

BEFORE THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF
MULTI-MINERALS CORPORATION
PERMIT NO. P204-M-CO

LIS 84-060

ORDER OF SUSPENSION

This Order of Suspension is issued by the Commission on Pollution Control and Ecology (Commission) pursuant to the authority of the Arkansas Surface Coal Mining and Reclamation Act of 1979, as amended (Ark. Stats. Ann. §§ 52-935 to 52-971) and the Arkansas Surface Coal Mining and Reclamation Code (Code). A hearing was held at the Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas, on December 3, 1984, at which Multi-Minerals appeared. Based upon the evidence introduced at that hearing the Commission makes the following findings:

FINDINGS OF FACT

1. Proper service of an Order to Show Cause upon the permittee, Multi-Minerals, was obtained and the Commission has jurisdiction of the subject matter and the person of the permittee.
2. Multi-Minerals is the holder of Permit No. P204-M-CO issued by ADPC&E on June 16, 1983.
3. Multi-Minerals has engaged in a pattern of violations of the requirements of the Code in regards to the protection of topsoil. Specifically:

- (a) On December 15, 1983, pursuant to an inspection on that date, N.O.V. #PHW-064-83 was issued to permittee for violation of Code, Section 816.23(b) for failure of permittee to place stockpiled topsoil in a stable area of the permit and to protect it.

- (b) On January 17, 1984, pursuant to an inspection on that date, N.O.V. #PHW-001-84 (1 of 2) was issued to permittee for violation of Code, Section 816.21(a) for failure of permittee to remove topsoil before disturbance of an area; and N.O.V. #PHW-001-84 (2 of 2) was issued to permittee for violation of Code, Section 816.23(b) for failure of permittee to place stockpiled topsoil in a stable area of the permit and to protect it.

- (c) On April 18, 1984, pursuant to an inspection on that date, a Cessation Order was issued to permittee for failure to abate the violation described in N.O.V. #PHW-001-84 (2 of 2); N.O.V. #F.D.S.-011-84 (1 of 2) was issued to permittee for violation of Code, Section 771.19 for failure of permittee to follow the mining plan in regards to spoil and topsoil stockpiles.

- (d) On May 21, 1984, pursuant to an inspection on that date, N.O.V. #F.D.S.-021-84 (1 of 3) was issued to permittee for violation of Code, Section 816.23(b) for failure of permittee to place stockpiled topsoil in a stable area of the permit and to protect it.

(e) On July 18, 1984, pursuant to an inspection on that date, a Cessation Order was issued to permittee for failure to abate the violation described in N.O.V. #F.D.S.-011-84 (1 of 2).

(f) On August 20, 1984, pursuant to an inspection on that date, a Cessation Order was issued to permittee for failure to abate the violation described in N.O.V. #F.D.S.-021-84 (1 of 3).

4. Multi-Minerals has engaged in a pattern of violations of the requirements of the Code in regards to responding to Notices of Violation within the time and manner required. Specifically:

(a) Permittee failed to abate N.O.V. #PHW-001-84 (2 of 2) in a timely manner, resulting in issuance of a Cessation Order on April 18, 1984.

(b) Permittee failed to abate N.O.V. #PHW-007-84 (1 of 2) in a timely manner, resulting in issuance of a Cessation Order on June 19, 1984.

(c) Permittee failed to abate N.O.V. #PHW-007-84 (2 of 2) in a timely manner, resulting in issuance of a Cessation Order on April 18, 1984.

(d) Permittee failed to abate N.O.V. #F.D.S.-011-84 (1 of 2) in a timely manner, resulting in issuance of a Cessation Order on July 18, 1984.

(e) Permittee failed to abate N.O.V. #F.D.S.-021-84 (1 of 3) in a timely manner, resulting in issuance of a Cessation Order on August 20, 1984.

5. Multi-Minerals has failed to comply with condition #6 of Permit No. P204-M-CO by failing to make payments as required thereby on November 1, 1983, and July 1, 1984, and as of November 1, 1984, owes \$8,718.75 in past due civil penalties.

6. Multi-Minerals at the hearing on December 3, 1984, introduced as Defendant's Exhibit No. 2, a "Reclamation Plan" (copy attached hereto) which provides a description of planned reclamation activities of the permit area, including a schedule for such activities. Such plan is found to be reasonable and appropriate to remedy the violations existing onsite and to provide reclamation of disturbed areas, with the exception that, those increments to be backfilled and graded prior to June 28, 1985, (Increments 1-3) should have topsoil spread on them and should be seeded as soon as reasonably possible.

7. Multi-Minerals also introduced at the hearing a copy of a 'Contract of Mining Rights' as Defendant's Exhibit No. 4 and a document entitled "Mining Plan For Multi-Minerals Corporation, November, 1984,"

as Defendant's Exhibit No. 3 and testimony in regards to these documents. The evidence indicates Multi-Minerals has subcontracted with a L. H. Hannah to operate the mine in consideration of payment of \$5.10 per ton of coal mined and that this arrangement should provide an enhanced capability including additional equipment and labor to reclaim disturbed areas and to abate any violations in a timely manner and to pay past due civil penalties. The evidence also indicates Multi-Minerals proposes to assign 50 cents per ton of coal mined under the contract with Hannah to the Department to pay the past due civil penalties.

IT IS, THEREFORE, ORDERED:

1. That Permit No. P204-M-CO and the right to mine thereunder is hereby suspended, unless and until:

- (a) Multi-Minerals has abated and has terminated all Notices of Violation and Cessation Orders hereinabove mentioned in the Findings of Fact; and
- (b) Executed a valid assignment of 50 cents a ton of all coal mined under the permit to ADPC&E for payment of \$8,718.75 in past due civil penalties; and

- (c) Submitted to ADPC&E all necessary documents to modify the mining and reclamation plan, and permit information; and
- (d) The Director has approved the completion of steps (a) - (c).

2. It is further provided that Permit No. P204-M-CO shall be immediately and indefinitely suspended hereunder, subject to further action of the Commission, upon notification from the Director to Multi-Minerals that:

- (a) The \$8,718.75 in civil penalties has not been paid in full by June 1, 1986.
- (b) The permittee has failed to comply with the Reclamation Plan, including the schedule of implementation, attached herto and expressly incorporated herein, with the exception that those increments to be backfilled and graded prior to June 28, 1985 (Increments 1-3) are to have topsoil spread and are to be seeded as soon as reasonably possible.

SO ORDERED this 25th day of JANUARY, 1985.

ARKANSAS COMMISSION ON POLLUTION
CONTROL AND ECOLOGY


CHAIRMAN

ATTEST: 
DIRECTOR

DIRECTOR

MULTI-MINERALS CORP.

ROUTE 2
OZARK, ARKANSAS 72949
PH. 501-667-3304

14 SKYWAY DRIVE
LITTLE ROCK, ARK. 72207
PH. 501-664-7651

RECLAMATION PLAN

FOR:

136.5 Acre Mine Site Located In The, E $\frac{1}{4}$ Of The
N, W $\frac{1}{4}$ And The N, E $\frac{1}{4}$ Of Section 10, Township. 10
N, Range 27, W, Franklin County. Arkansas.

Submitted To:

Arkansas Department Of Pollution Control and Ecology
(ADPC&E)

Surface Mining And Reclamation Division
(SMRD)

8001 Naional Drive
Little Rock, Arkansas 72219

APPLICANT:

Multi-Minerals Corporation
P. O. Box 1089
Ozark, Arkansas 72949

DATE:

November 1984

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INDEX

A.D.P.C.E. RECLAMATION PLAN
ATTACHMENT A- RECLAMATION PLAN MAP
ATTACHMENT B- BACKFILLING
ATTACHMENT C- FINAL RECLAMATION
ATTACHMENT D- SCHEDULE

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ATTACHMENT A

MULTI-MINERALS CORPORATION
WHITE OAK MINE #1
SECTION 10, TOWNSHIP 10 N, RANGE 27 W.
FRANKLIN COUNTY, ARKANSAS

1. MAP NO. DF-1
2. MAP SCHEDULE OF 1in. TO 200 FT. WITH
INCREMENTS 1,2,3,4, AND 5 ATTACHED

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ATTACHMENT B-

1. All pits will be filled and the area graded to blend with the surrounding ground contour.
2. Backfilling and grading will be one increment at a time as shown on attachment D .
3. Equipment:
The reclamation will be done using the following pieces of equipment.
One Dozer
One Front End Loader
One Truck

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ATTACHMENT C-1

- A. All Spoil Piles will be pushed down, existing pits will be backfilled.
- B. Over Land Flow Of Water:
The backfilled areas will be regraded so all over land water will flow to the sediment pond shown on map in increment #2.
2. Topsoil Handling:
Existing top soil stockpiles will be left undisturbed until all backfilling and regrading has been completed.

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ATTACHEMNT C-2

3. Upon completion of backfilling and grading, topsoil from the topsoil stock piles will be spread over the graded area. Increments one thru five, as described in attachment D-section D-1
4. The disturbed and regraded area will be seeded in accordance with the following.
 - A. Fall or Winter:
Fertilizing with one hundred pounds per acre of commercial 10-20-10 fertilizer, seeding with fifty pounds per acre of rye grass and fifty pounds per acre of fescue.
 - B. Spring or Summer:
Fertilizing as described above, seeding of the area with bermuda grass and clover.
 - C. Reseeding will continue until vegetative cover becomes well enough established to be capable of stabilizing the soil surface in regard to erosion.
5. Date of completion shown on attachment (D) section (6)

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ATTACHMENT D-

TIME SCHEDULE:

- 1 Increment #1 71 Acres as shown on reclamation map.
Backfilling and grading will take forty five working days from November 26th 1984 thru January 31st, 1985.
2. Increment #2, 37 Acres
Backfilling and grading will take forty working days from February 1st, 1985 thru March 28th, 1985.
3. Increment #3 8.5 Acres
Backfilling and grading will take thirty working days from March 29th 1985 thru May 9th 1985.
4. Increment #4, 9.5 Acres
Backfilling and grading will take thirty five working days from May 10th, 1985 thru June 27th 1985.
5. Increment #5, 10.5 Acres
Increment # 5 is undisturbed.
6. Spreading the topsoil as shown in attachment C-2 section 3 will begin on June 28th 1985 thru July 31st 1985.