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

Reclamation plan means the plan approved by the County of Solano, and as required, by the Surface Mining and Reclamation Act of 1975, which meets all the requirements of section 2772 of the Public Resources Code, administrative guidelines and regulations adopted pursuant thereto, and ordinances and resolutions of Solano County adopted in accordance therewith.

State board means the State Mining and Geology Board in the Department of Conservation, State of California.

State geologist means the individual holding office created by section 677 of the Public Resources Code.

Surface mining operations mean 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 incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) In-place distillation, retorting or leaching.
- (b) The producing and disposal of mining waste.
- (c) Prospecting or exploratory activities.

Vested right. A person shall be deemed to have vested rights if prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization if such permit or other authorization was required and was in compliance with county regulations, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit, shall not be deemed liabilities for work or materials.

(Ord. No. 1036, §1; Ord. No. 1415, §1)

Sec. 29-12. Scope

- (a) The provisions of this chapter shall apply to the unincorporated areas of Solano County.
- (b) The provisions of this chapter are not applicable to:
 - (1) Excavations or grading conducted for farming or on-site construction, or for the purpose of restoring land following a flood or natural disaster.
 - (2) Prospecting and exploration for minerals of commercial value where less than one thousand cubic yards of overburden is removed in any one location of one acre or less.

(3) Any surface mining operation that does not involve either the removal of a total of more than one thousand cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

(4) 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.

(5) Reclamation of lands mined prior to, but not after January 1, 1976.

(6) Such other mining operations that the County determines to be of an infrequent nature and which involve only minor surface disturbances, and are categorically identified by the State Board pursuant to section 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.

(Ord. No. 1036, §1; Ord. No. 1415, §1)