

# STATEMENT OF RESPONSIBILITY (SOR)

Reference SMARA 2772.C.10

In consideration of approval by the lead agency of this application for a Surface Mining Permit and/or Reclamation Plan, the undersigned, jointly and severally, hereby covenant with the lead agency and the Department of Conservation as follows:

MINE NAME: Eliot Quarry (SMP-23)

CALIFORNIA MINE ID #: 91- 01-0009

LEAD AGENCY: Alameda County

CONDITIONAL USE PERMIT #: Q-1, Q-4, Q-76

I hereby acknowledge that all of the provisions of said permit and reclamation plan, and any and all conditions appended thereto shall be faithfully performed and completed by the undersigned within the time therein provided, or within any additional time as may be allowed pursuant to the Surface Mining Ordinance Code of the lead agency and with the applicable requirements of Articles 1 and 9 (commencing with section 3500 et seq., respectively) of chapter 8, division 2, title 14, of the California Code of Regulations, the Surface Mining and Reclamation Act of 1975 (SMARA), as amended (section 2710 et seq. of the Public Resources Code) which are incorporated herein by reference.

That the obligations of the undersigned to perform and complete the provisions of said permit and/or plan, including any and all conditions appended thereto, shall be subject to the provisions of said Ordinance Code and SMARA and the State Mining and Geology Board's implementing regulations and guidelines.

That the place of performance by the undersigned of the covenants herein, shall be the area managed by the lead agency in the State of California.

That, pursuant to Public Resources Code section 2774.1 (a) notice procedures, any notice required to be given, or otherwise given to the undersigned may be by personal service or by certified mail.

<b>Owner of Operation Business Structure:</b> (check one)	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Partnership
	<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Individual
	<input type="checkbox"/> General Partnership	

Check one:

☐

**I have** posted an adequate financial assurance mechanism pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate.

Date Posted: 4/10/2018

**Mechanism Type (check one)**

☒ Surety Bond

☐ Certificate of Deposit

☐ Letter of Credit

☐ Other: \_\_\_\_\_

Or

☒

**I will** post an adequate financial assurance mechanism, pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate.

**Mechanism Type (check one)**

☒ Surety Bond

☐ Certificate of Deposit

☐ Letter of Credit

☐ Other: \_\_\_\_\_

Dated this 14 day of February, 20 19

RMC Pacific Materials, LLC (CEMEX)

Printed Name of Owner of Operation



(to be acknowledged by a Notary Public)

## FOR DEPARTMENT USE ONLY

(completed by staff after approval of project)

SMARA Database Entry Date

Analyst Initials

## **STATEMENT OF RESPONSIBILITY (SOR)**

### **INSTRUCTIONS FOR AN EXISTING MINING OPERATION**

Surface mining operations are subject to the requirements of the Surface Mining and Reclamation Act (Public Resources Code 2710 et seq., California Code of Regulations, title 14, section 3500 et seq.) and applicable administrative regulations as well as lead agency (LA) ordinance requirements. When a new mine site operator is going to assume legal and operational responsibility for an existing mining operation in California, it is required to file a Statement of Responsibility (SOR). (Reference PRC section 2772(c)(10)). This statement formally notifies the LA and the State Department of Conservation (Department) that a new individual and/or company is assuming all permitted responsibility for operating the mining site in compliance with the LA-approved Surface Mining Permit and Reclamation Plan, local ordinances, the Surface Mining and Reclamation Act of 1975 (SMARA), associated regulations, and guidelines. If the mining operation will be assumed by someone other than the legal landowner of the property, written authorization from the property owner(s) of record is also required.

The attached forms include places to provide the LA and the Department with the pertinent contact information for the new mine site operator and other information related to the mine site. The SOR form should be signed and acknowledged by a Certified Public Notary and returned, together with the other requested information, to the LA. Once a determination is made by LA staff that the forms have been properly filled out and executed, the LA will notify the Department of the change, and copy the new mine site operator.

Before filing a SOR to assume legal and operational responsibility for a mining operation, the new mine site operator should secure a copy of the approved surface mining permit and reclamation plan from the current or previous property owner and become thoroughly familiar with the requirements that the LA has imposed with respect to the affected mine site.

Additionally, the new mine site operator should request the property owner provide a copy of the latest Surface Mining Inspection Report (MRRC-1) prepared by the LA's Mining Inspector and a copy of the latest State Mining Operation Annual Report (MRRC-2) filed with the Department and the LA.

Once the new mine site operator has received written confirmation that this filing has been satisfactorily completed, a new financial assurance mechanism must be submitted to the lead agency and reviewed by the Department before existing financial assurance instruments of the previous mine operator can be released by the LA and the Department. (Reference: CCR section 3805.5)

In order to ensure that the required forms have been properly executed, please include the following appropriate documentation with your submittal:

- 1) If the mining operation has been acquired through a change in ownership, the signatures of all the legal owners of record for that property must be included on the SOR.
- 2) If the new or current property owners will be allowing mining operations to be assumed by a third party, a separate letter of authorization to assume this mining operation, signed by each new owner of record, shall be submitted.
- 3) If the person filing the SOR is acting on behalf of a corporation, a resolution from the corporation's board of directors should be submitted which provides authority for this filing and which indicates who has the ability to execute the statement on behalf of the corporation. A minimum of two (2) signatures are required.
- 4) If the person filing the SOR is acting on behalf of a Limited Liability Company, a copy of the company's Articles of Organization must be submitted which clearly indicate who has authority to execute the statement on behalf of the company.
- 5) If the person filing the SOR is acting on behalf of a General Partnership, verification is required to ensure that the signatory is a current partner.
- 6) If the person filing the SOR is acting on behalf of a Limited Partnership, a copy of the partnership agreement must be submitted which indicates who is designated as a general partner within the partnership. Only a general partner may sign the SOR on behalf of the partnership.