

**MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND  
RECLAMATION COMMISSION**

In the Matter of:	)	
	)	
HEARTLAND MATERIALS LLC.	)	Proceeding Under
Permit # 1072	)	The Land Reclamation Act,
Proposed Limestone Quarry	)	Sections 444.760 – 444.789, RSMo.
Cape Girardeau County, Missouri,	)	
	)	
SAXONY LUTHERAN HIGH SCHOOL,	)	
<i>Petitioner,</i>	)	
	)	
SAVE OUR CHILDREN’S HEALTH, INC.	)	Permit #1072
<i>Petitioner,</i>	)	
	)	
v.	)	
	)	
DEPT. OF NATURAL RESOURCES,	)	
KEVIN MOHAMMADI	)	
	)	
Staff Director,	)	
Land Reclamation Program,	)	
Division of Environmental Quality,	)	
<i>Respondent,</i>	)	
	)	
	)	
HEARTLAND MATERIALS, LLC,	)	
<i>Applicant,</i>	)	

**ORDER GRANTING LEAVE FOR EACH PARTY TO FILE A  
PLEADING REGARDING THE RECOMMENDATION THE HEARING  
OFFICER WILL MAKE TO THE LAND RECLAMATION  
COMMISSION CONCERNING THE PROPOSED SETTLEMENT  
BETWEEN HEARTLAND MATERIALS, LLC AND SAXONY  
LUTHERN HIGH SCHOOL AND SAVE OUR  
CHILDREN’S HEALTH, INC.**

On June 28, 2013, the attorneys for Petitioners file a Motion To Dismiss and a Settlement with the Hearing Officer. The attorney for Respondent requested leave to file a pleading in the event the Hearing Officer determined that she needed to file a recommendation to the Land Reclamation Commission.

After conferring with counsel for the Land Reclamation Commission, the Hearing Officer advised the parties that as it appeared that the settlement amended the permit,

therefore a response from Respondent was necessary. The attorneys for Petitioners and Applicant have advised the Hearing Officer that it is not their intent to amend the permit; rather, their intent is to enter into a contract separate and apart from the permit.

In order to make the record clear as to the intent and purpose of the settlement as regards the permit, the parties are granted up to and including Friday, July 19, 2013, to file a pleading on this issue.

**IT IS SO ORDERED this 3rd day of July, 2013.**



**Deborah Neff, Hearing Officer  
218 N. Rollins, Suite 101 P.O. Box 388  
Macon, Missouri 63552  
attorneyneff@centurylink.net  
660-385-1460  
660-385-1606 FAX**

**Certification of Service**

I hereby certify that I, the Hearing Officer in this matter, have sent a copy of this Order to the Attorneys of Record for each party by email attachment on this 3rd day of July, 2013:

**Lowell Pearson, Attorney for Applicant: Lowell.Pearson@huschblackwell.com**

**Steve Jeffery, Attorney for Petitioner: sjeffery@jefferylawgroup.com**

**Timothy P. Duggan, Assistant Attorney General, Attorney for Respondent:  
tim.duggan@ago.mo.gov**

**Lauren Cole, Legal Secretary: Lauren.Cole@dnr.mo.gov  
Kevin Mohammadi, Director, Land Reclamation Program:  
Kevin.Mohammadi@dnr.mo.gov**



Deborah Neff