

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT _____
Bonds Excavating
Docket No. 97-011-NOV

MINUTE ORDER NO. 98 - 61

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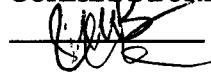

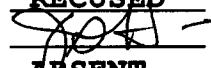
On October 23, 1998, Administrative Hearing Officer ("AHO"), Michael O'Malley, entered a Recommended Decision (Order No. 5) in the matter of Bonds Excavating, Docket No. 97-011-NOV. This case concerns the Arkansas Open-Cut Land Reclamation Act and the Arkansas Open-Cut Mining and Land Reclamation Code as set out in Regulation No. 15.

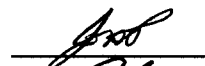

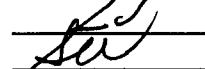
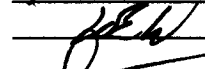


The Recommended Decision affirmed the Notice of Violation issued by the Department of Pollution Control and Ecology; imposes a civil penalty of \$1,000; requires a completed permit application; requires proper replacement of the lateral support along the east edge of the excavation; and closes the case.

The record compiled by the AHO and the Recommended Decision came before the Commission at its December 4, 1998 meeting. The Commission adopts the Recommended Decision (Order No. 5) entered on October 23, 1998, in Docket No. 97-011-NOV with one modification. The Commission revises Paragraph 4 on pages 23 and 24 of the Recommended Decision to read as follows:

" 4. That Bonds Excavating shall replace the lateral support along the edge of the excavation on the east part of the site and this work shall meet the requirements for lateral support as listed in A.C.A. §15-57-315 (5) (A) and Chapter Four, Section I, Paragraph A.11. of Regulation No. 15. This work shall be completed within ninety (90) days after receipt of the Commission's order affirming this decision."

COMMISSIONERS

	B. Bush
	C. Coleman
NO	J. Goodhart
RECUSED	D. Hanby
	J. Hill
ABSENT	J. Mobley

	J. Pascale
	T. Schueck
ABSENT	J. Shannon
	L. Sickel
	S. Varnell
	W. Wright
	R. Young


Chair

SUBMITTED BY: O'Malley PASSED: 12/04/98