

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/5/97 S3/12/97 S3/17/97 H3/24/97

A Bill

ACT 1166 OF 1997
SENATE BILL 397

5 By: Senator Walters
6
7

For An Act To Be Entitled

9 "THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE ARKANSAS
10 QUARRY OPERATION, RECLAMATION AND SAFE CLOSURE ACT."

11

Subtitle

13 "THIS ACT SHALL BE KNOWN AND MAY BE
14 CITED AS THE ARKANSAS QUARRY OPERATION
15 RECLAMATION AND SAFE CLOSURE ACT."
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. This act shall be known and may be cited as the "Arkansas
20 Quarry Operation, Reclamation and Safe Closure Act."
21

22 SECTION 2. As used in this act:

23 (a) "Active" means a quarry wall where extraction is occurring or is
24 planned to occur.

25 (b) "Affected Land" means the area of land to the nearest acre, where
26 the quarrying of stone, industrial activity, and the stockpiling of topsoil
27 and spoil occur.

28 (c) "Citation" means a written warning of a violation that may be
29 accompanied by a fine when given two (2) times for the same violation.

30 (d) "Commission" means the Arkansas Pollution Control and Ecology
31 Commission, or such commission or other entity as may lawfully succeed to the
32 powers and duties of the Commission.

33 (e) "Default" means an operation that has uncorrected violations of
34 the requirements of this act which allows the Department to forfeit the bond to
35 have the site reclaimed as per the reclamation plan.

36 (f) "Department" means the Arkansas Department of Pollution Control and

1 Ecology, or such Department or other entity which may lawfully succeed to the
2 powers and duties of the Department.

3 (g) "Director" means the executive head and active administrator of the
4 Department.

5 (h) "Exhausted Quarry" means a quarry where the stone is depleted.

6 (i) "Final Floor" means the bottom surface created in a quarry.

7 (j) "Final Wall" means the last wall created in a quarry.

8 (k) "Inactive Status" means the period of time a quarry is inactive or
9 temporarily shutdown.

10 (l) "Notification of Intent" is the operators proper notification to
11 the Department of the operators intent to open a quarry, to temporarily close
12 a quarry, to reactivate a quarry, and to shut down an exhausted quarry.

13 (m) "Notification in Process" means that a Notification of Intent is on
14 file and incomplete.

15 (n) "Operator" means any person engaged in or controlling a quarrying
16 operation.

17 (o) "Quarry" means an excavation or pit from which stone is removed.

18 (p) "The Quarry Rim" means the top surface of the quarry behind the
19 wall from which has been removed the topsoil and spoil.

20 (q) "Reclamation Plan" is a plan presented to the Department by an
21 Operator detailing the reclamation and revegetation of lands affected by
22 quarrying both contemporaneously and after the quarry is exhausted, and
23 required by this act.

24 (r) "Start Up" means the date an Operator begins site preparation for
25 quarrying.

26 (s) "Fine" means a penalty for non-compliance which may accompany a
27 second citation, except as provided in other sections of this act for specific
28 violations. Fines are not retroactive, and the amounts cannot be changed
29 except by legislative action.

30 (t) "Fee" means the notification or annual operating payment made by
31 the Operator to the Department. The amount cannot be changed except by
32 legislative action. This fee will be payable on or before July 1, for all
33 operating quarries in the current calendar year.

34 (u) "Spoil" means the unconsolidated boulders, soil and other naturally
35 occurring materials which lie above a deposit of quarriable stone, which must
36 be excavated from above a deposit so that extraction can begin.

1 (v) "Topsoil" means the top strata of soil normally associated with the
2 growth of vegetation. It is generally free of boulders, cobbles or other
3 floating rock and exhibits the growing properties normally associated with, at
4 a minimum, the pasturing of cattle.

5
6 SECTION 3. (a) It shall be unlawful for any Operator to engage in a
7 quarrying operation without first submitting to the Department, a
8 "Notification of Intent to Quarry", or a "Notification of Reactivated Quarry",
9 in accordance with this act. The submittal, with returned receipt, shall
10 enable the operator to begin or continue quarrying as long as the required
11 reclamation bond is in force, and proof of public notification is included.
12 An operator shall be deemed to be quarrying from the time he begins start up
13 until reclamation is completed at the exhausted quarry.

14 (b) Only new quarries or any land purchased or leased for a quarry
15 after January 1, 1997 will be subject to this act.

16 (c) There will be no requirements for a "Notification of Intent" to be
17 filed with the Department for temporarily closed, or exhausted quarries in
18 existence prior to January 1, 1998. These quarries will be exempt from the
19 requirements of this act unless reactivated.

20 (d) New "Notification of Intent to Quarry" shall be required if a
21 change in the majority ownership of an Operator occurs.

22 (e) Representatives of the Department may make regular site visits to
23 quarry operations, as necessary, to determine compliance with the requirements
24 of the operator's notification. On these visits the Operator will make his
25 quarry operation accessible to the Department.

26 (f) Upon receipt of "Notifications of Intent", the Department will have
27 ninety (90) days to respond to the Operator by certified mail to errors and/or
28 omissions in the notifications.

29 (g) On completion of a notification, the Department will issue the
30 operator a notice, which will be posted on quarry premises at all times when
31 quarry is in operation, and which will state;

32 Name of company has completed the requirements, as set out by the
33 "Arkansas Quarry Operation, Reclamation and Safe Closure Act" of 1997, and has
34 the unconditional authorization to quarry at this site, so long as the quarry
35 is in compliance with all laws and regulations for up to five (5) years.

36 (h) The Department, upon finding the Operator to be out of compliance

1 with the requirements of his notification may issue Warnings, Citations and
2 Notices of Default to the Operator.

3 (i) All filings and other communication will be by certified mail.

4 (j) Operator will give notice to the public in a local newspaper of
5 general circulation that he intends to open or reactivate a quarry.

6 Said notification will be part of an Operators intent and will be
7 published in the newspaper at the same time the intent is filed with the
8 Department. Said notification will indicate the approximate location of
9 quarry, the date of start up and the date Operator plans to temporarily
10 close, if applicable, as well as Operators name, address, phone number and
11 contact person. Proof of publication shall be provided to the Department in
12 the operator's notice of intent.

13 The Operator will keep responses from the public on file for two (2)
14 year. The Department will forward responses it receives to the Operator.

15 The Operator will keep a record of all action taken resulting from
16 public responses for two (2) years, notifying the Department of each action.

17

18 SECTION 4. Notification of Intent to Quarry.

19 Except for operators of quarries excluded by Section 3(b), any operator
20 desiring to engage in quarrying shall complete a "Notification of Intent to
21 Quarry" which, when submitted to the Department by certified mail, will
22 entitle said Operator to conduct quarry operations. For all active quarries,
23 as of January 1, 1998, a "Notification of Intent" must be on file, or in
24 process, at the Department. For all new quarries to be opened after January
25 1, 1998, "Notification of Intent" must be on file, or in process, at the
26 Department before the Operator may begin quarry operations. The notification
27 shall be accompanied by the payment of two hundred and fifty dollar (\$250.00)
28 fee. The submittal shall be an agreement between the Operator and the
29 Department. The Operator shall pay an annual fee to the Department in the
30 amount of twenty five dollars (\$25.00) per acre of affected land, not to
31 exceed one thousand dollars (\$1,000.00) per quarry. The "Notification of
32 Intent" shall include one (1) copy of the following.

33 (a) Company name, Officers, majority of Ownership, Onsite
34 Superintendents, addresses, name of quarry, phone numbers, anticipated start
35 up and shut down dates.

36 (b) The following Right to Quarry, signed and notarized:

1 I, the Operator of quarry name located at legal description in
2 County, have the legal right by deeds, leases or other instruments to
3 conduct quarry operations for commercial and other purposes at this location.
4 I will comply with all state and federal laws and regulations in this
5 operation.

6	_____	_____
7	Company Name	President
8		
9		_____
10		Secretary
11		

(c) Location Map which contains the following:

- 13 (1) 7.5 minute topographic quad map as prepared by the U.S.C.S.
- 14 (2) Clearly marked legal boundaries of area to be quarried.
- 15 (3) Clearly defined entrances onto public roads.
- 16 (4) Present use of property.
- 17 (5) Legal description.

(d) Five (5) year Quarry Operation Map which contains the following:

- 19 (1) Scaled dimensions (i.e. 1:200).
- 20 (2) Approximate property boundaries.
- 21 (3) The location and identification of all affected lands to the
- 22 nearest acre, anticipated for up to five (5) years.
- 23 (4) All pertinent manmade and natural structures including the
- 24 plant location and the location of safeguarding items as required by Section
- 25 10.
- 26 (5) Location of topsoil and spoil stockpiles.
- 27 (6) Entrances onto public roads.
- 28 (7) Areas of natural rock exposure (no topsoil or spoil).

(e) Notification of Intent to Reclaim Quarry.

30 I, Operator of Quarry Name located at legal description in
31 County, agree to reclaim said described quarry in conformance with
32 the Arkansas Quarry Operation, Reclamation and Safe Closure Act,
33 when the quarry is exhausted.

34		_____
35	_____	President
36	Company Name	_____

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Secretary

(f) Operator s Financial plan for Reclamation will include:

(1) Estimate of reclamation cost.

(2) An acceptable bond, or substitute security.

(g) All operators will have sixty (60) days to correct any errors or omissions to a "Notification of Intent" if notified by the Department that a "Notification of Intent" is incomplete.

(h) A fine of not more than one hundred dollars (\$100.00) per day, per citation, may be levied against an Operator whose "Notification of Intent" is not completed and on file in the Department within sixty (60) days after receipt of notice by the Department of errors and omissions in the first filing. The maximum fine is five thousand dollars (\$5,000.00).

(i) A fine of not more than one hundred dollars (\$100.00) per day, per citation, may be levied against Operators which are found to be out of compliance with these requirements. The maximum fine is five thousand dollars (\$5,000.00).

SECTION 5. Notification of Temporarily Closed Quarry.

(a) Quarry sites in which operations are only occasionally conducted, in which the Operator anticipates future quarry activity, can be shut down on a temporary basis.

If so, the Operator will file a "Notification of Temporarily Closed Quarry" with the Department, within thirty (30) days after an operation is closed. Full reclamation will not be required until no further additional quarrying is anticipated, or the quarry is exhausted. All operational safeguards, as described in this act, will remain in place as required until the quarry is exhausted. The "Notification of Temporarily Closed Quarry" will contain the following:

(1) Same information as "Notification of Intent" per Section 4(a).

(2) Right to Temporarily Close as follows:

I, Operator of Quarry Name, located at legal description in _____ County, have the legal right by deeds, leases or other instruments to temporarily close this quarry operation until such time as it becomes necessary to reactivate this operation. I will comply with all state and federal laws and regulations during this temporary closure and inactive status.

1 (b) When an Operator closes a quarry, and fails to file a "Notification
2 of Temporarily Closed Quarry" with the Department within sixty (60) days, the
3 Department may levy a fine of not more than one hundred dollars (\$100.00) per
4 day by citation until said notification is received. The maximum fine is five
5 thousand dollars (\$5,000.00).

6 (c) If a "Notification of Temporarily Closed Quarry" is not received
7 within ninety (90) days of the issuance of the citation, the Department may
8 declare that the quarry is in default and require Operator to reclaim the site
9 as per the bonding and reclamation requirements or the Department may forfeit
10 the bond and issue a contract to have the site reclaimed as per the
11 reclamation requirements.

12

13 SECTION 6. Notification of Reactivated Quarry.

14 Prior to resuming operation in a temporarily closed quarry, an Operator
15 will notify the Department by certified mail with a "Notification of
16 Reactivated Quarry". This notification will consist of the resubmittal of the
17 "Notification of Intent" along with any modifications required, necessary by
18 changed conditions at the quarry site.

19

20 SECTION 7. Every five (5) years all "Notifications of Intent to
21 Quarry", and of "Temporarily Closed Quarry" must be refiled with the
22 Department by certified mail on or before the Operators anniversary date,
23 with any modifications made necessary by; changed conditions in the quarry
24 site, such as changes in the affected acreage, majority ownership of the
25 Operator, or changes in public roads and manmade structures adjacent to the
26 quarry site, or new technology.

27 For failure to refile a "Notification of Intent" or "Notifications of
28 Temporarily Closed Quarry", Departmental enforcement procedures, citations and
29 finest will be the same as for Section 5.

30

31 SECTION 8. Notifications of Exhausted Quarry.

32 (a) When a quarry becomes exhausted, the Operator will notify the
33 Department by registered mail that the quarry is an exhausted quarry. This
34 notification will contain the following:

35 (1) Updated information as required for the "Notification of
36 Intent" per section 4(a).

1 (2) Beginning date of quarry reclamation must be within six (6)
2 months of "Notification of Exhausted Quarry".

3 (3) Anticipated date reclamation will be completed (all earthwork
4 and revegetation must be completed within the specified time). If
5 revegetation is not approved, Operator will have another year to complete
6 seeding, as required.

7 (4) Quarry Reclamation Map should contain the following:

8 (A) Identification of all planned roads, water
9 impoundments, final walls, final floors, unconsolidated slopes, quarry rims,
10 areas to be revegetated, berms other manmade structures and unaffected areas.

11 (B) Map shall show planned reclamation according to the
12 requirements of the reclamation plan.

13 (C) Affected land acreage to be reclaimed will be shown to
14 the nearest acre.

15 (b) If the Operator fails to notify the Department of this change of
16 status, the Department will notify Operator by citation. The Operator will
17 then have sixty (60) days, to file said notification and commence with plans
18 to reclaim quarry site as per the requirements of this act.

19 (c) If Operator fails to file notification within the required sixty
20 (60) days, the Department may levy a fine of one hundred dollars (\$100.00) per
21 day by citation to the Operator until notification is received by the
22 Department. The maximum fine is five thousand dollars (\$5,000.00).

23 (d) If Operator fails to notify the Department within sixty (60) days,
24 and the fine is in effect, then the Department may declare the Operator in
25 default and order Operator to begin reclamation as required or the Department
26 may forfeit bond and issue a contract to have the site reclaimed as per the
27 reclamation plan.

28

29 SECTION 9. (a) When the quarry is exhausted, the planned reclamation
30 of all affected lands at the quarry site will be completed by the Operator,
31 his subcontractor, or by the Department once the bond has been forfeited.

32 (b) The minimum reclaimed condition of the exhausted quarry will be as
33 a lake, pasture, timberland or wetlands, or a combination thereof. Where pre-
34 affected lands consist of natural rock outcrops, floors, walls and ledges,
35 where no topsoil or minimal spoil exists, post-reclaimed land of approximately
36 the same area may be left for self revegetation, within the total affected

1 land to be reclaimed. Acreage of the pre-affected lands will be calculated to
2 the nearest acre. Exhausted highwalls and safety benches may be left for self
3 reclamation.

4 (1) All equipment, tools, manmade structures and debris will be
5 removed from affected lands, or disposed of on property in a safe manner by
6 mutual agreement between the Operator and the landowner. Said agreement will
7 be on file at Operator's offices and sent to the Department with notification
8 of exhausted quarry.

9 (2) If uncovered spoil, earth or rock formations cause acidic
10 drainage, all acid-forming materials will be covered with at least three (3)
11 feet of spoil and available topsoil, with topsoil in the top one (1) foot, and
12 seeded as required by this act.

13 (3) Available topsoil and spoil removed during quarrying will be
14 stockpiled for use during reclamation. If either material is not available in
15 quantities necessary for reclamation, then priority will be given to areas
16 with acid forming materials in (2). If contemporaneous reclamation is
17 ongoing, then the Operator may reclaim in areas of his own discretion.
18 Thickness of spoil may be varied, but in no case will be combined thickness be
19 less than six (6) inches. Spoil and topsoil which are surplus to full
20 reclamation may be disposed of at the discretion of the Operator. No topsoil
21 or dirt is required to be hauled from another location to the quarry site.

22 (4) Lime, fertilizer and seeding will be completed as necessary to
23 sustain growth over seventy-five percent (75%) of the affected area, or a
24 complete reseeding of bald spots will be required.

25 (5) If revegetation during reclamation is to be accomplished by
26 planting of trees, the planting guideline of the State Forestry Commission
27 shall be complied with. A fifty percent (50%) coverage is required after two
28 (2) years. Otherwise, bald spots will be replanted.

29 (6) All erosion control will be covered under "Operators Stormwater
30 Pollution Prevention Plan".

31 (7) Site process water quality, storage, handling and discharge will be
32 covered under the Operators NPDES permit.

33 (8) Quarry site reclamation must be completed through the first seeding
34 within one (1) year for quarry sites of less than fifty (50) acres, within two
35 (2) years for quarry sites of more than fifty (50) acres and less than one
36 hundred (100), and within three (3) years for quarry sites of more than one

1 hundred (100) acres and less than two hundred (200). This time requirement for
2 sites larger than two hundred (200) may be modified, at the discretion of the
3 Department, upon agreement with the Operator.

4 (9) If an Operator fails to begin reclamation during the first six (6)
5 months after a quarry is exhausted, the Department will notify the Operator by
6 citation of the above violation. If an Operator then fails to begin
7 reclamation within the sixty (60) days after receiving said notification, the
8 Department may then issue a second citation. The second citation will be
9 accompanied by a fine of not more than fifty dollars (\$50.00) per day until
10 reclamation begins. If Operators reclamation effort does not begin within
11 sixty (60) days of the second citation, and the fine is in force for that
12 period, then the Department will notify Operator that the operation is in
13 default. The Department will then use the proceeds of the Operators
14 forfeited bond to have the quarry site reclaimed as per the reclamation plan.

15
16 SECTION 10. The quarry operator will take the following measures to
17 safeguard the operations for the benefit of neighbors and other citizens and
18 to restrain trespassers from entering onto the quarry or plantsite.

19 (a) One, or a combination of the following will be installed around the
20 quarry and plantsite to compliment natural barriers to trespassing as
21 required.

22 (1) A minimum four (4) foot high, four (4) strand, barbed wire
23 fence boundary attached to steel posts.

24 (2) A five (5) foot high earth and/or rock berm with slopes
25 steeper than 1.5 to 1 and a minimum top width of five (5) feet.

26 (3) A protective barrier of boulders, concrete or other objects
27 capable of discouraging pedestrian or vehicular traffic.

28 (b) Brightly colored warning signs (blaze orange is recommended) will
29 be installed every three hundred (300) feet in clear view.

30 (c) Barriers or lockable gates, capable of withstanding normal
31 vandalism, are to be installed at all quarry site entrances. During temporary
32 closure, and after full reclamation of an exhausted quarry, barriers of rock
33 or securely locked gates will be installed at all entrances on safety benches
34 and haul roads so that no traffic or dumping can occur on the affected lands
35 or in the quarry itself.

36 (d) After January 1, 1998, no active quarry wall will be closer than

1 fifty (50) feet to a public road right of way, where the quarrys adjacent
2 floor elevation is at or above the elevation of the right of way of the public
3 road at the property line. Where active quarry floors are below said right of
4 way, quarrying will be permitted only after a vegetated berm, a minimum of ten
5 (10) feet high, eight (8) feet wide at the crest and with one and a half (1
6 1/2) to one (1) slopes is installed for public safety.

7 (e) After January 1, 1998, no active quarry wall will be closer than
8 fifty (50) feet from any private property line unless written permission is
9 given by the adjacent property owner. Permission will be on file at
10 Operators office and a copy will be sent to the Department.

11 (f) Where truck traffic to and from the quarry site entrance creates a
12 public safety nuisance, because of fugitive dust, the Operator will take the
13 appropriate measures to treat the roadbed for dust control in the vicinity of
14 the quarry entrance.

15 (g) Blasting will be regulated under present MSHA or state labor codes.

16 (h) Hazardous wastes will be regulated under the present Hazardous
17 Waste Codes.

18 (i) Active quarry and plant sites will have until January 1, 1998 to
19 comply with the requirements of this section, except for Subsection (f).
20 Requirements of Subsection (f) are to be in force by July 1, 1997.

21 (j) If the Department finds the Operator to be out of compliance with
22 any of the requirements of subsection (a), (b), and (c) of this section, a
23 citation will be given to the Operator to comply within ninety (90) days. If
24 Operator fails to comply within the ninety (90) days time requirement, or
25 shows no effort to comply, the Department may levy by citation a fine of not
26 more than one hundred dollars (\$100.00) per day until Operator complies with
27 said requirements. The maximum fine is five thousand dollars (\$5,000.00).

28 (k) Any Operator quarrying in violation of subsections (d) and (e) of
29 this section will be subject to an immediate assessment of a fine of not more
30 than one hundred dollars (\$100.00) per day and/or a "shut down order" by the
31 Department. Said Order will stay in effect at the discretion of the
32 Department until Operator is no longer in violation.

33

34 SECTION 11. (a) The Operator is required to document and respond to
35 complaints by neighbors and citizens as they relate to the requirements of
36 this act. A record of the complaints and responses will be kept on file, at

1 the quarry office or company office, for a minimum of two (2) years and sent
2 to the Department.

3 (b) Any complaints received by the Department as they relate to this
4 act, will be forwarded to the Operator. Operator's response will be kept on
5 file for future departmental review, at the quarry office or the company
6 office, for a minimum of two (2) years.

7 (c) The Department shall investigate complaints by neighbors and
8 citizens to determine if violations of this act have occurred.

9
10 SECTION 12. (a) In order to assure that all reclamation is completed
11 as required and within a reasonable length of time, the Operator shall submit
12 a bond, or substitute security, used specifically for the quarry described in
13 the legal description of the "Notification of Intent". Said bond, or
14 substitute security shall be in force prior to the Operator commencing a new
15 or reactivated quarry operation and in force for all active quarry operations
16 by January 1, 1998.

17 (b) As of January 1, 1998, the reclamation bond required for acceptance
18 of an operator's Notice of Intent to open a quarry, or to reactivate a quarry,
19 will be one thousand dollars (\$1,000) per acre of affected land. The face
20 value of the bond will be evaluated every five (5) years by the operator and a
21 representative of the Department.

22
23 In the event it is determined that the bond or substitute security are
24 inadequate, the surety will be notified, and the bond limits, or amount of
25 security, will be increased. If said security is determined to be surplus,
26 then the amount required will be decreased.

27 (c) Bonding, or substitute security may be incrementally increased
28 based on the annual acreage to be affected, but must be sufficient in total to
29 fund full reclamation as required by this act.

30 (d) Bonding or substitute security, shall be incrementally decreased as
31 reclamation is completed. When final reclamation is completed, remaining
32 bond, or substitute security, will be released to the Operator.

33 (e) The Operator may submit any of the following three (3) types of
34 bonds, or substitute security:

35 (1) A Surety Bond.

36 (2) A Collateral Bond with supporting collateral consisting of

1 Irrevocable Letters of Credit or Certificate of Deposit in favor of the
2 Department.

3 (3) A Self Bond with unencumbered right to certain property to be
4 held by the Department.

5 (A) Recommended bond forms shall be provided by the
6 Department. A variation of the language in all but the Self Bond form may be
7 acceptable, provided the requirements of the act and this Code are
8 incorporated and the Department approves the language.

9 (B) In the event Self Bonding is used, the following
10 conditions apply:

11 (1) The applicant must use the Self Bond form
12 provided by the Department.

13 (2) The Collateral to be offered must be appraised by
14 a licensed appraiser approved by the Operator and the Department.

15 (3) The Operator must have unencumbered ownership of
16 the Collateral, and provide proof of such ownership to the Department.

17 (4) The value of the Collateral as bond will be
18 eighty percent (80%) of the fair market value of the Collateral as established
19 by the appraiser.

20 (5) Any Collateral that decreases in value due to
21 usage, (i.e. rolling stock) will be not be acceptable.

22 (6) In the event the Collateral consists of real
23 property, an environmental audit of the area must be provided to the
24 Department.

25 (7) Where applicable, a lien will be filed against
26 the Collateral until the affected area is reclaimed and released by the
27 Commission.

28

29 SECTION 13. An operator may request and obtain an adjudicatory hearing
30 and review by the commission of any decision by the director to enforce the
31 provisions of this act, including any action to impose a civil penalty, stop
32 quarrying activities or forfeit a bond. The decision of the commission shall
33 be final, and may be appealed by the operator to the circuit court of the
34 county in which the quarry is located in accordance with the Arkansas Code."

35

36 SECTION 14. Distribution of fees, fines, and forfeiture amounts. The

1 Department shall collect fees, fines, and bond forfeiture amounts pursuant to
2 this act. These revenues, along with gifts, grants, donations and other funds
3 received under this act, including all interest earned, shall be deposited in
4 the Land Reclamation Fund established by A.C.A. 15-57-319. The Department
5 shall use these funds pursuant to this act for contract awards for the
6 reclamation of affected lands as required by this act. When accumulated funds
7 equal the product of ten percent (10%) of the number of acres of affected
8 lands times one thousand dollars (\$1,000), surplus funds shall be deposited
9 into the State Treasury as general revenues.

10

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

14

15 SECTION 16. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

20

21 SECTION 17. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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/s/Walters

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APPROVED: 4-08-97

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