

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

IN THE MATTER OF:
YARBROUGH COAL COMPANY, INC.
PERMIT NO. 168

LIS 85015

ORDER ON 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).

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 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. Yarbrough Coal Company, Inc. was issued a permit by the Commission on Pollution Control and Ecology on October 10, 1977 to conduct mining operations on six acres in Logan County. Reclamation was to be conducted contemporaneously with mining. Permit No. 168 expired on August 10, 1982.
4. Yarbrough Coal Company, Inc. notified ADPC&E of the completion of mining operations on August 10, 1978.

5. An Administrative Order was issued to Yarbrough Coal Company, Inc. on February 19, 1980, pursuant to an administrative hearing. Yarbrough Coal Company, Inc. was ordered to immediately commence reclamation, to submit revised cost estimates and to submit a bond to cover the costs of reclamation.

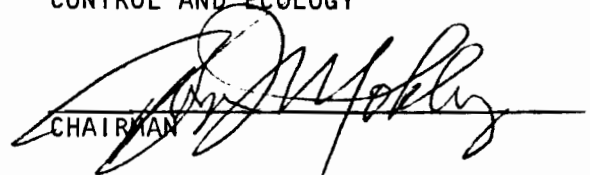
6. The bond for Permit No. 168 consists of Certificate of Deposit No. 8497 issued by Merchants National Bank on October 5, 1977, in the amount of \$3,000.00, made payable to the Arkansas Department of Pollution Control and Ecology.

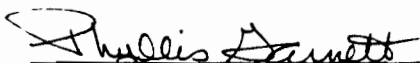
7. Yarbrough Coal Company, Inc. has failed to commence reclamation as required by Permit No. 168, Section 7(i) of Act 336 of 1977, and the Director's Order of February 19, 1980. The cost of reclamation exceeds \$3000. Therefore the entire bond for such reclamation should be forfeited to the Department.

IT IS, THEREFORE, ORDERED THAT the bond of permittee is hereby forfeited in the sum total of \$3,000.00 for the use of ADPC&E in reclaiming the area mined under Permit No. 168, and the Director shall take such actions necessary to collect said sum from Yarbrough Coal Company, Inc.

SO ORDERED this 27th day of September, 1985.

ARKANSAS COMMISSION ON POLLUTION
CONTROL AND ECOLOGY


CHAIRMAN

ATTEST 
DIRECTOR

PS Form 3811, July 1983 447-948

DOMESTIC RETURN RECEIPT

SENDER: Completes items 1, 2, 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

3. Article Addressed to:
 Mr. Allen A. Yarbrough
 Yarbrough Coal Co., Inc
 P.O. Box 126
 Clarksville, AR 72830

4. Type of Service:	Article Number
<input checked="" type="checkbox"/> Registered <input type="checkbox"/> Certified <input checked="" type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD P612832 814

Always obtain signature of addressee or agent and
DATE DELIVERED
 5. Signature - Addressee
 6. Signature - Agent
 X
 7. Date of Delivery
 8-12-85
 8. Addressee's Address (ONLY if requested and fee paid)