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**MINUTES OF THE
LAND RECLAMATION COMMISSION MEETING
NIGHTINGALE CREEK CONFERENCE ROOM
LEWIS AND CLARK STATE OFFICE BUILDING
1101 RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
November 17, 2011**

Chairman Jim DiPardo called the meeting to order on November 17, 2011 at 10:03 a.m., at the Department of Natural Resources, Lewis and Clark State Office Building, Nightingale Creek Conference Room, located at 1101 Riverside Drive, in Jefferson City, Missouri.

Commissioners Present: Jim DiPardo, Chairman; Dr. Gregory Haddock, Vice Chairman; Joe Gillman, and Kevin Mohammadi present for John Madras. Not present Dr. Gertsch, John Madras and Aaron Jeffries.

Staff Present: Mike Larsen, Bill Zeaman, Larry Slechta, Don Cripe, Ron Dumey, Teri Bibbs, Mike Mueller, Tucker Fredrickson, Amanda Lowe, Guy Frazier, Teresa Schubert, Joyce Luebbering, Steve Femmer, David Dowdy, Richard Harris, and Tina Stockman.

Others Present: Jenny Frazier, Assistant Attorney General; Steve Rudloff, Missouri Limestone Producers Association; Van Beydler, Department of Natural Resources, Division of Environmental Quality Administration; James Barrett, Barrett Materials; Mary Ann Barrett, Barrett Materials; Eric Rau, Ed's Drilling and Blasting Company; Curtis Heider, Heider Environmental Consulting; Mary Lou Rath, Land Owner; Jack DeLanois, Landowner; Joyce Britton, Landowner; Lisa Thomas, Citizen; Edward Thomas, Citizen; Mike Carlson, Gredell Engineering; Gail Raven, Land Owner; Sydney Miller, KBIA; James Rolls, Associated Electric Cooperative Inc.; Deanna Ridenhour, Land Owner; Ronnie Reidenhour, Land Owner; Kevin Murphy, Associated Electric Cooperative Inc.; Lorisa Smith, Department of Natural Resources, Division of Environmental Quality; and Darlene Helmig, Department of Natural Resources.

Approval of September 22, 2011 Commission Meeting Minutes

Agenda Item #2

Commissioner Haddock made a motion to approve the September 22, 2011 Meeting Minutes as written. Commissioner Gillman seconded the motion. The motion passed with three in favor and one abstained. The motion passed.

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INDUSTRIAL MINERALS

Barrett Materials, Inc., Osage County Hearing Request

Agenda Item #3

Tucker Fredrickson, Environmental Specialist III, gave a brief introduction of this hearing request to the Commission. He stated that Barrett Materials Inc. had submitted a new site permit expansion application involving 178 acres at Site #2 in Osage County. Mr. Fredrickson told the Commissioners that some of the requestors of the hearing request in reference to Barrett Materials, Inc., were present at the meeting.

Mary Lou Rath, nearby landowner and concerned citizen, spoke on her concerns of health, safety and livelihood. Ms. Rath stated that she had been hospitalized for her heart conditions and blood pressure problems. She stated she is concerned for a business located in Belle, that may close its doors, if this permit was granted. Ms. Rath also read a letter from Wayne and Jackie Harris, adjacent land owners, who were unable to make it to the meeting due to their health. Their letter stated that they are concerned for their health, safety, and livelihood. The letter stated that they are concerned of the effects that the quarry may have on their health, the property values of their homes, safety on the highways, and what effects it may have on their family business. Ms. Rath asked Gail Raven to come up to the podium while she read her statement since Ms. Raven, owner of Raven Sanctuary, was unable to speak due to breathing problems. Ms. Raven is also concerned for her health, safety and livelihood. Vice Chairman Haddock asked Ms. Rath for copies of the letters she read for Mr. and Mrs. Harris and for Gail Raven in order to have them for the Commission Record. The copies of the letters were not produced at the meeting, but the Program did receive the letter from Mr. and Mrs. Wayne Harris, that Ms. Rath read at the meeting, in the mail on December 5, 2011. It has been kept for the record.

Edward Thomas, resident of rural Gasconade County, which is located east of Belle, his wife works for a business in Belle, Missouri. He is concerned for their livelihood and of the safety and travel on Highway 89. He also stated that he is concerned of insurance rates being raised because of possible glass breakage that may be caused from the trucks on the roads. There were questions asked by the Commission. There was also some discussion by the Commission and concerned citizens that were present at the meeting.

Lisa Thomas, a concerned citizen and an employee of Cotton Belle for almost 10 years. Cotton Belle is located in Belle, Missouri. She is concerned for her livelihood and the livelihood of others. She stated that if this permit is granted to Barrett Materials Inc., the Cotton Belle, which she works for, is considering closing their business.

Joyce Britton, a concerned citizen and a R.N., read a letter for a friend, Ruby Right. Ruby Right lives in Belle, Missouri, located a mile or two from the proposed limestone quarry. Ms. Right has health problems and is concerned that the dust from proposed quarry will affect her health and the health of others. She is also concerned for their safety on the roads and on Highway 89 from the increase in truck traffic to the quarry.

Deanna Ridenhour, represented her and her husband, they are adjacent landowners to this proposed quarry. They are concerned for their health and livelihood. She stated they are

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concerned of the dust that comes from rock quarries, even if they comply with the air regulations with the Department of Natural Resources. They believe that even though there are laws that control air pollution, they still believe that the air and dust emissions from the quarry have harmful health effects. She stated that her doctor has advised her to move away, if this permit is approved. She also stated that their land is their livelihood.

Jack DeLanois, a concerned citizen, who lives close to the proposed quarry. He stated that he is legally deaf, blind and is on oxygen full time. His home is set up for him to be able to move around safely. He is concerned of the dust from the proposed quarry that will affect his health and safety.

James Barrett, owner of Barrett Materials, lives in New Haven, Missouri. He stated he has been working in and around quarries for 44 years. He stated that Barrett Materials in New Haven, is a small family owned business which has been in business for 25 years. His boys are the 4th generation to be in this type of work. He stated that they take this profession very seriously. He also stated that all of their permits with the Department of Natural Resources are current. He stated that they live 1 and 3/10th miles from their quarry in New Haven. They have over 100, 000 accident free man hours with this operation. Mr. Barrett also stated that there have been 19 new homes built in their neighborhood since their quarry started in New Haven. There has been no complaints from any of them. They are also located one and a half miles from a school which is part of the Washington School District, which they received no complaints from. Mr. Barrett stated that this quarry will be a benefit to the Belle area because it would offer competitive prices on rock. He stated that limestone is used for various reasons: erosion control, building roads, bridges, and airports, filtration for power plants, water, sewage systems and it is used in cement. He stated that they will be making Aglime, which is beneficial for this area. He also stated that he promised to be a good neighbor, because this has always been important to him. He asked two gentlemen to attend the meeting to cover the blasting and dust control concerns: Mr. Eric Rau and Curtis Heider. The Commissioners had some questions for Mr. Barrett that he answered.

Eric Rau, owner and operator of Ed's Drilling and Blasting Company in Washington, Missouri. He stated that this company has been in business since 1938. Mr. Rau stated that they are a specialized drilling and blasting company who does custom drilling and blasting work in Missouri, Illinois, Arkansas, and to a limited extent into Kansas. They have done blasting and drilling in the past and plan to continue to do the drilling and blasting for Barrett Quarry. He stated that all of the work that they will do will be in full compliance with State and Federal Regulations for the use, storage and transportation of explosives. They are highly regulated by Federal and State Agencies. They are fully licensed to manufacture and store explosives. Mr. Rau gave a brief presentation on drilling and blasting. There were no questions from the Commissioners.

Curtis Heider, owner of Heider Environmental Consulting since 2008, and has been working with air, storm water, and other environmental consulting work since 1990. He passed out a packet of information to each Commissioner, Program Staff Director, Mike Larsen; Assistant Attorney General, Jenny Frazier and to the Secretary of the Commission to have for the record. He gave a presentation and discussed the permits and permit applications related to Barrett

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Materials' Expansion to the Osage County site. He spent time explaining the Air Permits since many of the concerns and comments have been focused on air emissions. There were questions and comments made by the Commission. There were also questions asked of the Commission by the concerned citizens of this proposed quarry. There was discussion of importance of Public Meetings in order to instruct and answer questions that the Public may have of the Company's mining plans.

Commissioner Gillman made a motion. Legal counsel, Assistant Attorney General, Jenny Frazier respectfully advised Commissioner Gillman to be more specific in his motion related to the hearing request. Chairman Gillman made an amended motion to deny the hearing request and to accept the Staff Director's recommendation to issue the site permit. Dr. Haddock seconded the motion accepting his amended motion. The motion passed unanimously.

Chairman DiPardo called for a break.

The Meeting reconvened at 11:55 a.m. and because of the time, Chairman DiPardo stated that Agenda Items #4, #6, #7, and #8 will be skipped and covered at the January 26, 2012 Commission Meeting.

Summary of Industrial Mineral Bond Release Requests Approved by the Staff Director

Agenda Item #4

Item skipped.

J.M Burger, Inc., Scott County, Withdrawal of Formal Complaint #2724

Agenda Item #5

Bill Zeaman, Chief of the Industrial Minerals Unit, gave a progression report in reference to J.M. Burger Inc. and the improvements that have been made. He explained that the operator has taken actions well enough to make a recommendation to withdraw the complaint as documented during the August, September, October and November, 2011 inspections. Because of the responsive nature of the operator, the Staff recommends that the commission withdraw Formal Complaint #2724. Commissioner Mohammadi made a motion to accept Staff's recommendation that the Commission withdraw Formal Complaint #2724. Vice Chairman Haddock seconded the motion. The motion passed unanimously. The Commission thanked Mr. Zeaman for his report.

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Agenda Item #6

Item skipped.

Abandoned Mined Lands Status Update

Agenda Item #7

Item skipped.

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Highland Highwall Reclamation Project Update

Agenda Item #8

Item skipped.

PROJECTS AND INSPECTION UNIT

Summary of Coal Bond Releases Approved by the Staff Director

- Associated Electric Cooperative, Prairie Hill Mine Permit No. 1981-02, PP-11-001

Agenda Item #9

Richard Harris, Environmental Specialist III, reported on this Agenda Item to the Commission. He gave the Commission a summary of the coal bond releases that have been approved by the Staff Director, Mike Larsen: Associated Electric Cooperative, Inc., Prairie Hill Mine Permit No. 1981-02, PP-11-001, which was a total of 20 acres released. Mr. Harris introduced Jim Rolls, Representative of Associated Electric Cooperative, Inc., who is retiring in March of 2012. He also introduced Kevin Murphy who will be replacing Jim Rolls, who has been employed with Associated Electric Cooperative for some time. Chairman DiPardo complimented them on a job well done. The Commission thanked Mr. Harris for his report. There was no Commission action needed.

OTHER BUSINESS

Approval of the 2012 Commission Meeting Dates

Agenda Item #10

There was some discussion by the Commissioners. Commissioner Mohammadi made a motion to accept the Commission meeting dates for the year 2012. Commissioner Gillman seconded the motion. The motion passed unanimously.

Comments from the Public

Agenda #11

There was none.

CLOSED SESSION

Vice Chairman Haddock made a motion that the Land Reclamation Commission meet in Closed Session on January 26, 2012 prior to an open meeting for the purpose of discussing personnel actions, legal actions, causes of actions or litigation as provided in Section 610.021 RSMo, 2003. Commissioner Mohammadi seconded the motion. The motion passed unanimously.

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ADJOURNMENT OF MEETING

Commissioner Haddock made a motion to adjourn the meeting. Commissioner Mohammadi seconded the motion. The motion passed unanimously.

The meeting adjourned at 12:08 p.m.

Respectfully submitted,

Chairman