

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 855 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/17/05

A Bill

HOUSE BILL 1468

5 By: Representative Davenport
6 By: Senator Baker
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For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE § 15-57-311 TO
11 PROVIDE GENERAL PERMIT AUTHORITY FOR OPEN-CUT
12 MINING OPERATIONS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROVIDE GENERAL PERMIT
15 AUTHORITY FOR OPEN-CUT MINING
16 OPERATIONS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 15-57-311, concerning applications, fees,
23 and bonds regarding permits to engage in open-cut mining, is amended to add
24 an additional subsection to read as follows:

25 (j)(1)(A) After notice and opportunity for a public hearing, the
26 Arkansas Department of Environmental Quality may develop and issue general
27 permits for any category of activities involving open-cut mining operations
28 if the department determines that the activities in a category:

29 (i) Are similar in nature;

30 (ii) Will cause only minimal temporary adverse
31 environmental effects if performed separately; and

32 (iii) Will have only minimal cumulative adverse
33 effects on the environment.

34 (B) To qualify for inclusion under the general permit,
35 applicants shall submit a notice of intent and supporting documentation on



1 forms developed by the department.

2 (C) Facilities and practices not qualifying for inclusion
3 under the conditions of a general permit shall obtain an individual permit.

4 (2) The Director of the Arkansas Department of Environmental
5 Quality at his or her discretion may require an applicant to seek coverage
6 under an individual permit.

7 (3)(A) Unless extended by the director, no general permit issued
8 under this subsection shall be effective for a period of more than five (5)
9 years after the date of its issuance.

10 (B) The general permit may be revoked or modified by the
11 department, if after opportunity for a public hearing, the department
12 determines that the activities authorized by the general permit:

13 (i) May have an adverse impact on the environment;
14 or

15 (ii) Are more appropriately authorized by individual
16 permits.

17 (4) Before issuing general permits, the Arkansas Pollution
18 Control and Ecology Commission shall promulgate rules necessary to implement
19 and administer the provisions of this subsection.

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21 /s/ Davenport
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24 APPROVED: 3/15/2005
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