

# ADEQ

ARKANSAS  
Department of Environmental Quality

July 27, 2017

Mr. Greg May  
Plant Manager  
Acme Brick Company  
P.O. Box 250  
Jonesboro, AR 72403

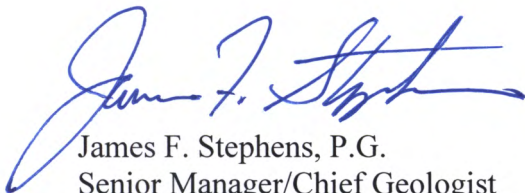
RE: Notice of Permitting Decision, Issuance of Open-Cut Mining Permit No. 0659-MN-A2

Dear Mr. May,

In accordance with the requirements of Reg. 8.201 and Reg. 15.303(E), please find enclosed your copy of Open-Cut Mining Permit Number 0659-MN-A2 for the "Brand Mine" mine site in Craighead County, Arkansas. Please note the new permit number (0659-MN-A2) and refer to this number on associated correspondence.

If you have any questions concerning this matter, please contact me at (501) 682-0807.

Sincerely,



James F. Stephens, P.G.  
Senior Manager/Chief Geologist  
Mining Program  
Office of Land Resources

Enclosures

APPLICATION FOR PERMIT TO ENGAGE IN  
OPEN-CUT MINING IN THE STATE OF ARKANSAS  
Submit in Duplicate

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317  
Telephone: (501) 682-0807

Date: 6-13-2017

(I) (We) (The) ACME BRICK COMPANY  
(Name of Company, Corporation, Partnership or Individual)  
3905 DAN AVENUE JONESBORO AR. 72401 870-935-5182  
Street City State Zip Code Phone Number

make application:

- For a new permit  
 Open-Cut  
 In-Stream  
 To amend Permit No. \_\_\_\_\_ as follows \_\_\_\_\_  
 For an extension of time for Permit No. 0659MN-A1

to mine CLAY by the open-cut method for a 5 year period (not to exceed five years)  
Mineral  
in the following area: CRAIGHEAD 12 19N 4E  
County Section Township Range

Front Gate Location: Latitude: 35° 37' 4.1 " N Longitude: 90° 36' 35.8 " W

Name of Mine "911" Address of Mine  
BRAND 2193 CO ROAD 792

Estimated annual production (tons) 51,000 Total Acres to be permitted 30

Based upon the attached mining and reclamation plans, a bond, duly executed in accordance with the Arkansas Open-Cut Land Reclamation Act and the Arkansas Open-Cut Mining and Reclamation Regulation in the amount of \$104,489.00, together with a check for the application fee in keeping with the Act and the Code in the amount of \$300.00 is enclosed. The Applicant certifies that all required documentation is attached.

CLARK BURNS Regional Production Manager Clark Burns  
Typed Name of Official Title Signature of Official

Subscribed and sworn to before me this 22<sup>nd</sup> day of June, 2017  
My commission expires MY COMMISSION EXPIRES 10/20/2019  
Shonda Sue Moore Davis  
Notary Public

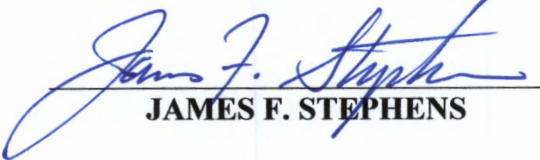
Approved: July 27, 2017  
Date

Jan F. Lynch  
For the Department

0659-MN-A2  
Permit Number

**CERTIFICATE OF SERVICE**

I, James F. Stephens, hereby certify that a copy of the final permit decision concerning the Acme Brick Company, Permit Number 0659-MN-A2 for the "Brand Mine" mine site has been mailed to all parties of record this 27<sup>th</sup> day of July 2017.

  
**JAMES F. STEPHENS**

STATE OF ARKANSAS

DEPARTMENT OF ENVIRONMENTAL QUALITY



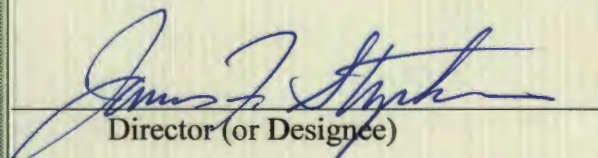
PERMIT # 0659-MN-A2 TO ENGAGE IN  
OPEN-CUT MINING IN THE STATE OF ARKANSAS

*This is to certify that*

*Acme Brick Company*  
*Permittee*

has complied with the application requirements of Act 827 of 1991, as amended, the Arkansas Open-Cut Land Reclamation Act and the Arkansas Open-Cut Mining and Reclamation Regulation (Regulation No. 15) written pursuant to the Act. The Permittee is authorized to conduct open-cut mining activities in accordance with the Act, the Regulation, the approved permit, any permit conditions, the approved mining plan and the approved reclamation plan, all of which are on file with the Department.

Permit Term: FROM July 5, 2017 TO July 4, 2022  
(not to exceed five years)

  
Director (or Designee)

Date: July 27, 2017

*\* This document is transferable and is at all times the property of the State of Arkansas. This document must be posted at the mine office*

**Open-Cut Mining Permit 0659-MN-A2**  
**Acme Brick Company**

**Open-Cut Mining Standard Permit Conditions**

**Performance Standards – General**

*Reg. 15.301(A)* and *Reg. 15.307(A)(1)* The permittee shall not engage in open-cut mining or affect lands without obtaining all appropriate permits from the Department (prior to start-up operations).

*Reg. 15.303(H)* This permit does not convey a right of access to the property.

*Reg. 15.401(A)* Every operator to whom a permit is issued pursuant to the provisions of the Act and this Code may engage in open-cut mining during the permit term on the area described in the permit upon the performance of and subject to the listed requirements in *Reg.15.402* with respect to the permitted area.

*Reg. 15.501(A)* The Department or its designated representatives may enter upon lands during reasonable times for the purpose of determining compliance with this permit and the Code.

**Open-Cut Mining Standards - *Reg. 15.402***

(A) The perimeter of the permit area must be clearly marked on the ground at all times using metal posts or stakes projecting 36 inches above ground and painted Hunter Orange or like color. These markers must remain in place until the operator has reclaimed the site and obtained release from reclamation liability from the Department.

(B) The operator shall protect the public from the dangers inherent in an open-cut mining operation by restricting access to the mine site and posting adequate warning signs.

(C) The operator shall preserve any topsoil for redistribution during reclamation unless otherwise approved by the Director and stipulated as a special condition to this permit.

(D) All affected land shall be graded to a rolling or terraced topography. No final slope shall be steeper than one (1) vertical to three (3) horizontal unless otherwise approved by the Department and stipulated as a special condition to this permit.

(E) The operator may construct earth dams, where lakes or other impoundments may be formed, provided they are constructed and maintained in accordance with sound engineering practices and the provisions of this Code.

**Open-Cut Mining Permit 0659-MN-A2**  
**Acme Brick Company**

**Open-Cut Mining Standards - Reg. 15.402 continued**

(F) If a lake is to be left as a part of the reclamation plan, provisions must be made by the operator to assure that a pH factor of six (6) to nine (9) is maintained, unless otherwise authorized by the Department and stipulated as a special condition to this permit.

(G) If the permit area is near or includes a waterway, a 100 feet undisturbed buffer zone must be maintained between the permit boundary and the ordinary high water mark. The ordinary high water mark elevation at the upstream and downstream limits of the permit area shall be determined numerically by the Department and stipulated as a special permit condition.

(H) Unless waived by the Department (and stipulated as a special permit condition), all affected land that is reforested shall have reasonable fire lanes or access roads of at least 10 feet in width constructed through the land.

(I) When the site slope is in condition for vegetation, a soil analysis shall be made as a basis for soil amendments.

(J) The operator shall furnish copies of the soil sample report and recommendations to the Department.

(K) In the event the permit area adjoins another land owner's property line or a right-of-way, open-cut mining operations must maintain an undisturbed buffer zone of fifty (50) feet from any adjacent property line or right-of way until reclamation begins. The operator may begin creating the final slope during reclamation at ten (10) feet from the adjacent property line or right-of-way.

(L) Whenever the exposed face of mined seams that contain acid-forming materials is not covered by water or by permanent water impoundment, the operator shall cover the exposed face of the seams with earth or spoil material to a depth of not less than three feet (3') upon approval of the Department.

(M) No later than June 1 of each year of the permit term, the operator shall submit to the Department, an annual report, in the form described in Chapter Six of this Code.

(N) All mine spoil generated by the operator shall be disposed of in a manner approved by the Department.

(O) For sand and gravel operations, the operator shall perform contemporaneous reclamation of the mine site in accordance with the operator's incremental mining plan approved by the Department.

**Open-Cut Mining Permit 0659-MN-A2  
Acme Brick Company**

**Open-Cut Mining Standards - *Reg.15.402* continued**

(P) Upon approval from the Department, stockpiles of processed materials may be left without being reclaimed if there is a likelihood that there will be a market for the material in the future and that there will be no form of pollution from the stockpiles remaining on or leaving the property.

(Q) Mine and permit identification sign:

- (1) Identification signs shall be displayed at each point of access to the permit area from public roads;
- (2) Signs shall show the current permit number and the name, business address, and telephone number of the operator; and
- (3) Signs shall be retained and maintained until after the final release of the bond for the permit area.

**Open-Cut Mining Permit 0659-MN-A2**  
**Acme Brick Company**

**Administrative Requirements**

This permit may be renewed, modified, or transferred in accordance with the procedures of *Reg. 15.311* upon application, and payment of applicable fees in accordance with *Reg. 15.304*.

Permit Transfers *Reg. 8.212*

An applicant for a transfer of a permit shall submit to the Department a written request for transfer of the permit on a form provided by the Department. The applicant also shall submit to the Department the information required by *Reg. 8.204* at least thirty (30) calendar days in advance of the proposed transfer date. The permit is automatically transferred to the new permittee unless the Director denies the request to transfer within thirty (30) calendar days of the Department's receipt of the disclosure information. This denial shall constitute a final permitting decision of the Director and may be appealed to the Commission.

*Reg. 15.601(A)* No later than June 1 of each year of the permit term, the operator shall submit to the Department an annual report that contains the following information:

(1) A site map showing the current status of the permit area with the following features clearly marked:

- (a) Permit boundary
- (b) Equipment installation
- (c) All roadways including entrance road
- (d) Water impoundments and water circulation system if applicable
- (e) Areas mined but unreclaimed
- (f) Areas currently being mined
- (g) Areas being reclaimed
- (h) Areas not yet affected
- (i) Section, Township, Range, and county

(2) A narrative providing the following:

- (a) The total number of affected acres that have not yet been released by the Department
- (b) The amount of material mined during the period from May 1 of the previous year through April 30 of the current year

*Reg. 15.601(B)* The operator shall pay an annual permit fee to the Department on affected land with the annual report in the amount listed below:

First 100 Acres	- \$10 per acre
101 to 200 acres	- \$7.50 per acre
201 and up	- \$5.00 per acre

*Reg. 15.701 (B)(1)* The operator must make a formal written request to the Department for the release of land or bond from this permit.



**Open-Cut Mining Permit 0659-MN-A2  
Acme Brick Company**

**Statement of Basis**

The General Performance Standards section lists the citation of the specific portion of Regulation No. 15 where the listed requirement can be found.

The Open-Cut Mining Standards listed are directly out of Regulation No. 15.

There are no Special Conditions to this permit.