

MINUTE ORDER NO. 9-01

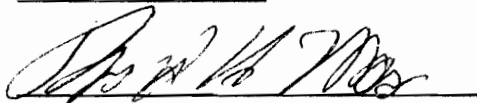
ORDER OF THE COMMISSION

Comes before the Commission of the Arkansas Department of Pollution Control and Ecology (ADPC&E) the appeal from the bond forfeiture ordered by ADPC&E on March 14, 1990. ADPC&E determined that Sugarloaf Mining Company (Sugarloaf) had failed to conduct surface coal mining and reclamation operations in accordance with the Arkansas Surface Coal Mining and Reclamation Act of 1979, Arkansas Act 134 of 1979, as amended, codified at A.C.A. §§ 15-58-101 et seq. (Supp. 1987) (the "Act"), the Arkansas Surface Coal Mining and Reclamation Code (the "Code"), and the conditions of its Permit No. P-272-M-CO (the "Permit").

A full evidentiary hearing was held in this matter on October 5, 1990 before the Honorable Lawson Cloninger. After the parties were given an opportunity to file post-hearing and reply briefs, Judge Cloninger issued his Decision Recommendation of Hearing Officer on December 12, 1990, recommending that the bonds be forfeited. The Decision Recommendation, which is attached and incorporated herein, is fully adopted and hereby ordered by the Commission.

COMMISSIONERS




Chairman

SUBMITTED BY: Ann Faitz DATE PASSED: 01/25/91