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Mining Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Washington County Mine Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Wedington Mine, LLC (“Wedington”) entered into a December 6th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control & Ecology Commission (APC&EC”) Rule 15. See LIS No. 23-098.

The CAO provides that Wedington operates a mine (“Mine”) in Washington County, Arkansas.

The Mine is stated to operate pursuant to an open-cut mining permit (“Mining Permit”) issued in 2019.

The permitted area for the Mine site is stated to be four acres.

Wedington is stated to have been acquired by member purchase during the term of the Mining Permit. The CAO states that no Notice of Intent form or disclosure form had been submitted to DEQ memorializing the change in ownership and allowing DEQ to modify the existing open-cut mining permit.

As a result, it is alleged that the operation of the Mine without first obtaining a Modified Open-Cut Mining Permit from DEQ is a violation of APC&EC Rule 15.301(A).

Wedington is alleged to have affected more than four acres with its current open-cut mining operation. The CAO provides that such alleged mining outside of the permitted area means open-cut mining was commenced without a permit in violation of APC&EC Rule 15.301(A).

Wedington is also alleged to have failed to update the required Reclamation Plan and Mining Plan to accurately reflect the acreage being affected, constituting a violation of APC&EC Rules 15.307 and 15.308. In addition, it is alleged that the required reclamation bond is inadequate, therefore violating APC&EC Rule 15.309(D).

Additional alleged violations include:

- Failure to accurately mark boundaries for permitted acreage, violating APC&EC Rule 15.402(A).
- Failure to update the required sign to reflect new members of Wedington Mine, LLC, violating APC&EC Rule 15.402(Q).

Wedington is stated to have submitted documentation to DEQ on September 12th which included:

- Letter from Emerald Solutions, an updated Notice of Intent for the open-cut mining permit
- Filed warranty deed showing Wedington Mine, LLC as the owner of the site
- Updated Disclosure Statement
- Updated Mining Plan
- Updated Reclamation Plan
- Issued letter of credit in the amount of \$45,000
- Photograph showing an updated sign at the front of the mine on a fence
- Updated map of the location of the mine site and updated survey

The CAO requires within 30 days of its effective date that Wedington shall clearly mark the permitted area on the ground at all times using metal posts or stakes projecting 36 inches aboveground and painted hunter orange or a light color. Such markers are required to remain in place until the site has been reclaimed and Wedington has obtained a release from reclamation liability from DEQ.

A \$5,000 penalty is assessed.

A copy of the CAO can be downloaded [here](#).