

MINUTE ORDER NO. 86-23

Corporation
PAGE 1 OF 1

The Commission hereby adopts the attached "Order of Bond Forfeiture" as the Findings, Conclusions, and Order of the Commission in the Matter of Multi-Minerals Corporation and authorizes the Chairman to sign said Order on behalf of the Commission.

SO ORDERED.

COMMISSIONERS

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CHAIRMAN

SUBMITTED BY: Cheryl J. Terai DATE PASSED: 9-26-86

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

IN THE MATTER OF:

MULTI-MINERALS CORPORATION
PERMIT NO. P204-M-CO

LIS 85-054

ORDER OF BOND FORFEITURE

This Order of Bond Forfeiture is issued by the Commission on Pollution Control & Ecology (Commission) pursuant to the authority of the Arkansas Surface Coal Mining and Reclamation Act of 1979, as amended (Ark. Stats. Ann. §§ 52-935 et seq) and the Arkansas Surface Coal Mining & Reclamation Code (Code). A hearing was held at the Arkansas Department of Pollution Control & Ecology, 8001 National Drive, Little Rock, Arkansas, on September 10, 1986, before Cheryl J. Terai, presiding officer. The Surface Mining Division appeared and was represented by Dennis Griesse and Barbara Brickey appeared on behalf of Multi-Minerals Corporation, the Permittee. Union Indemnity appeared not, although having been duly served. Based upon testimony and other evidence introduced at the hearing, the Commission makes the following findings:

FINDINGS OF FACT

1. The Commission has jurisdiction of the parties and the subject matter.

2. Multi-Minerals filed a Request for Hearing and Motion for Continuance on August 8, 1985.

3. Multi-Minerals is the holder of Permit No. P204-M-CO issued by the Arkansas Department of Pollution Control & Ecology on June 16, 1983.

4. The Commission issued an Order of Suspension of Multi-Minerals Permit No. P204-M-CO on January 25, 1985. Paragraph No. 2 of that Order provided as follows:

"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 hereto 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."

5. The \$8,718.75 in civil penalties had not been paid in full as of September 10, 1986.

6. The implementation schedule, Attachment D of the Order of Suspension issued by the Commission, contained a final date of June 27, 1985, for all backfilling and grading activities. A partial inspection conducted on October 24, 1985, revealed that all backfilling and grading activities had not been completed. However, approximately 4 to 5 acres had been backfilled.

7. A partial inspection of the site on September 8, 1986, revealed that no topsoil had been spread, although the schedule for spreading topsoil, as noted in Attachment D of the Order of Suspension, reflects that topsoil spreading should have been done between June 28, 1985, and July 31, 1985.

8. Multi-Minerals Corporation has been unable to pay the total civil penalties as set out in the Order of Suspension and to conduct reclamation at the site because the company has been unable to mine coal due to the depressed market for coal.

9. Multi-Minerals Corporation has failed to conduct the reclamation in accordance with the conditions of its permit, the Order of Suspension issued by the Commission, the Act, and the Code.

10. Multi-Minerals Corporation and Union Indemnity Insurance Company have posted a Surety Bond with the Arkansas Department of Pollution Control & Ecology in the sum of \$204,900.00.

IT IS, THEREFORE, ORDERED:

1. That Permit No. P204-M-CO and the right to mine thereunder is hereby revoked.

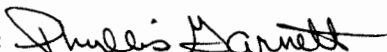
2. That the Surety Bond No. B00035270 given by Multi-Minerals Corporation and Union Indemnity Insurance Company is hereby forfeited in its entirety. The Department shall deposit the proceeds thereof in an interest-bearing escrow account for use in the payment of all costs and administrative expenses associated with the conduct of reclamation, restoration or abatement activities by the Department.

SO ORDERED THIS 26 th DAY OF SEPTEMBER, 1986.

ARKANSAS COMMISSION ON
POLLUTION CONTROL AND ECOLOGY


CHAIRMAN

ATTEST:


DIRECTOR