

ARKANSAS DEPARTMENT OF POLLUTION CONTROL
AND ECOLOGY

LOCATION - SUBJECT Titan Mining, Ltd.

Little Rock, AR

MINUTE ORDER NO. 81-106

PAGE 1 of 5 PAGES

Robert M. Traylor, Jr., and Titan Mining, Ltd. request the release of \$13,125.00, a portion of their \$18,125.00 bond as provided in the Consent Decree.


In the Chancery Court of Pulaski County, Arkansas, Consent Decree No. 80-5455, dated on or about January 30, 1981, provided for the orderly reclamation of permits no. 114 and 114A-1 by Robert M. Traylor, Jr., and Titan Mining, Ltd.


The Consent Decree provided that Mr. Floyd G. Durham, acting for the Department of Pollution Control and Ecology, could enter into an agreement with the principals to the Consent Decree for the betterment of the reclamation plan and execution.

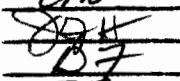
The Department has issued a permit for this same area, including off-site affected area, with an adequate bond for the purpose of guaranteeing better reclamation and elimination of the high wall.

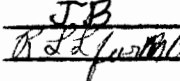
The Surface Mining and Reclamation Division recommends the release of a partial bond in the amount of \$13,125.00, leaving \$5,000.00 bond to cover the balance of the reclamation required under the Consent Decree as part of the joint agreement under the Consent Decree attached hereto, and subject to issuance of permit no. P282-M-CO.

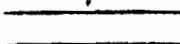
COMMISSIONERS











John P. Saylor

SUBMITTED BY: F.G.D.

DATE PASSED: 11/20/81

ARKANSAS REAL ESTATE COMPANY, INC.

408 Union Station Square — Post Office Box 1067

LITTLE ROCK, ARKANSAS 72203

501-374-3777

November 12, 1981

REC'D NOV 13 1981

Mr. Floyd Durham
Department of Pollution
Control and Ecology
8001 National Drive
Little Rock, AR 72209

Dear Mr. Durham:

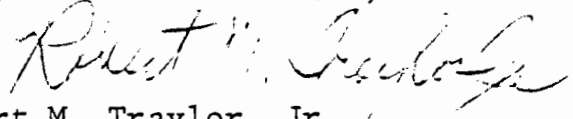
I know that you are familiar with the settlement that has been worked out on the Rowbotham Mine, Permit #114 and #114-A. R & S Coal Company has repermited the existing mine except for a small area which they have agreed to take over my obligation to reclaim and a separate bond is being placed to cover that area.

At this time I would respectfully request that the Department return to me the outstanding bond on these two permits, namely, a \$5,000 certificate of deposit #519204 issued by Worthen Bank and Trust and a \$13,125 certificate of deposit #520453 issued by Worthen Bank and Trust.

There may be some legal matters that should be handled on this transaction and, therefore, I stand ready at anytime to help on this matter and I will have my attorney, H. Clay Robinson, available to handle any legal matters that you feel might be necessary on this return of bond.

I would appreciate your attention to this matter.

Always with best wishes,



Robert M. Traylor, Jr.

RMTjr:ej

FILED

IN THE CHANCERY COURT OF PULASKI COUNTY, ARKANSAS

81 NOV 20 A 8: 01

ROBERT M. TRAYLOR, JR.

PLAINTIFF AND
COUNTER DEFENDANT

V.

NO. 80-5455 CHANCERY CLERK
PULASKI COUNTY, ARK.

RALPH WILLIAMS, et al

DEFENDANTS AND
COUNTER CLAIMANTS

V.

TITAN MINING, et al

INTERVENORS AND
THIRD PARTY DEFENDANTS

V.

WILLIAM P. ROGERS, et al

THIRD PARTY DEFENDANTS

ARKANSAS COMMISSION ON POLLUTION
CONTROL AND ECOLOGY

INTERVENOR

MOTION OF ROBERT M. TRAYLOR, JR.

1. A Consent Decree was entered in this matter on January 30, 1981, providing for the reclamation of several coal mines located in Johnson and Logan Counties, Arkansas.


2. Paragraph 3 and Part III of the Consent Decree govern the reclamation of the "Titan Rowbotham Mine" which was mined pursuant to Permits No. 114 and 114-A.

3. Robert M. Traylor, Jr., who is one of the persons charged with the duty to reclaim the Titan Rowbotham Mine under the provisions of the Consent Decree and the Arkansas Department of Pollution Control and Ecology have entered into a letter Agreement, a copy of which is attached hereto as Exhibit "A", which in some respects modifies the reclamation requirements in Part III of the Consent Decree. The purpose of this Motion is to inform the Court that the parties have as a result of subsequent developments since the entry of the Consent Decree agreed that the reclamation plan should be modified as reflected by Exhibit "A" and to request the Court to amend the Consent Decree to the extent that it is contradicted by the provisions of the attached Exhibit "A".

2.


WHEREFORE, Robert M. Traylor, Jr. prays that the Court so amend the Consent Decree.

PRYOR, ROBINSON, TAYLOR AND BARRY
P. O. Box 1584
Fort Smith, Arkansas 72902

By 
H. Clay Robinson

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of November, 1981, a true copy of the foregoing Motion was mailed to Ms. Cheryl Terai, Attorney at Law, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.


H. Clay Robinson

FILED

IN THE CHANCERY COURT OF PULASKI COUNTY, ARKANSAS 9:22

ROBERT M. TRAYLOR, JR.

PLAINTIFF AND
COUNTER-DEFENDANT
PULASKI COUNTY, ARK.

V.

NO. 80-5455

RALPH WILLIAMS, et al

DEFENDANTS AND
COUNTER CLAIMANTS

V.

TITAN MINING, et al

INTERVENORS AND
THIRD PARTY DEFENDANTS

WILLIAM P. ROGERS, et al

THIRD PARTY DEFENDANTS

ARKANSAS COMMISSION ON POLLUTION
CONTROL AND ECOLOGY

INTERVENOR

FIRST AMENDMENT TO CONSENT DECREE

On the Motion of Robert M. Traylor, Jr., the Court
finds:

I

Paragraph 3 and Part III of the Consent Decree entered
in this matter govern the reclamation of the Titan Rowbotham
Mine which was mined pursuant to Permits No. 114 and 114-A.

II

As the result of events that occurred subsequent to the
entry of the Consent Decree, the parties have agreed that
the reclamation requirements of Part III of the Decree be
modified as reflected by an agreement between the parties
attached as Exhibit "A" to a pleading filed in this matter
entitled "Motion of Robert M. Traylor, Jr."

III

The Consent Decree should be modified to conform to the
present reclamation plan as reflected by Exhibit "A" to
"Motion of Robert M. Traylor, Jr."


IT IS, THEREFOR, ORDERED, ADJUDGED AND DECREED that
Part III of the Consent Decree is hereby modified to the

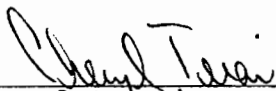
extent that it is varied by the provisions of the agreement among the parties, Exhibit "A" to "Motion of Robert M. Traylor, Jr." which provisions are hereby adopted by reference.

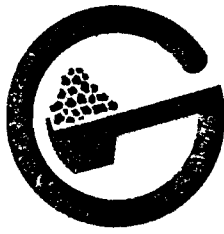

CHANCERY JUDGE

Dated: 11-20-81

APPROVED AS TO FORM:


H. Clay Robinson
for Robert M. Traylor, Jr.,
Titan Mining, Ltd. and Titan
Mining, Inc.


Cheryl Terai
for Arkansas Commission on Pollution
Control and Ecology



TITAN MINING INC.

November 9, 1981

Department of Pollution
Control and Ecology
8001 National Drive
Little Rock, Arkansas

Gentlemen:

Please find enclosed Agreement (between Titan Mining, Ltd. and R & S Coal Company), Coal Mining Lease (between Titan Mining, Ltd. and R & S Coal Company), Exhibit "A", Preliminary Grading Plan and a letter from the Department of Pollution Control and Ecology to Robert M. Traylor, Jr., dated March 31, 1981, and signed by Floyd Durham.

It is the intention of Titan Mining, Ltd. and Robert M. Traylor, Jr. to enter into an agreement with R & S Coal Company whereby Titan Mining, Ltd. will lease 52 acres of coal minerals in Johnson County, Arkansas, to R & S Coal Company in return for R & S Coal Company reclaiming certain acres of land upon the south edge of the Rowbotham mine. It has been mutually agreed upon by the Department of Pollution Control and Ecology and R & S Coal Company and Titan Mining, Ltd. that there will be approximately four acres of disturbed land on the south part of the Rowbotham mine which shall not be included in the permit of R & S Coal Company. The responsibility for reclaiming this approximately four acres shall be assumed by R & S Coal Company. However, there will be a \$2,000. bond covering this four acres for reclaiming and reseeding and revegetating the area. It will be understood that Titan Mining, Ltd. will put up or leave up \$2,000 for bonding this approximately four acres. However, the bond will be assigned to R & S Coal Company and when the reclamation work is completed, R & S Coal Company will receive the bond money.

It is also understood by the parties that when that acreage now permitted by Titan Mining, Ltd. is permitted by R & S Coal Company, that the bond money that is now up will be returned to Titan Mining, Ltd. and its general partner, Robert M. Traylor, Jr.

Department of Pollution
Control and Ecology
Page Two
November 9, 1981

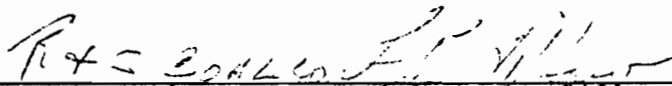
Also, the pond that is now on the east end of the property is within the permitted area of R & S Coal Company and the permit will cover any problems that might be associated with the water in the pond.

The responsibility of furnishing wire and fence posts to the Rowbothams is still the responsibility of Titan Mining, Ltd. and Robert M. Traylor, Jr., and also the reclaiming of the coal pad north of the road is still the responsibility of Titan Mining, Ltd. and Robert M. Traylor, Jr.

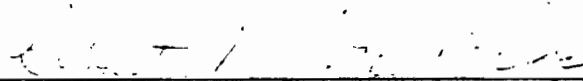
Sincerely,

Robert M. Traylor, Jr.

ACCEPTED:



R & S Coal Company, by L. B. Gilbow



Titan Mining, Ltd., by its General Partner
Robert M. Traylor, Jr.



Department of Pollution Control and Ecology

DATED: 11/13/81