

MINUTE ORDER NO. 83- 42

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The Commission hereby approves holding a public hearing with notice thereof to receive comments on the attached proposed revisions in the Arkansas Surface Coal Mining and Reclamation Code.

COMMISSIONERS

JP
DB
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KEH
MM
ATTY

John P. Lutton
CHAIRMAN

SUBMITTED BY: FGD DATE PASSED: 7-22-83

PART 771 - GENERAL REQUIREMENTS FOR
PERMITS AND APPLICATIONS

S 771.25 Permit Fees.

(a) General Requirements.

(1) The application for a surface coal mining and reclamation permit pursuant to the State program shall be accompanied by a \$500.00 permit review fee. This permit review fee shall cover review of the application, and all revisions submitted by the applicant during the permit review process.

(2) The request for a coal exploration approval for the removal of greater than 250 tons pursuant to the State program shall be accompanied by a \$250.00 request review fee and a \$250.00 administrative and enforcement fee. These fees shall cover the necessary review of the request and the administrative and enforcement duties required by the State program.

PART 776 - GENERAL REQUIREMENTS FOR
COAL EXPLORATION OPERATIONS

776 (C) General Requirements: Exploration Operations of More Than 250 Tons.

(c) Bond Requirements: After a request for approval to conduct a coal exploration activity in excess of 250 tons, but prior to its approval, the applicant shall file with the Department a performance bond payable to the Department in the amount of not less than \$5,000.00. The performance bond shall be conditioned upon faithful performance of all of the requirements of the Act, this chapter, the State program, the performance standards of Section 815.15, and the conditions request approval. The bond shall cover the entire permit area.

PART 842 INSPECTIONS

842 (c) Changes:

(c) The Department shall conduct inspections of all coal exploration and active or inactive surface coal mining and reclamation operations under its jurisdiction. The inspections shall average at least:

(1) Two partial inspections per calendar quarter of each active surface coal mining and reclamation operation. A partial inspection is an onsite review of a person's compliance with some of the permit conditions and requirements imposed under the State program, during which the inspector collects evidence with respect to every violation of any such condition or requirement observed;

(2) One complete inspection per calendar quarter of each active or inactive surface coal mining and reclamation operation. A complete inspection is an onsite review of a person's compliance with all permit conditions and requirements imposed under the State program within the entire area disturbed or affected by surface coal mining and reclamation operations, including the collection of evidence with respect to every violation of any such condition or requirement; and

(3) Periodic inspections for all coal exploration operations required to comply in whole or part with the Act, this chapter, or the State program, including the collection of evidence with respect to every violation of any condition of the exploration approval or requirement of the State program, the Act, or this Chapter.

(4) Aerial inspections shall be conducted in a manner which reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected. Any potential violation observed during an aerial inspection shall be investigated on site within three (3) calendar days: Provided, that any indication of a condition, practice or violation constituting cause for issuance of a notice of violation or a cessation order shall be investigated on site immediately, and provided further that an onsite investigation of a potential violation observed during an aerial inspection shall not be considered to be an additional partial or complete inspection.

(5) For the purpose of this section, an inactive surface coal mining and reclamation operation is one for which:

(i) The Department has received from the permittee the written notice provided for under Section 816.131(b) of this chapter; or,

(ii) Reclamation Phase II as defined at 807.12(e) (2) of this chapter has been attained.

PART 843 ENFORCEMENT

843.12 Notices of violation.

(c) An authorized representative of the Director may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance; except that in rare cases or under extenuating circumstances further extensions may be granted by the Director.