

ARKANSAS DEPARTMENT OF POLLUTION
CONTROL & ECOLOGY

LOCATION - SUBJECT Ii Philpott

MINUTE ORDER NO. 85-02

Mine (LIS 85-027)
PAGE 1 OF 1

The Commission hereby authorizes the Chairman to sign and issue the Order of Bond Forfeiture, LIS 85-027, attached hereto.

COMMISSIONERS

J.B.
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John Saxton
Acting CHAIRMAN

SUBMITTED BY: Phillip Deisch DATE PASSED: 3-22-85

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

BEFORE THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF TITAN PHILPOTT MINE:
TITAN MINING III, LTD.; and SMA, INC.
(Permits No. 178 and 178A-1)

LIS 85-027

ORDER OF BOND FORFEITURE

This Order of Bond Forfeiture is issued by the Commission on Pollution Control and Ecology pursuant to the authority of the Arkansas Open Cut Mining Act (Act 336 of 1977, as amended).

FINDINGS OF FACT

1. Notification that the Commission would consider whether to order forfeiture of the reclamation bond for this permit and of the right of the permittee to appear before the Commission and offer evidence in this matter was served upon the permittee and surety and their representatives by certified mail, a copy of the returned receipts are attached hereto as Exhibit 1 and Exhibit 2.

2. No objection or appearance by the permittee or surety or other interested parties has been made.

3. The bond for Permits No. 178 and 178A-1 consists of:

- (a) Certificate of Deposit No. 520469 dated 2/3/78 issued by Worthen Bank in the amount of \$26,250, made payable to the Arkansas Department of Pollution Control and Ecology;

(b) Certificate of Deposit No. 01/641224.0 dated 9/14/78 issued by Capitol Savings and Loan Association in the amount of \$20,750, made payable to Philpott and Associates and the Arkansas Department of Pollution Control and Ecology;

(c) Certificate of Deposit No. 521145 dated 10/6/78 issued by Worthen Bank in the amount of \$15,000, made payable to the Arkansas Department of Pollution Control and Ecology and Philpott and Associates.

4. From the facts and matters before the Commission, it is found that there has been a failure of the permittee to perform reclamation of the mined areas and that the entire bond for such reclamation should therefore be forfeited to the Department.

IT IS, THEREFORE, ORDERED THAT the bond of permittee is hereby forfeited in the sum total of \$62,000 for the use of the Department in reclaiming the areas mined under Permits No. 178 and 178A-1, and the Director shall take such actions necessary to collect said sum from Titan Mining III, Ltd., SMA, Inc. and/or the sureties on said bond.

SO ORDERED this 22 day of March, 1985.

ARKANSAS COMMISSION ON POLLUTION
CONTROL AND ECOLOGY

John P. Saylor
Acting Chairman

ATTEST: *Phyllis Bennett*
Director

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

BEFORE THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF TITAN PHILPOTT MINE:
TITAN MINING III, LTD.; and SMA, INC.
(Permits No. 178 and 178A-1)

LIS 85-027

NOTIFICATION OF BOND
FORFEITURE DETERMINATION

TO: TITAN MINING III, LTD. and SMA, INC.
c/o CHARLES D. DAVIDSON
P.O. BOX 1300
LITTLE ROCK, AR 72203
(Trustee in Bankruptcy)

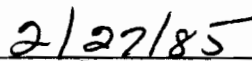
and

c/o DAVID KANE
321 FAIRFAX
LITTLE ROCK, AR 72205

The Director of the Arkansas Department of Pollution Control and Ecology hereby gives notice that the Commission on Pollution Control and Ecology will consider whether to order the forfeiture of the bonds for reclamation posted for the Titan Philpott Mine (Permits No. 178 and 178A-1) on behalf of Titan Mining III, Ltd.; SMA, Inc.; and Philpott and Associates, totalling in aggregate \$62,000.00 for failure to reclaim the mined areas, in accordance with the provisions of the Arkansas Open Cut Mining Act (Act 336 of 1977), at its regularly scheduled session on March 22, 1985, beginning at nine o'clock (9:00 A.M.) at 8001 National Drive, Little Rock, Arkansas. Any interested parties may appear and present evidence at that time and place concerning this matter.



Director



Date