

Arkansas
Pollution
Control &
Ecology
Commission



February 15, 1996

Ms. Dominique von Planta
Planta & Planta
Rechtsanwalte
Walchestrass 15 CH-8006 Zurich

200 West 60th, No. 27G
New York, New York 10023

Re: Arkansas Pollution Control and Ecology Commission
Response to Request for Investigation.

Dear Ms. von Planta:

By letter dated January 10, 1996, you asked to address the Arkansas Pollution Control and Ecology Commission ("Commission") at its January 26, 1996 meeting. Your request was granted and you appeared before the Commission and spoke for the allotted time of ten minutes.

Your January 10th letter asked the Commission to initiate an investigation of the Arkansas Department of Pollution Control and Ecology ("Department") concerning releases executed by the Department's Mining Division. Two releases, attached to your letter, concern court litigation involving various mining companies and individuals. Your client, Mr. Joaquin de Navasques, is named in one release, but not the other release. On behalf of Mr. de Navasques, you are attempting to discover why he was not included in both releases.

You and your client came to Little Rock and reviewed the Department's files on this matter. At the Commission meeting, you alleged that the files were incomplete and that your questions were not answered to your satisfaction. You and Mr. de Navasques met with the Department Director, Mr. Randall Mathis. Mr. Mathis instructed his staff to work with you and he asked Assistant Attorney General Charles Moulton to become involved in this matter. It is your position that the Department still has not answered many questions and that an investigation should be conducted to explain various inconsistencies and open questions.

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Following your presentation at the January 26, 1996 meeting, the Commission agreed to determine what response should be made to your request. After reviewing the allegations and your request, it is our opinion that your request should be directed to a court of competent jurisdiction.

Sincerely,



H. R. Wilbourn, III

cc: All Commissioners
Randall Mathis
Charles Moulton