

MINUTE ORDER NO. 85-21

Forfeiture, LIS 85-013
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The Commission hereby authorizes the Chairman to sign and issue the Order of Bond Forfeiture, LIS 85-013, attached hereto:

COMMISSIONERS

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CHAIRMAN

SUBMITTED BY: Griesse DATE PASSED: 9-27-85

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
BEFORE THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF:
NELSCO, INC.
PERMIT NO. 132/132A-1

LIS 85-013

ORDER ON BOND FORFEITURE

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

FINDINGS OF FACT

1. Notification that the Commission would consider whether to order forfeiture of the reclamation bonds for these permits, and of the right of the permittee to request a hearing and offer evidence in this matter, was served upon the permittee by certified mail; a copy of the returned receipt is attached hereto as Exhibit 1.
2. No hearing has been requested by the permittee.
3. NELSCO, Inc. was issued Permit No. 132 by the Commission in May, 1977, to conduct mining operations on 10 acres in Franklin County, Arkansas, the mine being named the Bet No. 1; an adjacent 10 acres was permitted in January, 1978, as Permit No. 132A-1 and was considered a modification and addition to Permit No. 132.
4. Mining operations were terminated by NELSCO at both sites in 1979, before the expiration dates of the permits involved.

5. The bond for Permit No. 132 consists of a Certificate of Deposit No. A 1449 issued by the Bank of Ozark, Ozark, Arkansas, on May 17, 1977; and the Bond for Permit No. 132-A is in the amount of \$8,000.00, a Certificate of Deposit No. ARC 0957, issued by the Bank of Meeker, Meeker, Oklahoma, on February 1, 1978.

6. Partial reclamation was accomplished by NELSCO on Permit No. 132, but NELSCO has failed to commence reclamation on Permit No. 132A-1, thus reclamation on the total permitted acreage has not been accomplished as required by the respective permits and Section 7 (i) of the Act. The cost of reclaiming the entire permitted acreage exceeds \$13,000.00, the combined amount of the bonds; therefore, the entire bond amount for reclamation of the permitted acreage should be forfeited to the Department.

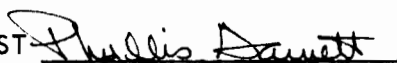
IT IS, THEREFORE, ORDERED THAT the bonds of the permittee are hereby forfeited in the sum total of \$13,000.00 for the use of the Arkansas Department of Pollution Control and Ecology in reclaiming the area mined under Permit Nos. 132 and 132A-1, and the Director shall take such action as necessary to collect said sum from NELSCO, Inc.

SO ORDERED this 27th day of September, 1985

ARKANSAS COMMISSION ON
POLLUTION CONTROL & ECOLOGY


CHAIRMAN

ATTEST


Director