

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 15, ARKANSAS OPEN-CUT) DOCKET NO. 12-_____-R
MINING AND RECLAMATION CODE)

PETITION TO INITIATE RULEMAKING TO PROMULGATE REGULATION NO. 15


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

1. Pursuant to the authority given to the Arkansas Pollution Control and Ecology Commission (hereinafter the “Commission”) in Arkansas Code Annotated §15-57-307 to adopt and promulgate rules and regulations to administer the Arkansas Open-Cut Land Reclamation Act (hereinafter the “Act”), ADEQ is proposing a revision of the existing Regulation No. 15.
2. ADEQ proposes to modify this regulation by adding a provision regarding the ability to seek pecuniary gain in lieu of civil penalties for certain violations of the Act as provided for in Act 609 of 2011. Additional minor changes are proposed to clarify the existing regulation through stylistic changes and references to other regulations.
3. James F. Stephens from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of the Financial Impact Statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. The Economic Impact Statement filed with the Arkansas Economic Development Commission is attached as Exhibit “D” and is 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, ADEQ requests that the Commission initiate the rulemaking process and adopt the proposed Minute Order.

Respectfully Submitted,

By: 
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