

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

LOCATION - SUBJECT \_\_\_\_\_  
Crooked Creek  
Docket No. 96-007-R

MINUTE ORDER NO. 97-5

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On May 31, 1996, the Arkansas Pollution Control and Ecology Commission ("Commission") initiated a rulemaking proceeding to amend Regulation No. 2, which is entitled: Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. If adopted, the proposed rule will designate Crooked Creek as an Extraordinary Resource Water ("ERW"). See, Minute Order No. 96-32. This rulemaking proceeding is designated as Docket No. 96-007-R.

On July 12, 1996, the Commission adopted Minute Order No. 96-36. The Minute Order sets out the procedural schedule for considering the proposed rule.

Public hearings were held in Mountain Home, Yellville, and Harrison, Arkansas. In addition, a public meeting was held in Yellville, Arkansas. Approximately 1,477 written comments were submitted on the proposed rule. The Commission also received a report prepared by the Arkansas Gravel Mining Task Force. The Arkansas Department of Pollution Control and Ecology ("Department") provided a report on the characteristics of Crooked Creek, information regarding the permitting of gravel mining operations in Arkansas, and a summary of the oral and written comments.

One of the issues raised by the public concerns the impact of gravel mining operations on Crooked Creek. Act 1345 of 1995 requires that a commercial gravel mining operator must obtain a permit for stream bed mining. The procedures for obtaining a stream bed mining permit are set out in Regulation No. 15 which became effective in August 1996.

The permitting process governing stream bed mining has just recently been implemented. The Commission believes that it should have more information on the impact of stream bed mining on Crooked Creek now that the Department is regulating mining operations through the permit process.

The Commission requests the Department to provide it with written bi-monthly reports. An original and fifteen (15) copies of each report is to be filed with the Commission Secretary.

