



**MISSOURI
DEPARTMENT OF
NATURAL RESOURCES**

LAND RECLAMATION COMMISSION MEETING

JULY 26, 2012 10:00 A.M.

LEWIS AND CLARK STATE OFFICE BUILDING

NIGHTINGALE CREEK CONFERENCE ROOM

1101 RIVERSIDE DR.

JEFFERSON CITY, MO



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

**TO REVIEW THE DRAFT MINUTES AND INFORMATION ON THE VARIOUS ITEMS, PLEASE REFER TO OUR WEB SITE AT:
<http://www.dnr.mo.gov/env/lrp/Commission/lrc.htm>**

AGENDA

LAND RECLAMATION COMMISSION MEETING

**Nightingale Creek Conference Room
Lewis and Clark State Office Building
1101 Riverside Drive
Jefferson City, Missouri
July 26, 2012
10:00 a.m.**

1. Call to Order
2. Approval of May 24, 2012 Commission Meeting Minutes

INDUSTRIAL MINERALS

3. Hearing Request Concerning the Request for Approval of Reclaimed Land – River Cement dba Buzzi Unicem, USA
4. Summary of Industrial Mineral Bond Release Requests Approved by the Staff Director

PERMITS, CONTRACTS AND DESIGN

5. Coal Permitting Activities Update
6. Abandoned Mined Lands Status Update

PROJECTS AND INSPECTION UNIT

7. Summary of Coal Bond Releases Approved by the Staff Director
 - Blue Mound Mine Permit 1990-01 Bond/Liability Release Application PP-12-002



Recycled Paper

8. Responsibility Release Requests for Riedel Permits 1986-04, 1986-06, and 1987-02.

OTHER BUSINESS

9. Introduction of Lauren Cole as the Land Reclamation Program/Commission Secretary
10. Comments from the Public

ADJOURNMENT OF MEETING

The Land Reclamation Commission will meet in closed session beginning at 8:30 a.m. on September 27, 2012, to discuss: (1) Personnel actions as provided for in Section 610.021(3); (2) Legal actions, causes of actions or litigation as provided for in Section 610.021(1); and (3) Confidential and privileged matters with the Commission's attorney as provided for in Section 610.021(1), RSMo, 2003.

If you have any questions regarding this meeting, please contact the Land Reclamation Program at (573) 751-4041. Persons requiring special services at the meeting can make arrangements by calling 1-800-361-4827 or (573) 751-4041. Hearing and speech impaired persons may contact the Department through Relay Missouri, 1-800-735-2966.



**MINUTES OF THE
LAND RECLAMATION COMMISSION MEETING
NIGHTINGALE CREEK CONFERENCE ROOM
LEWIS AND CLARK STATE OFFICE BUILDING
1101 RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
May 24, 2012**

Chairman Jim DiPardo called the meeting to order on May 24, 2012 at 10:05 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. Haddock, Vice Chairman; Joe Gillman; John Madras; and Dr. Gertsch. Not present Aaron Jeffries.

Staff Present: Kevin Mohammadi, Program Director; Larry Slechta; Kurtis Cooper; Guy Frazier; Mike Mueller; Joyce Luebbering; Teri Bibbs; Don Cripe; Ron Dumey; Lauren Frazier; Rosie Schulte; Dave Dowdy; George Segawa; Gene Noe; and Tina Stockman.

Others Present: Jenny Frazier, Assistant Attorney General; Sarah Parker-Pauley, Director, Department of Natural Resources; Van Beydler, Department of Natural Resources, Division of Environmental Quality Administration; Jerry Prewett, Department of Natural Resources, Division of Geological Land Survey; Steve Rudloff, Missouri Limestone Producers Association; Mike Carlson, Gredell Engineering; and David Shorr, Lathrop & Gage.

Approval of March 22, 2012 Commission Meeting Minutes

Agenda Item #2

Commissioner Gillman made a motion to approve the March 22, 2012 Meeting Minutes as written. Commissioner Gertsch seconded the motion. The motion passed unanimously.

Official Introduction of Kevin Mohammadi as Land Reclamation Program Director

Agenda Item #3

Sarah Parker-Pauley, Director, Department of Natural Resources started the meeting by expressing her appreciation of the Land Reclamation Program to the Commission. The work of the Program staff and Commission are critical to the Department.

Director Pauley officially introduced Kevin Mohammadi as the new Land Reclamation Program Director.

In addition, Director Pauley shared with the Commission a few initiatives that are currently taking place within the Department. She gave brief summaries on the Department's Enhancing Science and Technology initiative; Compliance/Assistance initiative; Kitchen Cabinets; and Our Missouri Water's initiative.

Chairman DiPardo thanked Director Pauley for her time.

INDUSTRIAL MINERALS

Powers Bluff, LLC – Billy's Gravel Bar, Crawford County – Hearing Request Follow-up **Agenda Item #4**

Joyce Luebbering, Environmental Specialist III, indicated this topic was tabled at the last meeting and requested it be brought back for discussion.

Commissioner Gillman made a motion to remove Powers Bluff, LLC – Billy's Gravel Bar item off of the table for discussion. Commissioner Haddock seconded the motion. The motion passed unanimously.

Ms. Luebbering informed the Commission that on April 23, 2012, the Land Reclamation Program received a request from Mr. Pierce Powers to withdraw this permit application for any further consideration at this time. On April 26, 2012, the Powers Bluff application was returned with the understanding that the application had been withdrawn. All parties requesting a hearing were notified.

Commissioner Gillman asked how the decision was made to withdraw the request for a permit. Ms. Luebbering stated that during the site visit on April 3, 2012, the Department of Conservation and the U.S. Army Corps of Engineers determined there was very little gravel that could be mined without impacting the integrity of the river. After taking this into consideration, Mr. Powers decided to withdraw his application.

There is no further action required by the Commission regarding this hearing request. The Commission thanked her for the update.

Activities Report for CY2011, Required by the Land Reclamation Act **Agenda Item #5**

Kevin Mohammadi, Director, Land Reclamation Program reported on this Agenda Item. There was no action required by the Commission. The Commission thanked him for his report.

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

Agenda Item #6

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

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Agenda Item # 7

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

Abandoned Mined Lands Status Update

Agenda Item #8

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

Mr. Mueller introduced George Segawa to the Commission. Mr. Segawa is a summer intern with the Land Reclamation Program. Chairman DiPardo welcomed Mr. Segawa.

Webb City Elks Lodge Shaft Jasper County – Complete

Agenda Item #9

Dave Dowdy, Environmental Specialist III, reported on the Webb City Elks Lodge shaft project which is now complete. The Webb City project is located in Jasper County behind the Webb City Elks Lodge and in the backyard of a homeowner where their children and neighborhood kids play. A subsidence was located in a wooded area directly behind the lodge and was investigated and confirmed by the Land Reclamation Program's Abandoned Mines Land staff on December 22, 2011. It was determined by the staff that the shaft posed an immediate danger. Concrete hoisting shaft foundations indicated that the subsidence was caused by the collapse of an abandoned lead/zinc mine shaft that was presumably filled with unconsolidated fill material and debris.

Reclamation of the Webb City Elks Lodge shaft project entailed the construction and placement of a steel-reinforced concrete plug over an open shaft, and then backfilling to the surface with fill material from excavation. Emery Sapp & Sons dba Kennedy ESS Contractors of Springfield, Missouri was the contractor.

Commissioner Gertsch asked if there are plans to monitor this site on a regular basis. Mr. Dowdy replied that the landowner is monitoring the situation and communicating any change to the Land Reclamation Program.

Mr. Dowdy showed pictures of the project to the Commissioners and those present. The Commission thanked him for his report. There was no action required by the Commission.

PROJECTS AND INSPECTION UNIT

**Summary of Coal Bond Releases Approved by the Program Director
Continental Coal Inc., Mary Jane Mine Permit 1986-13T Bond/Liability Release
Application PP-12-01
Agenda Item #10**

Guy Frazier, Chief of the Projects and Inspection Unit 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 Program Director: Continental Coal, Inc., Mary Jane Mine Permit No. 1986-13T, PP-12-01, which was a total of 47.5 acres released. The Commission thanked him for his report. There was no action required by the Commission.

**Responsibility Release Requests Universal Coal and Energy, Old Law Permit, Mine 4,
Joe Bonuchi Property
Agenda Item # 11**

Gene Noe, Environmental Engineer III, reported on this Agenda Item to the Commissioners. This responsibility release request is for lands that were mined by Universal Coal and Energy under what are referred to as Old Law Permits, which were issued before federal involvement in the permitting of coal mining operations. Staff of the Land Reclamation Program have evaluated this site and have determined that the site meets criteria for responsibility release. Therefore, it was requested that the Commission approve responsibility release for the total areas mined by Universal Coal and Energy. There was a brief discussion amongst the Commissioners. Commissioner Haddock made a motion to accept Staff's recommendation on the Universal Coal and Energy property and grant the responsibility release as requested. Commissioner Madras seconded the motion. All 5 Commissioners agreed by saying yes. The motion passed unanimously.

**Responsibility Release Requests for Riedel Energy for Permit # 1990-03
Agenda Item #12**

Gene Noe, Environmental Engineer III, reported on this Agenda Item to the Commissioners. This responsibility release involves all areas related to Riedel Permit 1990-03 consisting of 230 acres. There are three landowners who are involved with the proposed release. Reclamation efforts have been coordinated between the Land Reclamation Program and these three landowners. Staff of the Land Reclamation Program have evaluated this site and have determined that the site meets criteria for responsibility release. Therefore, it was requested that the Commission approve responsibility release for the 230 acre mine site. Commissioner Haddock made a motion to accept Staff's recommendation on the Riedel Energy property and grant the responsibility release as requested. Commissioner Gertsch seconded the motion. All 5 Commissioners agreed by saying yes. The motion passed unanimously.

OTHER BUSINESS

**Comments from the Public
Agenda Item #13**

Kevin Mohammadi, Director, Land Reclamation Program notified the Commission that the following Rules are currently going through the Rulemaking Process: CSR40-6.030; CSR40-6.070; CSR40-6.100; CSR40-8.030; and CSR40-8.040.

Chairman DiPardo announced that Ms. Tina Stockman has accepted a promotion with the Water Protection Program and thanked her for her work as the Secretary to the Commission.

Ms. Stockman replied it had been a great experience and she really enjoyed her time as the Land Reclamation Commission Secretary.

CLOSED SESSION

Commissioner Gertsch made a motion that the Land Reclamation Commission meet in Closed Session on July 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 Haddock seconded the motion. The motion passed unanimously.

ADJOURNMENT OF MEETING

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

The Meeting adjourned at 11:06 p.m.

Respectfully submitted,

Chairman



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MEMORANDUM

DATE: July 5, 2012

TO: Land Reclamation Commission

FROM: Joyce Luebbering, Environmental Specialist III *JL*
Land Reclamation Program

SUBJECT: Hearing Request Concerning the Request for Approval of Reclaimed Land for three acres by River Cement dba Buzzi Unicem, USA, Gasconade County – Kahle/Price Pit #4

BACKGROUND:

On May 29, 2012, the Missouri Department of Natural Resources, Land Reclamation Program received a Request for Approval of Reclaimed Land Form involving three acres from River Cement dba Buzzi Unicem, USA, at the Kahle/Price Pit #4 in Gasconade County.

After receiving the Request for Approval of Reclaimed Land form, I received a call from Ms. Katie Jost of River Cement dba Buzzi Unicem, USA, who stated she had spoken to Mr. Harvey Kahle, part landowner of the Kahle/Price Pit #4. Mr. Kahle had stated the haul road on the map was incorrect and he was unhappy that a tree on site had not been cut down and his gates not delivered as promised. Ms. Jost stated she was planning on submitting a new revised map as past documentation she found did show the haul road in a different location. The new map was received on June 8, 2012.

On June 11, 2012, a letter was received from Mr. Harvey Kahle. Mr. Kahle stated on May 29, 2012, he had received the Request for Approval of Reclaimed Land form from River Cement as they relate to Permit 1025, Site #2154. Mr. Kahle stated he was submitting his request for a formal hearing for the following reasons.

1. The map submitted with the request does not picture the correct pit haul road.

Memorandum to the Land Reclamation Commission

July 5, 2012

Page Two

2. Mr. Gary Bullock denied at a site meeting on May 22, 2012, that his trucks ever used the field which was used and damaged by Fred Bullock and Joyce Luebbering going through the field and over the terrace on October 4, 2009. On Oct. 2011, Fred Bullock took full responsibility for driving through the field but has done nothing toward repairing the damage, even after he had licensed surveyors point out the damage.
3. Mr. Hill, Katie Jost and Joyce Luebbering are aware that Fred Bullock did not bring back the top soil which was pushed down hill when the pit was stripped. I can live with that, but a dead oak will have to be removed, where soil was removed around the roots when No. 4 was stripped.
4. Mr. Gary Bullock needs to bring a 15ft. gate when he takes out tree and fills the hole.

Additional comments were added at the end of the letter referencing a leaking pit No.3 and a variance. As that site is not part of the Request for Approval of Reclaimed Land that has been submitted, those comments are not considered in this request. Otherwise, Performance Standards in the Code of State Regulations at 10 CSR 40-10.050 are properly satisfied at the Kahle/Price Pit #4. There are no items listed in Mr. Kahle's letter identifying an unsatisfactory Performance Standard relating to the rights and duties of miners and mine owners.

On June 14, 2012, the Land Reclamation Program received an email from Ms. Katie Jost stating she had received an email from Mr. Gary Bullock and the tree had been cut down and the gates had been delivered. On June 19, 2012, staff visited the site and verified the tree had been cut down and the gates had been delivered.

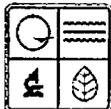
Because Mr. Kahle did write in during the proper timeframes, the next step in the process is to proceed to a request for a hearing before the Land Reclamation Commission. Therefore, we present a request for a hearing before the commission at the July 26, 2012 meeting. On July 1, 2012, I provided Mr. Kahle with a letter informing him of the location, date, time and how to prepare for the July 26, 2012, commission meeting.

The Land Reclamation Act addresses the issues of a request for a formal request. Per 10 CSR 40-10.080(4): Other Hearings:

- (A) If an owner of land that has been affected files a petition in opposition to the release of an operator's bond within thirty (30) days of the receipt date of the application for bond release, a hearing may be held to determine if the site meets bond release standards. The landowner shall make a demonstration that a performance standard(s) has/have not been met at the site in question in order for the commission to determine if a hearing will be held.

The Department does not have any jurisdiction to address concerns related to haul roads.

JL:tb



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
REQUEST FOR APPROVAL OF RECLAIMED LAND

RECEIVED
MO LAND RECLAMATION COMM.

MAY 29 2012

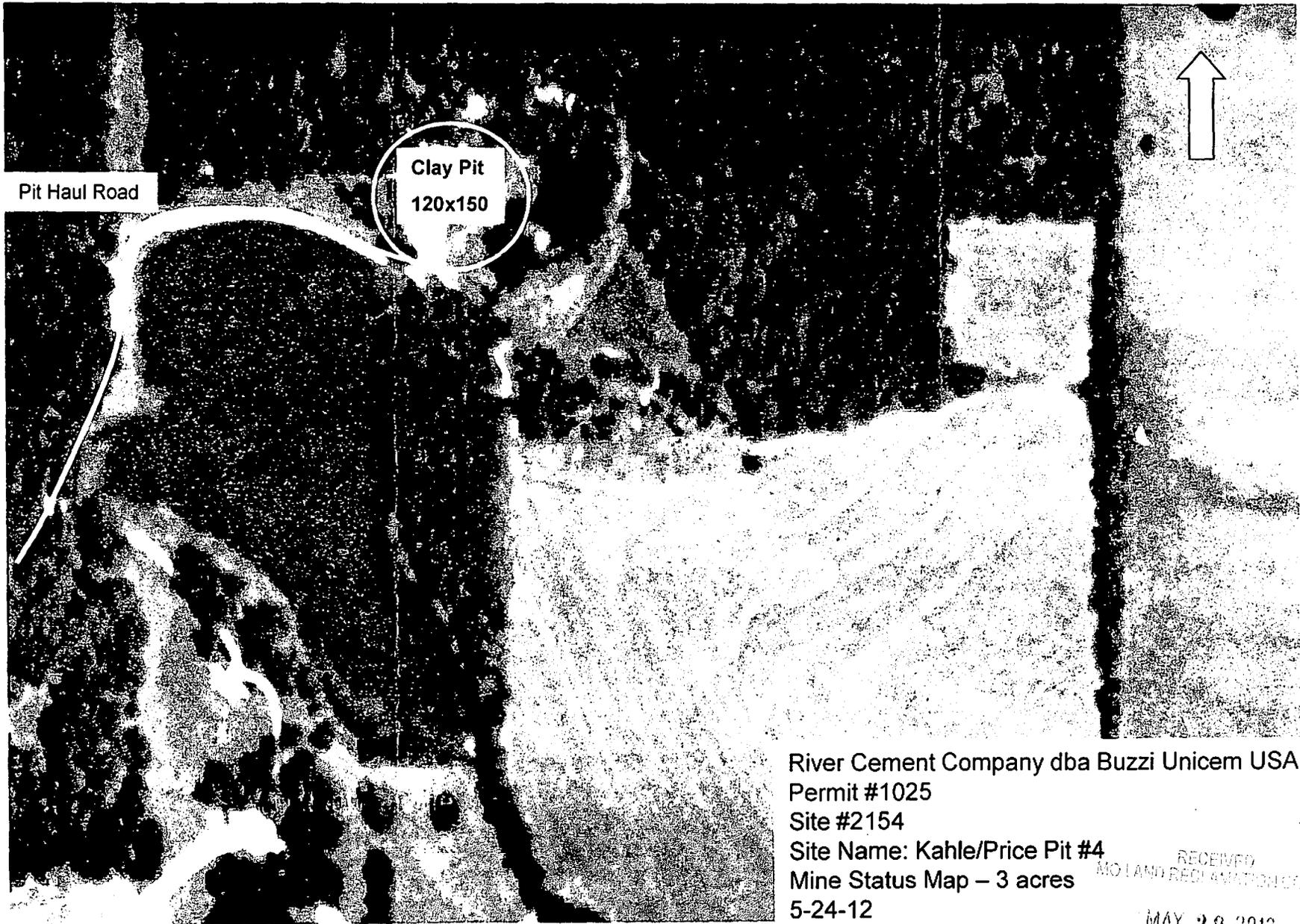
TO BE FILLED OUT BY OPERATOR			
NAME OF COMPANY River Cement Company dba Buzzi Unicem USA		PERMIT NUMBER 1025	SITE NAME Kahle/Price Pit #4
LOCATION OF SITE: COUNTY Gasconade		SECTION, TOWNSHIP, RANGE 22,23,26,27, 44N, 05W	ISSUED FOR (MINERAL) Clay
NAME OF PERSON TO CONTACT TO COMPLETE INSPECTION Kathryn Jost		MAILING ADDRESS 1000 River Cement Road	
CITY Festus	STATE MO	ZIP CODE 63028	TELEPHONE NUMBER WITH AREA CODE (636) 931-2510
SIGNATURE (COMPANY OFFICIAL) <i>James King</i>			DATE 5-24-12

NUMBER OF ACRES RECLAIMED ACCORDING TO THE FOLLOWING STANDARDS		
	Seed Mixture	Acres
Pasture	Fescue/Rye/Wheat/Lespedeza	2
Farmland		
Forest		
Water Reservoir		1
Recreational Area		
Industrial Area		
Residential Area		
Waste/Disposal (Landfill)		
Wildlife Management		
Unaffected by Mining		
Total acreage of revegetation satisfactorily completed		3

TO BE FILLED OUT BY INSPECTOR		
PERFORMANCE STANDARDS		
ACREAGE AFFECTED 3	ACREAGE UNAFFECTED 0	ACREAGE GRADED TO TRAVERSABLE 2
ACREAGE GRADED TO WILDLIFE HABITAT REQUIREMENTS N/A		ACREAGE WITH VEGETATION SUFFICIENT TO CONTROL EROSION 2
ACID/TOXIC MATERIAL PRESENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, BURIED UNDER TWO FEET OF NON-ACIDIC/TOXIC MATERIAL
DISTANCE TO NEAREST RIGHT-OF-WAY > 50' feet		DISTANCE TO NEAREST PROPERTY LINE 0'-property line goes through site
PROTECTIVE BERM ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable		TOPSOIL REPLACED TO 12 INCHES DEPTH ACREAGE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PERMANENT IMPOUNDMENT BUILT TO NRCS PONDS 378 STANDARDS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		PERMANENT IMPOUNDMENT STRUCTURE MEETS DAM AND RESERVOIR SAFETY PROGRAM REQUIREMENTS <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable
SUBSTITUTE ACRES INVOLVED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF SO, HOW?
MAP ATTACHED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF NO, WHY?

RECOMMENDATION		
1. BOND RELEASE ON Bond Number 6084167	ACRES RELEASED 3	AMOUNT \$ 1500.00
2. REDUCTION OF BOND ON Bond Number	UNAFFECTED ACRES RELEASED	AMOUNT \$
3 OTHER		

I HEARBY CERTIFY THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY KNOWLEDGE	
SIGNATURE OF PERSON MAKING THE INSPECTION <i>Trace Auerbach</i>	DATE 5-30-12



Pit Haul Road

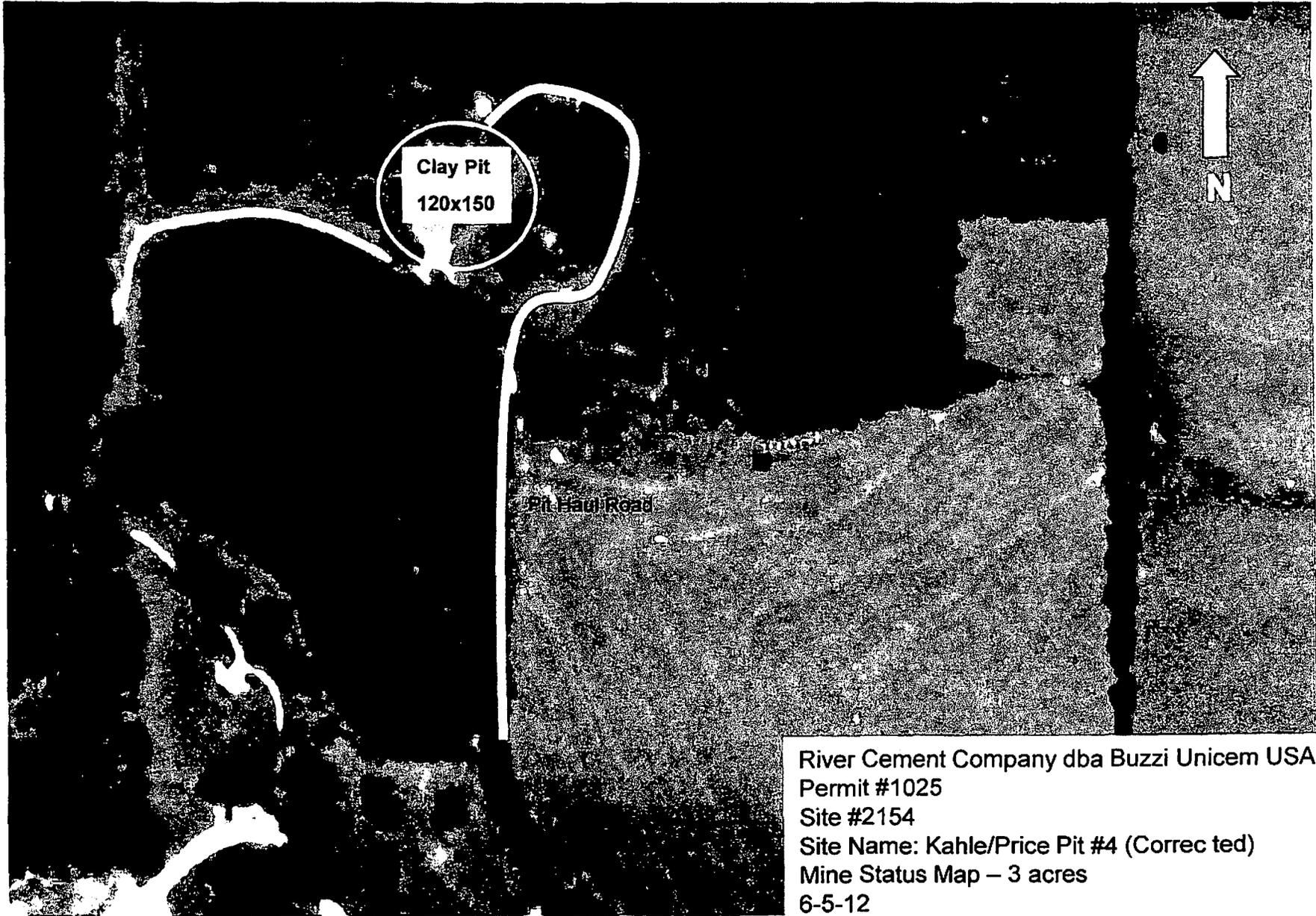
Clay Pit
120x150



River Cement Company dba Buzzi Unicem USA
Permit #1025
Site #2154
Site Name: Kahle/Price Pit #4
Mine Status Map - 3 acres
5-24-12

RECEIVED
MO LAND REDEVELOPMENT

MAY 29 2012



Clay Pit
120x150



Pit Haul Road

River Cement Company dba Buzzi Unicem USA
Permit #1025
Site #2154
Site Name: Kahle/Price Pit #4 (Correc ted)
Mine Status Map – 3 acres
6-5-12

To: Bill & Joyce
From: Kevin M

Harvey Kahle
2242 S Hwy. 19
Hermann, Mo. 65041

Missouri Department of Natural Resources
Director, Land Reclamation Commission
P.O. Box 176
Jefferson City, Mo. 65102-0176

RECEIVED
MO LAND RECLAMATION COMM.

JUN 11 2012

Ladies & Gentlemen:

On May 29, 2012, I received a letter from Buzzi, Unicem USA the request for approval of State Regulations 10 CSR 40-10.050 as they relate to the 3 acres on Permit 1025, Site 2154. Site Name -Kahle/Price Pit No. 4.

I, submit my request for a formal hearing for the following reasons.

1. The Map on pit No. 4 was taken on 05-24-2012, does not picture the correct pit haul road.
2. Mr. Gary Bullock denied at our May 22nd.,2012, meeting that his trucks ever used the field which was used and damaged by Fred Bullock & Joyce Lubbering going through the field and over the terrace on Tuesday, Oct. 4, 2009. At our Oct. 2011 Meeting Mr. Fred Bullock took full responsibility for driving through the field but has done nothing toward repairing the damage, even after I had Licensed surveyers point out the damage.
3. Mr. Hill, Katie Jost, and Joyce Lubbering are aware that Fred Bullock did not bring back the top soil which was pushed down hill when the pit was stripped. I can live with that, but a dead oak will have to be removed, where soil was removed around the roots when No.,4 was stripped.
4. Mr. Gary Bullock needs to bring a 15ft. gate when he takes out tree and fills the hole.

Let it be known that Dillon Clay Mining with Fred Bullock & Gary Bullock, Buzzi Unicem USA, & the DNR have made the last 4 years of my life anything but pleasant. I'm not fond of attorneys but it seems I need one.

At our last meeting Joyce Lubbering a DNR representative made a statement about getting a variance on the leaking pit No.3. No variance is acceptable. Dillon Mining -Fred Bullock was made aware of crack on the West Wall which ran from the bottom of the pit to 10ft. more or less to the top, then spread out into a large V. I advised Fred Bullock to get some Bentonite and let Me seal the crack. He got the Bentonite but never delivered. Meanwhile, water has been pumped from Pit No. 1 to Pit No. 2, and neither are full, and no plans are given to make repairs.

Harvey Kahle

Harvey Kahle
Owner
July 9th, 2012

Zeaman, Bill

To: Jost, Kathryn
Cc: Luebbering, Joyce; Mohammadi, Kevin
Subject: RE: Letter received from Mr. Harvey Kahle

Excellent. Thank you for the up-date Katie.

We will keep this for our records.

Bill.

From: Jost, Kathryn [<mailto:Kathryn.Jost@Buzziunicemusa.com>]
Sent: Thursday, June 14, 2012 3:02 PM
To: Zeaman, Bill
Cc: Luebbering, Joyce; Mohammadi, Kevin
Subject: RE: Letter received from Mr. Harvey Kahle

I received an email from Gary Bullock today (June 14, 2012). The tree has been cut down and removed. Also, the gates (3) have been delivered.

Katie

From: Zeaman, Bill [<mailto:bill.zeaman@dnr.mo.gov>]
Sent: Monday, June 11, 2012 1:20 PM
To: Jost, Kathryn
Cc: Luebbering, Joyce; Mohammadi, Kevin
Subject: Letter received from Mr. Harvey Kahle

Dear Katie,

Attached is a letter we received from Harvey.

Please give me a call when you have a plan to help address these issues.

Thank you.

Bill Zeaman, Chief
Non-Coal Unit
Land Reclamation Program

Direct (573) 751-1312
Program (573) 751-4041
Fax (573) 751-0534

s) MO-DNR-DEQ-LRP
Bill Zeaman
P.O. Box 176
Jefferson City, MO 65102-0176

Overnight) MO-DNR-DEQ-LRP
Bill Zeaman
1101 Riverside Drive
Jefferson City, MO 65101

Luebbering, Joyce

From: Jost, Kathryn <Kathryn.Jost@Buzziunicemusa.com>
Sent: Monday, June 25, 2012 4:06 PM
To: Luebbering, Joyce
Cc: gary bullock; Rice, Nick
Subject: RE: Kahle survey report received today (6/25)

I just talked to Mr. Kahle. He has no additional information regarding the survey. Also, he stated that the loss in the height is from the loading/hauling of trucks, due to the "trucks passing each other." Apparently, the location where you and Fred had truck issues is where the "water runs over." But the 50'-100' is due to trucks.

Also, Mr. Kahle is under the impression Buzzi (and Dillon) will be covering the tree stump with dirt and seed so he can brush hog it. I stated no such thing. He's done enough with his brush hog.

Katie

From: Jost, Kathryn
Sent: Monday, June 25, 2012 2:20 PM
To: 'Luebbering, Joyce'
Cc: 'gary bullock'
Subject: Kahle survey report received today (6/25)

Joyce,

Attached is a copy of the "survey" report sent by Mr. Kahle. He states the survey is "self explanatory," but it gives no details to the location or amount. I'm trying to locate the surveyor, but with no luck. I'll be calling Mr. Kahle.

Katie Jost

Environmental Engineer
Buzzi Unicem USA
Festus, MO

Ph: 636-931-2510
Fax: 636-931-2658

June 1, 2012

I, Vincent Klott have at the request of Harvey Kahle, checked the the grade of a terrace located on his property in the West 1/2 of the NW 1/4 of Section 26 near Swiss Mo.

I have found the top grade of the terrace to be approximately 6 inches low for about 50' to 100' in the area as pointed by Mr. Kahle.



Vincent C. Klott

June 1, 2012

Fairway Hable
June 26, 2012

Dear Ms. Foot:

Please find Surveyors letter on
Terrace found low in the $W\frac{1}{2}$ of the NW $\frac{1}{4}$
Section of 26 near Swiss. The letter is
self explanatory, but if you need additional
information, please let it be known.

Fairway Hable
Owner



Date of Inspection: 5/22/2012		Inspector: Joyce Luebbering		County: Gasconade	
Company : River Cement dba Buzzi Unicem				Permit No.: 1025	
Site No.: 2154		Site Name: Kahle/Price Pit #4		Acres: 3	
Decimal Degrees Entrance: -91.466132 38.534057		Commodity: Clay		Nearest City: Swiss	
Inspection Type: <input type="checkbox"/> Regular / <input checked="" type="checkbox"/> Bond Release / <input type="checkbox"/> Complaint			Location: S/ 22, 23, 26, 27 T/ 44N R/ 05W		
GPS Decimal Degrees of Pit: -91.461328 38.540138			CC & P DATE Started N/A Finished N/A		
Date Report Written: 5/22/2012		Contact Phone # 573-263-0801		Company Personnel: Katie Jost, Nick Rice, Gary Bullock	
Date of Last Inspection: 7/11/2011		Public notice expires:		Outstanding Watershed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Environmental Assistance Visit N/A <input checked="" type="checkbox"/>		Accepted <input type="checkbox"/> Declined <input type="checkbox"/>		Previous EAV? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Checklist Key: **X** = In-Compliance **O** = Non-Compliance **N/A** = Not Applicable

A 10 CSR 40-10.010 PERMITTING			Comments
1	X	LRP permit available at mine office? 10 CSR 40-050(1)	
2	X	Affected areas where overburden is removed or placed are permitted. RSMo 444.765(1)	

*Stockpile and processing are areas exempt as part of development. RSMo 444.766 2

B 10 CSR 40-10.020(3) PERMIT RENEWAL		
1	X	Does the site need a permit? RSMo 444.776
2	X	Does the site have a permit? RSMo 444.770 1
3	X	Is the permit current? RSMo 444.772 7

C 10 CSR 40-10.030(4) TOPSOIL BONDING		
1	N/A	Is topsoil bonding required? Topsoil bonding may be required when sufficient topsoil is not stored on site to reclaim agriculture land. RSMo 444.778

D 10 CSR 40-10.050(2) LATERAL SUPPORT (DISTANCE TO RIGHT-OF-WAYS)		
1	X	Excavation is NOT within 50' of road right-of way.
2	N/A	Excavation is a minimum of 25', plus 1.5 times the depth of unconsolidated material, from road right of ways where unconsolidated surface is more than 16.67 feet deep. RSMo 444.774.1.(5)
3	N/A	If excavation exists within the minimum distance of a road right of way, is there a road authority approved variance granted by the commission to mine closer than the minimum distance?

E 10 CSR 40-10.050(3) SAFETY BARRIER

1	N/A	If highwall is within 50 feet of public road, a 3' tall adequate safety barrier is present.	
2	N/A	If highwall is within 50' of property line and serious health or safety concerns are observed, a 3' tall adequate safety barrier is present.	

F 10 CSR 40-10.050(4) EROSION AND SILTATION CONTROL

1	X	<u>No</u> sediment being discharged or deposited off site.	
2	X	<u>No</u> sediment entering streams of the state.	
3	X	<u>No</u> erosion of permitted areas that have been reclaimed or are under reclamation.	
4	X	<u>No</u> gross or significant erosion features present.	
5	N/A	Erosion control structures have been constructed to USDA, NRCS standards.	
6	N/A	Sediment ponds constructed sufficiently to control damaging runoff.	

G 10 CSR 40-10.050(5) GRADING

1	X	All affected areas are graded to slopes traversable by farm machinery (3:1 slope).	Exceptions to grading requirement are areas under water and a small area of consolidated rock.
2	X	Affected areas are graded to a stable landform that minimized effects of erosion.	
3	X	Are exceptions to the grading requirements present at site? -Consolidated highwalls -Existing slopes steeper than 3:1 -Areas under water -25% of overburden graded and reclaimed to wildlife -Slopes of ponds, terraces, and other erosion control structures	
4	X	Pit rim smoothly transitions from edge of consolidated highwall to existing unaffected lands.	

H 10 CSR 40-10.050(5) ACID FORMING MATERIALS

1	X	No indications of acid-forming materials present, including iron or aluminum precipitates in the water, development of salts or barren, acid, "hot spots."	
2	N/A	If present, acid-forming materials are covered with 2" of non-toxic soil material.	

J 10 CSR 40-10.050(6) TOPSOIL HANDLING

1	N/A	Topsoil or top 12" of soil medium is being stripped and stockpiled for redistribution on lands designated as agricultural.
2	N/A	Topsoil is being stripped at least 10' ahead of highwall.
3	N/A	Topsoil stockpiles are adequately protected from erosion by seeding and/or mulching.
4	X	Topsoil is graded to produce an approximate 12" uniform topsoil layer on lands reclaimed to agriculture.
5	N/A	Slopes that are 5:1 or greater that are covered with topsoil are protected by mulch.
6	X	If needed, have fertilizer and soil amendments been applied?
7	X	If needed, are soil amendments and fertilizer sufficient to achieve a permanent vegetative cover?
8	X	Has required 12" topsoil been placed on areas designated as agricultural land use.
9	N/A	Is topsoil being sold off-site?
10	N/A	Is enough material being stockpiled on-site for reclamation?

J 10 CSR 40-10.050(7) REVEGETATION

1	X	Vegetation is thriving and is or will be sufficient to control erosion.
2	X	If needed, fertilizer and soil amendments are applied based on soil test results.

K 10 CSR 40-10.050(7) LAND USE

Acres

1	0	Wildlife Habitat
2	2	Agriculture
3	0	Development
4	1	Water Impoundment's

L 10 CSR 40-10.050(8) CLEANUP

1	X	Is the site free of mine generated waste including scrap iron, tires, old machinery and other debris or materials.
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M 10 CSR 40-10.050(9) PERMANENT IMPOUNDMENTS

1	X	Water impoundments are designed and constructed to NRCS PONDS 378 standards for Missouri. These are for constructed earthen dams only.	The spillway has a small amount of water running in it. A water impoundment to the east of Kahle/Price Pit #4 (which is not a permitted pit) seeps underground into the Kahle/Price pit. The bottom of the spillway is 10 ft. in width, was noted as being graveled in a previous inspection, is currently vegetated and is not eroding. No sediment is in the water leaving the pit.																		
2	X	Minimum top width for the dam is correct. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Minimum Dam Top Width</th> <th>Dam Height</th> <th>Top Width</th> </tr> </thead> <tbody> <tr> <td>< 10'</td> <td></td> <td>6'</td> </tr> <tr> <td>10 - 14.9'</td> <td></td> <td>8'</td> </tr> <tr> <td>15 - 19.9'</td> <td></td> <td>10'</td> </tr> <tr> <td>20 - 24.9'</td> <td></td> <td>12'</td> </tr> <tr> <td>25 - 34.9'</td> <td></td> <td>14'</td> </tr> </tbody> </table>		Minimum Dam Top Width	Dam Height	Top Width	< 10'		6'	10 - 14.9'		8'	15 - 19.9'		10'	20 - 24.9'		12'	25 - 34.9'		14'
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25 - 34.9'		14'																			
3	X	The combined up-stream and downstream side slopes of the dam embankment shall not be less than a 6:1 grade, with no slope being steeper than 2.5:1 and stable.																			
4	N/A	Principal spillway pipe elevation is correct in relation to auxiliary spillway elevation - at least six-inches below auxiliary spillway and principal spillway pipe diameter is at least four inches. Does the intake need a trash rack?																			
5	X	Auxiliary spillway is constructed in a trapezoidal configuration and includes an inlet channel, control section, and exit channel of appropriate length and width. Minimum spillway width is 10 feet wide throughout the entire structure.																			
6	X	<u>No</u> notable slumps or stress fractures.																			
7	X	<u>No</u> notable seeps, leaks or aquatic vegetation on the dam out-slope.																			
8	X	The freeboard depth is correct. Crest of dam is two feet higher than the bottom of the auxiliary spillway.																			
9	X	Fence is present to exclude livestock.																			
10	X	<u>No</u> immediate downstream structures are in harms way in case of catastrophic failure.																			
11	N/A	Dams greater than 35' in height, measured from the lowest point on the toe of the dam up to the water crest elevation, have the designs approved by the state MDNR, Dam and Reservoir Safety Program.																			
12	N/A	Impoundment water meet NPDES standards where NPDES permits are in place.																			

N 10 CSR 40-10.050(10) GRADING AND REVEGETATION SCHEDULES SUCCESS OF VEGETATION

1	X	Grading and revegetation is contemporaneous.	
2	X	Grading and topsoil replacement is completed within 12 months of completion of mining.	
3	X	Site is planted with approved permanent seed mixture within 24 months of completion of mining.	

* All Areas are subject to this timetable unless proven that the operator intends to mine at future date.

1	N/A	A sign identifying the mine company is properly displayed at the main entrance.	
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P 10 CSR 40-10.050(12) SUBSTITUTION

1	N/A	Any land being used for substitution?	
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Q 10 CSR 40-10.060 ACCESS RIGHT OF ENTRY

1	X	Is there access of entry?	
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R OTHER

1	<p>The site is stable and has been vegetated with a mixture of grasses. Species noted during the inspection include fescue, orchard grass and red clover. Some weeds were also present on site. There was a small area of dirt that had been worked up by Turkey. This area was small and no erosion features were present in relation to this. I recommend this site for bond release.</p>		
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2	<p>Individuals present during the inspection include: River Cement representatives: Katie Jost and Nick Rice; Dillon Clay mining representative: Gary Bullock; Landowner: Mr. Harvey Kahle; and Department of Natural Resources Land Reclamation Program representative: Joyce Luebbering.</p>		
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Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of inspection checklist delivered in the field.
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If you have any questions concerning this Inspection Report, please contact me by telephone at (573) 751-4041 or in writing at P.O. Box 176, Jefferson City, Missouri 65102-0176.

Inspector Signature: Joyce Luebbering Date: 5-30-12



DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MEMORANDUM

DATE: June 27, 2012

TO: Land Reclamation Commission 

FROM: Larry Slechta, Environmental Specialist III
Land Reclamation Program

SUBJECT: Summary of Industrial Mineral Bond Release Requests Approved by Staff Director

The Staff Director of the Land Reclamation Program has reviewed, evaluated, and approved the following Industrial Mineral bond release requests. This summary is being provided for the Commission's information:

Company	Permit #	Mine	Land Use	Acres Released	Amount Released
Martin Marietta Materials, Inc.	0153	Cass County, Site #0251 Greenwood Quarry	85-Acres Agriculture	85	\$42,500.00

Staff presented the above request for bond release to the Staff Director. The Staff Director approved the releases noted above following review of the requests, along with photographs taken during the bond release inspections.

Confirmation of the approval has been sent to the company and bonding entities.

LS:tb

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

DATE: July 3, 2012

TO: Land Reclamation Commission

FROM: Michael Mueller, Chief
Permits, Contracts and Design Unit

SUBJECT: Coal Permitting Activities Update

This report covers coal permitting activities between May 7, 2012, the date of the last update; and July 3, 2012, the date this memo was prepared.

During this reporting period, LRP received four (4) new coal permit actions that required review and approval. All four (4) of these permit actions were finalized during this reporting period.

MM:ts

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

Date: July 3, 2012

To: Land Reclamation Commission

From: Michael Mueller, Chief *MM*
Permits, Contracts and Design Unit

Subject: AML Status Update

Abandoned Mine Land (AML) Reclamation Projects

LESTER DAVIS RECLAMATION PROJECT

Bids for the Lester Davis Land Reclamation Project were opened on May 10, 2012 with Double S Dirtwork, Inc. providing the apparent low bid of \$472,477.77. On May 23, 2012, the Missouri Office of Administration issued Double S Dirtwork, Inc. an "intent to award" followed by notice to proceed on June 12, 2012. At the end of the reporting period, the contract had mobilize most of their equipment on-site and began clearing and grubbing the project area. This 38 acre project in Barton County is located on private lands and the Lester Davis State Memorial Forest which is owned and managed by the Missouri Department of Conservation (MDC). This project will eliminate the health and safety hazards associated with several highwalls and pits located immediately adjacent to a county gravel road. The contract completion date for this project is November 14, 2012.

ARDATH HIGHWALLS RECLAMATION PROJECT

The final design and development of the Ardath Highwalls Abandoned Mine Land Reclamation Project is nearly complete. The AML staff presented the proposed plans to the landowner and obtained written consent to complete the work on their property. Project oversight documentation was submitted to the Office of Surface Mining and they responded with an "Authorization to Proceed" letter dated June 28, 2012. Reclamation of this site will eliminate two extremely dangerous highwalls, two Hazardous Water Bodies, and one Clogged Stream feature that is located immediately adjacent to heavily traveled county gravel roads. Following earth-moving activities, all disturbed areas will be revegetated with a mixture of warm-season grasses or cool-season grasses and legumes and subsequently fenced off to exclude livestock until the areas have been properly established for livestock pasture.

LITTLE TIPPLE RECLAMATION PROJECT

The AML staff has reviewed the consultants design plans and specifications and have developed a list of comments that were sent to the consultant, Triad Environmental Services for changes and mark-up. At the end of the reporting period, LRP staff and the consultant were meeting with the Bates County Road Commission to discuss road closure and traffic handling issues that will need to be addressed prior to construction. This project will eliminate the health and safety hazards associated with one long wall and an endwall that are situated immediately adjacent to a county gravel road in southwestern Bates County. The estimated cost of construction is roughly \$300,000 to \$500,000.

MILLERSBURG RECLAMATION PROJECT

The AML staff has initiated the preliminary design and development of the Millersburg Abandoned Mine Land Reclamation Project located in west-central Callaway County. To date, the staff has been working to characterize the water quality problems of the site. Additionally, Mr. John Howland was hired to prepare a wetland determination that is necessary for Corps of Engineers 404 permit requirements. His proposed wetland determination will be used to identify jurisdictional wetlands to be avoided or mitigated when disturbed by reclamation activities. Reclamation activities will include grading and revegetating two sites to reduce acid-sediment runoff into Miller's Creek. Additionally, this work will eliminate a dangerous highwall grade barren and eroding spoil piles, eliminate two polluted water bodies, and address clogged stream conditions. After final grading, all disturbed areas will be revegetated with a mixture of warm-season grasses or cool-season grasses and legumes for livestock pasture.

MM:ts

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

DATE: July 2, 2012
TO: Land Reclamation Commission
FROM: Richard A. Harris, Environmental Specialist
Land Reclamation Program
SUBJECT: Summary of Coal Bond Releases Approved by the Staff Director

Program Director Kevin Mohammadi evaluated and approved the following liability releases. This is an informational summary that is being presented to the Commission. There is no request for Commission action.

Blue Mound Mine Permit No. 1990-01, PP-12-002

<u>Bond No.</u>	<u>Type of Release</u>	<u>Acreage</u>	<u>Amount/acre</u>	<u>Amount Total</u>
BNS1366633	Phase I	4.0	\$7,500.00	\$30,000.00
BNS1453096	Phase I	1.5	\$7,500.00	\$11,250.00
U2386062	Phase I	303.0	\$2,500.00	\$757,500.00
VAN922096	Phase I	12.0	\$7,500.00	\$90,000.00
Total		303.0		\$888,750.00

This represents a release from liability the permitted acreage within Permit No. 1990-01.

RH:ts

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

DATE: July 2, 2012

TO: Land Reclamation Commission

FROM: Gene Noe, P.E.; Bond Forfeiture Engineer
Land Reclamation Program *Noe 7-2-2012*

SUBJECT: Responsibility Release Requests for Riedel for Permits 1986-04, 1986-06, and 1987-02

The final remnants of three permits related to mining performed by Riedel Energy are proposed by the Land Reclamation Program for final responsibility release from the Land Reclamation Commission. Release of these permitted sections will provide for the final release of all areas related to these specific Riedel permits, will deal with all lands mined by Riedel north of Highway 154, and remove one inspection unit from the Land Reclamation Program annual inspection inventory. There are two landowners who are involved with these proposed releases. Reclamation efforts have coordinated actions between the Land Reclamation Program and these landowners. All landowners affected by these proposed Riedel Energy responsibility releases have been contacted and informed of the proposed July 26, 2012 commission meeting and the intent of the Land Reclamation Program to acquire final responsibility release of their properties.

A brief summary of the areas for which reclamation responsibility release is requested for is as follows:

I. THOMAS ELY PROPERTY

A. Riedel Energy Permit 1986-04

The remaining portion of this permit to receive responsibility release consists of 10 acres. The permitted area adjoins other areas permitted by Riedel Energy.

B. Riedel Energy Permit 1986-06

The remaining portion of this permit to receive responsibility release consists of 21 acres. The permitted area adjoins other areas permitted by Riedel Energy.

C. Riedel Energy Permit 1987-02

There is remaining portion of this permit to receive responsibility release that consists of 137 acres of which is partially on lands owned by Thomas Ely.

II. BRUCE COLEMAN PROPERTY

A. Riedel Energy Permit 1987-02

There is remaining portion of this permit to receive responsibility release that consists of 137 acres of which is partially on lands owned by Bruce Coleman.

Within the last few years, the Land Reclamation Program has funded reclamation to areas within this release request. Some of the landowners have been involved with reclamation activities performed on their property and have even performed some activities themselves and received compensation for their reclamation work from the Land Reclamation Program.

Staff of the Land Reclamation Program have evaluated these sites and have determined that the sites meet criteria for responsibility release from the Land Reclamation Commission.

It is requested that the Land Reclamation Program receive reclamation responsibility release from the Land Reclamation Commission for the following areas and acreages.

1. Riedel Energy Permit 1986-04 for 10 acres.
2. Riedel Energy Permit 1986-6 for 21 acres.
3. Riedel Energy Permit 1987-02 for 137 acres.

GN:ts