

# DRAFT



**MINUTES OF THE  
LAND RECLAMATION COMMISSION MEETING  
NIGHTINGALE CREEK CONFERENCE ROOM  
LEWIS AND CLARK STATE OFFICE BUILDING  
1101 RIVERSIDE DRIVE  
JEFFERSON CITY, MISSOURI  
July 28, 2011**

Chairman Jim DiPardo called the meeting to order on July 28, 2011 at 10:00 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; Joe Gillman, Kevin Mohammadi for John Madras, Dr. Gertsch and Aaron Jeffries. Not present: Dr. Haddock, Vice Chairman; and John Madras.

**Staff Present:** Mike Larsen, Bill Zeaman, Larry Slechta, David Dowdy, Joyce Luebbering, Rosie Schulte, Don Cripe, Ron Dumey, Teri Bibbs, Mike Mueller, Tucker Fredrickson, Amanda Lowe, Gene Noe and Tina Stockman.

**Others Present:** Jenny Frazier, Assistant Attorney General, Steve Rudloff, Missouri Limestone Producers Association; Mitch Roberts, Missouri Department of Natural Resources, Division of Public Drinking Water; Travis Doll, Gredell Engineering; Joyce Bush, Missouri House District 155 and Bill Johnson, Convention & Visitors Bureau, Lake Of The Ozarks.

## **Approval of May 26, 2011 Commission Meeting Minutes**

### **Agenda Item #2**

Commissioner Jeffries made a motion to approve the May 26, 2011 Meeting Minutes as written. Commissioner Gillman seconded the motion. A roll call vote was taken.

Commissioner Gillman: Yes  
Commissioner Jeffries: Yes  
Vice Chairman Haddock: Absent  
Commissioner Gertsch: Yes  
Commissioner Mohammadi: Abstain  
Chairman DiPardo: Yes

The motion passed unanimously.

# DRAFT

## INDUSTRIAL MINERALS

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

#### **Agenda Item #3**

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. The Commission thanked him for this report.

### **J.M Burger, Inc., Formal Complaint #2724, Scott County Missouri**

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

Bill Zeaman, Unit Chief of the Industrial Minerals Unit, handed out an email that he had received from J.M. Burger's lawyer, which said that there are people working on this site. He reported on this Agenda Item to the Commissioners and after giving some background information on J.M Burger, Inc. and answering some questions from the Commissioners. Mr. Zeaman explained that the Staff recommends that the Land Reclamation Commission sign the Notice of Formal Complaint for failure to abate violations 0860-002 & 0860-003 within the prescribed timeframe. The Commissioners had some discussion and questions which Mr. Zeaman answered their questions.

Commissioner Jeffries made a motion to accept Staff's recommendation to sign the Notice of Formal Complaint for failure to abate violations 0860-002 & 0860-003 within the prescribed timeframe. In addition, notify the permittee that a Formal Complaint has been filed against him and that he has fifteen (15) days to either request a hearing, correct the violation which is the basis of this Formal Complaint, or take no action which will result in a recommendation at the November 2011 commission meeting to revoke permit #0860 and request that the Attorney General's Office seek collection of the bond. Commissioner Gertsch seconded the motion. A roll call vote was taken.

Commissioner Jeffries: yes  
Commissioner Gertsch: yes  
Commissioner Mohammadi: yes  
Commissioner Gillman: yes  
Commissioner Haddock: absent  
Chairman DiPardo: yes

The motion passed unanimously.  
The Commission thanked him for this report.

# DRAFT

## PERMITS, CONTRACTS AND DESIGN

### Coal Permitting Activities Update

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

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 this report.

### Abandoned Mined Lands Status Update

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

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 this report.

### Montrose Badlands Project

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

David Dowdy, Environmental Specialist III, reported on this Agenda Item. Montrose Badlands Project is part of the Germantown Problem area and is located in Henry County, Missouri. Mr. Dowdy showed some pictures on the screen of the project to the Commission and those present. The Commissioners thanked him for the report. There was no action required by the Commission.

### Resolution for Mitch Roberts

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

Mr. Mueller, Contracts and Design Unit Chief, presented Mitch Roberts, former staff member of the Land Reclamation Program, with a Resolution signed by the Commissioners that were present. Mr. Roberts had accepted a promotion as Unit Chief in the Water Pollution Program in Kansas City, where his fiancée lives. He stated that Mitch had worked with us for a little over 5 years. Mr. Mueller read the Resolution to everyone present. Mr. Roberts stated he enjoyed his work that he did for the Program and Commission and that he misses it already. He stated he appreciates the work that the Commission does. Chairman DiPardo thanked him for his years of service.

## PROJECTS AND INSPECTION UNIT

### Howard County Coal – Order for Collection of Bond

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

Gene Noe, Environmental Engineer III, reported on this Agenda Item to the Commissioners. Mr. Noe explained some background on Howard County Coal Company (“HCCC”). This item required action by the Commission. The Program is requesting the Commission issue a new Order revoking HCCC’s permit and forfeiting its bonds, in order that it may collect Certificate of Deposit (CD) number 62671. The Commissioners had some questions and Mr. Noe answered them. There was some discussion by the Commissioners. Commissioner Jeffries made a motion that the Commission accepts the Staff’s recommendation to issue a new Order revoking HCCC’s permit and forfeiting its bonds, in order that it may collect Certificate of Deposit (CD) number 62671. Commissioner Mohammadi seconded the motion. A roll call vote was taken.

# DRAFT

Commissioner Gertsch: yes  
Commissioner Mohammadi: yes  
Commissioner Gillman: yes  
Commissioner Jeffries: yes  
Chairman DiPardo: yes

The motion passed unanimously.

## **OTHER BUSINESS**

### **Comments from the Public**

#### **Agenda #10**

Mr. Steve Rudloff, Missouri Limestone Producers Association, stated to the Commissioners that he would like to offer an invitation to the Commissioners to come to a meet and greet informal reception. He stated he didn't know if there would be an opportunity to do that or if it was appropriate to do this or if there would be legal issues with this. Chairman DiPardo asked Attorney Jenny Frazier if this was a possibility to do and Jenny stated that they could discuss how to do that.

Mike Larsen, Staff Director of the Land Reclamation Program, reported to the Commission that Bill Zeaman was awarded the June Department Employee of the Month. The Commissioners congratulated him on his award. Chairman DiPardo stated to Mr. Zeaman that he does great work for the State and for this Department and we are lucky to have him.

## **CLOSED SESSION**

Commissioner Gertsch made a motion that the Land Reclamation Commission meet in Closed Session on September 22, 2011 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. A roll call vote was taken:

Commissioner Mohammadi: yes  
Commissioner Gillman: yes  
Commissioner Jeffries: yes  
Commissioner Gertsch: yes  
Chairman DiPardo: yes

The motion passed unanimously.

Chairman DiPardo announced that Col. John and Jean Riffle had called him and wanted to tell everyone hello and give everyone their best.

# DRAFT

## ADJOURNMENT OF MEETING

Commissioner Gillman made a motion to adjourn the meeting. Commissioner Gertsch seconded the motion. A roll call vote was taken.

Commissioner Gillman: yes  
Commissioner Jeffries: yes  
Commissioner Gertsch: yes  
Commissioner Mohammadi: yes  
Chairman DiPardo: yes

The motion passed unanimously.

The meeting adjourned at 10:40 a.m.

Respectfully submitted,

---

Chairman