ARKANSAS DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

LOCATION - SUBJECT Mining

Hearing Officers and Procedures

MINUTE ORDER NO. 85-13

WHEREAS, the Commission is authorized by Section 29(c) (Ark. Stat. § 82-963(c)) of the Arkansas Surface Coal Mining and Reclamation Act of 1979 (Act 134 of 1979, as amended) to designate Presiding Officers to conduct adjudicatory hearings in accordance with the provisions of the Act of the Arkansas Surface Coal Mining and Reclamation Code; and

WHEREAS, the timely disposition of violations, cessation orders, penalties assessed, permit revocations, and bond forfeitures is necessary for the effective administration of the Act and Code.

The Commission hereby designates that the Director shall at all times be the "Chief Presiding Officer" who shall have the authority as provided in Section 29(c) of the Act to set and conduct hearings, issue subpoenas, administer oaths, hold conferences, grant temporary relief, and issue a final order on any matter which is concluded by the consent of the parties thereto as a 'Consent Administrative Order' which shall be the decision of the Commission. The following persons are hereby designated as "Examiners" who shall have all powers as Presiding Officers on each case assigned to them by the Director, except that the Director must approve and issue any final Consent Administrative Orders:

Robert Blanz	-	Deputy Director, Program Operations
Randall Mathis	-	Deputy Director, Program Planning and Grants
Floyd Durham	-	Chief, Mining Division
Art Ritchie	-	Engineering Supervisor, Mining Division
Jim McHaney	-	Attorney
Cheryl Terai	-	Branch Manager, Compliance and Technical Services
Phillip Deisch	-	Chief Counsel, Legal Section
Ellen Carpenter	-	Staff Attorney, Legal Section
Martha Adcock	-	Staff Attorney, Legal Section
Dennis Griesse	-	Staff Attorney, Legal Section

Nothing herein shall abridge the function of the Commission in deciding any contested cases.

For the purposes of conducting legislative hearings for adopting, amending, or repealing rules or regulations, Regulation 8, Section II, shall apply, and the Chairman of the Commission, or his designee, shall preside.

This Minute Order supersedes and repeals Minute Order 82-26.

COMMISSIONERS

CHAIRMAN

SUBMITTED BY: Phillip Deisch DATE PASSED: 5-24-85