

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO.15, THE ARKANSAS OPEN-CUT) DOCKET NO. 05- -R
MINING AND LAND RECLAMATION CODE)

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO.15,
THE ARKANSAS OPEN-CUT MINING AND LAND RECLAMATION CODE

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 15, The Arkansas Open-Cut Mining and Land Reclamation Code, states:

1. Act 855 of 2005 provided the Department with the authority to develop and issue general permits for approved categories of mining activities regulated under the authority of the Arkansas Open-Cut Land Reclamation Act. The Department proposes this rulemaking primarily to make the provisions of Regulation No. 15 conform with the statutory change effected by the Act 855 of 2005.
2. The proposed regulatory amendments involve the following areas:
 - (A) Development of additional language in the section that discusses the common aspects between individual and general permitting;
 - (B) A new section that incorporates the language from Act 855 of 2005 into the regulation;
 - (C) Correction of a typographical error in the section concerning administrative civil penalties; and
 - (D) Changes to the formatting style of the regulation to conform with the current Commission regulation format.

3. Mark Waller, attorney in the Department's Legal Division, and James F. Stephens, Chief of the Mining Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of a financial impact statement for the proposed revision is attached as Exhibit "B" and a copy of the Questionnaire is attached as Exhibit "C" are hereby incorporated by reference. An analysis of the impact to small business required pursuant to Executive Order 05-04 is attached as Exhibit "D" and hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is Attached hereto as Exhibit "E" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process for Regulation No. 15, and adopt the proposed Minute Order.

Respectfully submitted,

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