

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Walters**

A Bill

ACT 737 OF 1993
SENATE BILL 676

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-58-104 AND 15-58-503 TO
9 INCLUDE CERTAIN TECHNICAL SERVICES FOR THE DETERMINATION
10 OF THE PROBABLE HYDROLOGICAL CONSEQUENCES OF THE MINING
11 AND RECLAMATION OPERATIONS WITH THE COSTS TO BE BORNE BY
12 THE DEPARTMENT IN ACCORDANCE WITH REGULATION ISSUED BY THE
13 COMMISSION; TO PROVIDE FOR THE AMENDMENT OF THE DEFINITION
14 OF SMALL OPERATOR AS DEFINED IN THE SURFACE COAL MINING
15 AND RECLAMATION ACT OF 1979; AND FOR OTHER PURPOSES."

Subtitle

17
18 "TO AMEND THE SURFACE COAL MINING AND RECLAMATION ACT."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21

22 SECTION 1. Arkansas Code 15-58-104(11) is amended to read as follows:

23 "(11) Small operator means an operator whose probable annual
24 production at all locations will not exceed three hundred thousand (300,000)
25 tons of coal per year;"

26

27 SECTION 2. Arkansas Code 15-58-503(a)(2) is amended to read as follows:

28 "(a)(2)(A) The cost of the preparation of the determination of the
29 probable hydrologic consequences;

30 (B) The cost of the preparation of the result of test borings and core
31 samplings;

32 (C) Engineering analysis and design necessary for the determination of
33 the probable hydrologic consequences;

34 (D) Cross-section map of all plans associated with the proposed mining
35 and reclamation activities;

36 (E) Drilling and analysis required to characterize the physical and

1 chemical properties of the coal and its overburden and underburden;
2 (F) Collection of archaeological and historical information and
3 development of protection and mitigation plans;

4 (G) Preblast surveys; and

5 (H) Collection of site-specific resource information and preparation of
6 protection and enhancement plans for fish and wildlife habitat and other
7 environmental values.

8 For a period extending twelve (12) months from the date of permit
9 issuance, the small operator shall be liable for reimbursement of the cost of
10 a determination or probable hydrologic consequences of mining and reclamation
11 operations, if production exceeds the allowable limit during the twelve (12)
12 month period."

13

14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

17

18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

23

24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

26

27 SECTION 6. EMERGENCY. It is hereby found and determined by the General
28 Assembly that the amendment of the definition of "small operator" as defined
29 in this act is essential in protecting the health and well being of the
30 public. Therefore, an emergency is hereby declared to exist, and this act
31 being immediately necessary for the preservation of the public peace, health,
32 and safety shall be in full force and effect from and after its passage and
33 approval.

34

35

APPROVED: 3/26/93