

owner of the land upon which the *surface mining* operations are located. If at the end of the stated time the operator is not in compliance, the City Manager may revoke or suspend the Conditional Use Permit or the *reclamation* plan or both until the *surface mining* operator complies or obtains approval of a revised *reclamation* plan.

- (j) In accordance with the provisions of Section 141.1004, Public Resources Code section 2773.1 and as a condition of approval of the Condition Use Permit or the *reclamation* plan or both, the *surface mining* operator shall submit financial assurances to ensure compliance with the *surface mining* operation's *reclamation* plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.
  - (1) Cost estimates shall be prepared in accordance with the procedures outlined in the most recent edition of the State Mining and Geology Board's "Financial Assurance Guidelines" and shall be submitted to the City Manager for review and approval prior to the *surface mining* operator securing financial assurances.
  - (2) A copy of the cost estimates will be forwarded to the State California Department of Conservation for review.
  - (3) Revisions to financial assurances shall be submitted to the City Manager each year prior to the anniversary date for approval of the financial assurances. The annual adjustments shall take into account new lands disturbed by *surface mining* operations, changes with respect to environmental conditions affected by mining operations, new information concerning mining *reclamation* or the *reclamation* of subject mined lands, modifications of the *reclamation* plan, changes in the laws and regulations affecting *surface mining*, inflation and *reclamation* of lands accomplished in accordance with the *reclamation* plan.
  - (4) The financial assurances shall be made payable to the City of San Diego and the California Department of Conservation and may be any of those listed below. The financial assurances shall be released, upon written notification from the City Manager to the *surface mining* operator and the California Department of Conservation, that the

*surface mining* operator is in compliance with the provisions of the Conditional Use Permit and has completed the work in accordance with the approved *reclamation* plan. Financial assurances may be any of the following:

- (A) A bond or bonds by one or more duly authorized corporate securities;
  - (B) A deposit of money or negotiable bonds of the kind approved for securing deposits of public moneys;
  - (C) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the plan are on deposit and guaranteed for payment; or
  - (D) Other security which the State Mining and Geology Board determines are reasonably available and adequate to ensure reclamation in accordance with the California Surface Mining and Reclamation Act of 1975.
- (5) Default of financial assurances shall comply with the procedures established by the City Manager, as amended from time to time.
- (k) Whenever any *surface mining* operation or portion of a *surface mining* operation that is subject to Section 141.1004 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, *reclamation* plan, the provisions of Section 141.1004 and the California Surface Mining and Reclamation Act of 1975.
- (l) In accordance with Public Resources Code section 2770, and as further provided in Section 141.1004, whenever any *surface mining* operation becomes *idle*, the *surface mining* operator shall submit a proposed interim management plan (*IMP*) to the City Manager for review and approval. The *IMP* shall be submitted within ninety days of the operation becoming *idle* on forms provided by the City Manager. Review and approval of the *IMP* shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed *IMP*, the City Manager shall forward it to the California Department of Conservation for review.