

NOTICE OF PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock April 5, 2012, to receive public comments on proposed revisions to Commission Regulation 15 (Arkansas Open Cut Mining and Reclamation Code). The hearing will begin at 2:00 p.m. in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock.

The deadline for submitting written comments on the proposed Regulation 15 changes is April 19, 2012.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

The APC&EC's authority for amending Regulation No. 15 is found in Arkansas Code Annotated, Section 15-57-301, et seq.

The most significant proposed changes to Regulation 15 involve:

- Addition of a new section involving penalties for violations of the regulation which resulted in pecuniary gain for violators. In lieu of the normal penalty range, the new section would allow the ADEQ to seek penalties equal to the amount of the pecuniary gain realized by the violators.
- Addition of new language governing transfers of mining permits.

Other proposed changes to the regulation include addition of clarifying language to sections of the regulation dealing with flood control; local government authority for gravel removal; road construction, in-stream mining; temporary variances and interim authority; and permit applications and renewals.

In addition, the proposed changes would remove Appendices A and B from Regulation 15. Appendix lists streams designated in APC&EC Regulation 2 (Arkansas Water Quality Standards) as "Extraordinary Resource Waters" (ERW) where in-stream gravel mining is prohibited. Appendix B is a map of the ERW streams. Proposed new language in Regulation 15 would direct interested parties to Regulation 2 for the list of ERWs.

Copies of the proposed changes are available for public inspection during regular business hours at the ADEQ Headquarters Building in the Public Outreach and Assistance Division, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; or in the Arkansas State Library, 900 W. Capitol, Suite 100, Little Rock. In addition, a copy of the regulation showing the proposed changes, along with related support documents, is available for viewing or downloading at the ADEQ's Internet web site located at www.adeq.state.ar.us.

Oral and written comments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. April 19, 2012. Written comments should be sent to Doug Szenher, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, 5301 Northshore Drive, North Little Rock, AR 72118. E-mail comments should be sent to: reg-comment@adeq.state.ar.us.

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