

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 15, ARKANSAS OPEN-CUT)
MINING AND RECLAMATION CODE)

DOCKET NO. 12-002-R

STATEMENT OF BASIS AND PURPOSE

On February 10, 2012, the Arkansas Department of Environmental Quality, ("ADEQ") filed a Petition to Initiate Rulemaking to Promulgate Regulation No. 15, Arkansas Open-Cut Mining and Land Reclamation Code. This petition was granted on February 24, 2012 by the Commission's Minute Order No. 12-09.

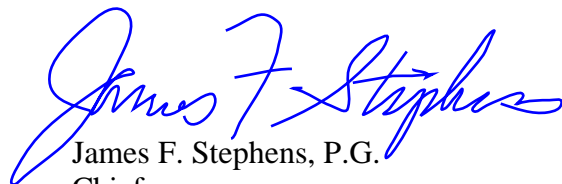
Pursuant to Minute Order 12-09, The Arkansas Department of Environmental Quality ("ADEQ" or "Department") submits the following Statement of Basis and Purpose regarding proposed changes to Regulation No. 15, Arkansas Open-Cut Mining and Land Reclamation Code.

The primary purpose for the proposed changes to Regulation No. 15 is to incorporate changes to the Arkansas Open-Cut Land Reclamation Act (A.C.A. 15-57-301 *et seq.*) by Act 609 of 2011. The changes can be found in Reg.15.502(H).

Exemptions found in Reg.15.301 have had a disclaimer added concerning possible short term authorizations or water quality permits from the Department that would be necessary even with an exemption from obtaining a mining permit.

Appendix A and Appendix B are proposed to be deleted. Appropriate references to APC&EC Regulation No. 2 have been added to direct readers to that regulation for the information that had been in the two appendices.

Other changes have been made as clarifications to make the regulation easier to read and understand.



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Chief

Surface Mining and Reclamation Division