

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,)	
Petitioner,)	
)	
SAVE OUR CHILDREN’S HEALTH, INC.,)	Permit #1072
Petitioner,)	
v.)	
)	
DEPT. OF NATURAL RESOURCES,)	
KEVIN MOHAMMADI)	
)	
Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
Respondent,)	
)	
HEARTLAND MATERIALS, LLC,)	
Applicant.)	

**APPLICANT HEARTLAND MATERIALS, LLC’S
SUGGESTIONS IN SUPPORT OF
MOTION TO DISMISS APPEAL**

Applicant Heartland Materials, LLC (“Heartland”) respectfully files these
Suggestions in Support of Motion to Dismiss Appeal.

It appears that all parties, Heartland; Petitioners Saxony Lutheran High School,
Inc.; and Save Our Children’s Health, Inc.; and Respondents the Department of Natural
Resources and Kevin Mohammadi agree on these two key points:

1. That the Settlement Agreement does not constitute an amendment to Heartland's permit and therefore could not be enforced by the Land Reclamation Commission.

2. That the appeal should be dismissed, given that the Petitioners have resolved their issues with Heartland.

Heartland's position is that on this record the Commission can and should enter an order dismissing the case, but need not formally "approve" the Settlement Agreement.

HUSCH BLACKWELL LLP

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ATTORNEYS FOR HEARTLAND
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CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing was served this
19th day of July, 2013, via email and U.S. Mail, postage prepaid to:

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