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# Mining Enforcement: Arkansas Department of Environmental Quality and Fulton County, Arkansas Sand Mining Operation Enter Into Consent Administrative Order to Address Alleged Violation

## Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Twin Lakes Quarries, Inc. ("TLQ") entered into a February 23<sup>rd</sup> Consent Administrative Order ("CAO") addressing an alleged violation of the Arkansas Open-Cut Land Reclamation Act.

The CAO states that TLQ operates a sand mining site located at Moody Sand Pit ("Site") three miles southeast of Salem, Arkansas.

ADEQ is stated to have issued Open-Cut Mining Permit No. 0463-MN-A3 ("Permit") to TLQ on May 29, 2009. Further, the lease agreement for the Permit was stated to have expired on May 21, 2011 and a new lease agreement was not executed. The Permit is stated to have expired on May 28, 2014.

On June 25, 2015, ADEQ's Mining Division is alleged to have performed an inspection of the Site and determined:

... the Respondent was no longer conducting open-cut mining operations, but the site has not been reclaimed. This is a violation of Ark. Code Ann. § 15-57-304(a)(3) and APC&EC Reg. 15.502(B)(3).

The CAO requires that TLQ obtain and submit to ADEQ written permission from the landowner to reclaim the Site within 30 days of the effective date of the CAO. It further provides that if the landowner denies access to the property for reclamation to be completed, the operator must provide written documentation of attempts to gain access to the property, including letters, certified mail receipts, etc., to prove that access was sought but denied.

TLQ is required to submit a revised reclamation schedule approved by ADEQ within 30 days of the CAO. The Site must then be reclaimed with 18 months of the effective date of the CAO.

A civil penalty of \$750.00 is assessed.

[Click here to download a copy of the CAO.](#)