



**MINUTES OF THE  
LAND RECLAMATION COMMISSION MEETING  
NIGHTINGALE CREEK CONFERENCE ROOM  
LEWIS AND CLARK STATE OFFICE BUILDING  
1101 RIVERSIDE DRIVE  
JEFFERSON CITY, MISSOURI  
September 23, 2010**

Chairman, Jim DiPardo called the meeting to order on September 23, 2010 at 10:07 a.m., at the Department of Natural Resources, Lewis and Clark State Office Building, Nightingale Conference Room, located at 1101 Riverside Drive, in Jefferson City, Missouri.

**Commissioners Present:** Jim DiPardo, Chairman; Dr. Gregory Haddock, Vice Chairman; Joe Gillman, John Madras, Nick Matherly, and Aaron Jeffries. Not present: Col. John Riffle.

**Staff Present:** Mike Larsen, Bill Zeaman, Chris Thiltgen, Amanda Weimer, Larry Slechta, Mike Mueller, Ron Dumey, Zach Davenport, Teresa Schubert, Teri Bibbs, Joyce Luebbering, Gene Noe, and Tina Stockman.

**Others Present:** Tim Duggan, Assistant Attorney General, Steve Rudloff, Missouri Limestone Producers Association; Van Beydler, Aaron Schmidt, and Steve Feeler, Department of Natural Resources, Division of Environmental Quality; Mikel Carlson, Gredell Engineering; Richard Hurst, Heartland Materials; Debbie Smith, Dennis Dobson, JW Strack, Strack Stone Co.; Adam Troutwine, Attorney, Polsineli Shurghart, L.L.C; Aaron Dombrowski, land owner; John R. Schneider, Attorney, Johnson & Schneider, L.L.C.; Dean Smart, Midwest Environmental Consultants; and Brian Bernskoetter, Mining Industry Council.

**Approval of July 22, 2010 Meeting Minutes**

**Agenda Item #2**

Commissioner Haddock made a motion to approve the July 22, 2010 Meeting Minutes as written. Commissioner Matherly seconded the motion. The motion passed unanimously.

**INDUSTRIAL MINERALS**

**Hearing Request Regarding the Proposed Permit Expansion Application for Strack Excavating, L.L.C., Cape Girardeau County, Missouri**

**Agenda Item #3**

Chris Thiltgen, Environmental Specialist III, gave an updated report on the information of the permit application of Strack Excavating, LLC – expansion of 4 acres in Cape Girardeau County. There was discussion by one of the land owners, Aaron Dombrowski, who gave pictures and a CD of photos to the Commissioners to view and keep for the record. Chris played the CD for all who were present to view the photos. There was discussion among the Commissioners, Attorney

John R. Schneider, Johnson & Schneider L.L.C., who was representing adjacent landowners and property owners who live near the Strack Excavating operation. Also involved in the discussion, questions and answers were: Debbie Smith, Dennis Dobson, Attorney Adam Troutwine, Polsinelli Shughart; and J.W. Strack. After further discussion, Commissioner Haddock made a motion to grant the hearing request and deny the permit expansion. Commissioner Gillman seconded the motion. There was some discussion by the Commissioners before the roll call vote. The motion passed by roll call vote: 5 yes votes to 1 no vote:

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jefferies: yes  
Commissioner Matherly: yes  
Commissioner Haddock: yes  
Chairman DiPardo: no

Chairman DiPardo announced that he was turning the meeting over to Vice Chairman Haddock. Chairman DiPardo left the room at approximately 11:25 a.m.

#### **Request for Information Concerning Industrial Mineral Penalty Amount**

##### **Agenda Item #4**

Mr. Bill Zeaman, Unit Chief Inspector of the Industrial Mineral Unit, read his memo to the Commission. The Commission had no questions for Bill and appreciated all the work that he had done.

#### **Summary of Industrial Mineral Bond Release Requests Approved by Staff Director**

##### **Agenda Item #5**

Larry Slechta, Environmental Specialist III, reported on this Agenda Item to the Commissioners. There was no action required by the Commission. This Summary was provided for the Commission's information.

#### **Industrial Minerals Bond Forfeiture Release Request**

##### **Agenda Item #6**

Larry Slechta, Environmental Specialist III, reported on this Agenda Item to the Commissioners. It was the recommendation of the Staff that the Land Reclamation Commission approve this application as presented to release the State of Missouri, Department of Natural Resources of reclamation responsibility. It is also recommended that the applicable bond amount be made available for reclamation of other sites where bond forfeiture has occurred and reclamation responsibility still exists. Commissioner Jefferies made a motion to accept Staff's recommendation. Commissioner Gillman seconded this motion. A roll call vote was taken. The motion passed unanimously:

Commissioner Jeffries: yes  
Commissioner Matherly: yes  
Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Haddock: yes

## **PERMITS, CONTRACTS AND DESIGN**

### **Coal Permitting Activities Update**

#### **Agenda Item #7**

Mike Mueller, Contracts and Design Unit Chief, reported on this Agenda Item to the Commissioners. There was no action required by the Commission. The Commissioners had no questions for Mike and thanked him for the report.

### **Abandoned Mined Lands Status Update**

#### **Agenda Item #8**

Mike Mueller, Contracts and Design Unit Chief, reported on this Agenda Item to the Commissioners. There was no action required by the Commission. The Commissioners had some questions for Mike and those were answered. Vice Chairman Haddock thanked him for the report.

Mr. Larsen stated that Mike Mueller had mentioned the Bee Hollow Project in his report and he thought that the Commission would be interested in the short video that the Department had made of the Bee Hollow Project. Mr. Larsen introduced Mr. Van Beydler to the Commission who is the Public Information Officer for the Program. He was instrumental in helping put this video together along with Mitch Roberts who is a staff member of Mike's unit. Chris could not over ride the security in order to get the video to play but Mr. Beydler gave the Commission the web address to view the video from home: [utube.com/modnr](http://utube.com/modnr) and then select videos, the Bee Hollow Reclamation Project.

## **COAL**

### **Coal Bond Forfeiture Responsibility Release Request**

#### **Agenda Item #9**

- **Universal Coal & Energy Co. Mine 4; 0078-37A2; 68 acres; Final Responsibility Release**
- **Universal Coal & Energy Co. Mine 4; 81-69; 47 acres; Final Responsibility Release**

Gene Noe, Environmental Engineer, reported on this Agenda Item for Guy Frazier, who was out of town. It was the recommendation of the Staff that this permitted area for Universal Coal & Energy Company Mine 4: 0078-37A2 for 68 acres and for Universal Coal & Energy Co. Mine 4: 81-69; for 47 acres receive responsibility release from the Commission. Commissioner Jeffries made a motion to release the Land Reclamation Program from further liability on these two properties. Commissioner Matherly seconded the motion. The motion passed unanimously with a roll call vote:

Commissioner Matherly: yes

Commissioner Madras: yes

Commissioner Gillman: yes

Commissioner Jeffries: yes

Commissioner Haddock: yes

## **OTHER BUSINESS**

### **Comments from the Public**

There were no comments from the Public.

## **CLOSED SESSION**

Commissioner Gillman made a motion that the Land Reclamation Commission meet in Closed Session on November 18, 2010 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 Jeffries seconded the motion. The motion passed unanimously with a roll call vote:

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jeffries: yes  
Commissioner Matherly: yes  
Commissioner Haddock: yes

## **ADJOURNMENT OF MEETING**

Commissioner Matherly made a motion to adjourn the meeting. Commissioner Jeffries seconded the motion. The motion passed unanimously with a roll call vote:

Commissioner Gillman: yes  
Commissioner Jeffries: yes  
Commissioner Matherly: yes  
Commissioner Madras: yes  
Commissioner Haddock: yes

The meeting adjourned at 12:05 p.m.

Respectfully submitted,

---

Chairman