



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

## DEPARTMENT OF NATURAL RESOURCES

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### MEMORANDUM

DATE: April 2, 2013

TO: Land Reclamation Commission

FROM: Kevin Mohammadi, Staff Director  
Land Reclamation Program 

SUBJECT: Director's Recommendation – AA Quarry, LLC, Permit #1094, 214-acre New Permit Application; Johnson County

The following constitutes the Director's Recommendation based on a review of application completeness, consideration of comments received and the required components of the recommendation. A public meeting was held on March 7, 2013, with 128 people who signed in. The department did video tape the public meeting and is available for viewing on the Land Reclamation Program web site at the AA Quarry link. Staff do not believe all of the concerns of the public were successfully resolved by the public meeting; therefore, this Director's recommendation will be on the May 23, 2013 Commission meeting Agenda as a request for a hearing. This recommendation to the Commission is for informational purposes as the requirements of 10 CSR 40-10.080(1)(F) are now complete.

#### **Staff Director's Notice of Recommendation**

The Land Reclamation Act at Section 444.773.3, RSMo, requires the Staff Director make a formal recommendation to the commission regarding the issuance or denial of an applicant's permit. In addition, the "Act" at 444.773.1, RSMo, requires the Director to consider any written comments when making the notice of recommendation. After consideration of provided comments and application completeness, it is my recommendation to the commission to issue the new permit for a total of 214-acres, to AA Quarry, LLC in Johnson County.

Attachment I lists a variety of issues that have been raised. As Staff Director, I have recommended approval of the new mining permit application because the company has satisfied all of the application requirements of "The Land Reclamation Act".

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My recommendation for approving this permit application is based on the fact the applicant has satisfied the requirements for application completeness as required by both law and regulation. Furthermore, all comments received by the program and comments made during the public meeting have been considered and responded to in Attachment I to this recommendation, which is being provided for review.

The issue of whether or not to grant a formal hearing if requested by petitioners opposed to this permit now rests with the Land Reclamation Commission.

### **Required Components of the Recommendation**

The Land Reclamation Act requires that the director make a formal recommendation regarding the issuance or denial of an applicant's permit. Rules at 10CSR 40-10.040(2)(A) require the Director's recommendation be based on several specific items as follows:

1. The application's compliance with section 444.772, RSMo (The Law);
2. The application's compliance with 10 CSR 40-10.020 (The Regulations);
3. Consideration of all comments;
4. Whether the operator has had a permit revoked or a bond forfeited; and
5. If a petition is filed and a hearing is held, the commission shall make the decision on permit issuance or denial.

**Items 1 and 2:** These are basically the same issue stating the application must meet the criteria for application completeness in both the statutes and the rules. After staff review of the new permit application from AA Quarry, LLC, the staff determines the application document has met the standards of both the statutes and the rules.

**Item 3:** For consideration of all comments, please refer to Attachment I.

**Item 4:** The applicant has never had a permit revoked or a bond forfeited, in accordance with the rules at 10CSR 40-10.040(2)(A)4.

**Item 5:** During the public notice and comment period, requests for a public meeting were received. A public meeting was held on March 7, 2013, with 128 people who signed in. Staff do not feel the public meeting resolved all of their concerns. Staff anticipates there will be a request for a hearing submitted within the next 30-days following the date of this recommendation.

### **Summary Comments**

Attachment I, lists a variety of concerns for this proposed new permit application. The Land Reclamation Act addresses the issues of a request for a public meeting, dust related issues as

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well as water quality and mining in established mine plan boundaries. The department does not have any jurisdiction to address concerns related to road safety, blasting, noise, property devaluation or the natural beauty of the area.

Acting on a mining permit application in which petitioners object to the permit requires two separate actions. First, the law requires that the director provide a recommendation to the commission concerning the issuance of a permit. When making the recommendation the director must do two things:

1. Evaluate the application for technical adequacy and completeness; and
2. Consider all written comments received during the public comment period.

As stated in the first paragraph of this recommendation, the application has been deemed adequate and complete by the program's staff. Written consideration to all comments received during the public notice period and comments made during the public meeting are provided to the commission as an attachment to this recommendation for the commission's review.

As Staff Director, I have recommended approval of the new permit application because, in fact, the applicant has satisfied all of the technical permit application requirements of "The Land Reclamation Act" and consideration has been given to all comments. This completes the first step of a two step process.

The Land Reclamation Commission must now decide if the evidentiary hearing, if requested by the petitioners opposed to the issuance of the permit, is warranted. In this case, issues of concern received from petitioners opposing the permit did receive a response to the extent the program and company were able to respond.

All petitioners who requested an informal public meeting have been advised within 30 days from the date of this Staff Director's Recommendation to submit a request of a formal hearing in writing to the Land Reclamation Commission, P.O. Box 176, Jefferson City, Missouri 65102-0176 if they feel the informal public meeting did not resolve their concerns.

Staff anticipates a hearing will be requested concerning this proposed permit application. Petitioners are informed that on May 23, 2013, at 10:00 AM at the Lewis & Clark State Office Building located at 1101 Riverside Drive, Jefferson City 65101, is the date, time and location of the commission meeting. At this meeting, the petitioners will have the opportunity to convince the commission through the submission of good faith evidence that they do, in fact, have standing as defined by the regulations in order for the commission to order a hearing be granted. The regulations which define standing are found at 10 CSR 40-10.080(2) and read as follows:

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10 CSR 40-10.080 (2) - Establishing Standing for a Formal Public Hearing.

(A) For a formal public hearing to be granted by the Land Reclamation Commission, the petitioner must first establish standing.

(B) The petitioner is said to have standing to be granted a formal public hearing if the petitioner provides good faith evidence of how their health, safety, or livelihood will be unduly impaired by the issuance of the permit. The impact to the petitioner's health, safety, and livelihood must be within the authority of any environmental law or regulation administered by the Missouri Department of Natural Resources.

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Attachment

**Attachment I**  
**Response to Public Concerns**  
**Regarding the Proposed New Permit Application for**  
**AA Quarry, L.L.C., Johnson County, Missouri**

The Staff Director of the Missouri Department of Natural Resources, Land Reclamation Program received about 140 letters containing multiple concerns and requesting an informal public meeting concerning the proposed 214 acre new permit application for the AA Quarry site located in Johnson County. Listed below are the issues raised in the letters and statements made during the March 7, 2013 informal public meeting along with responses. There were a total of 128 people who signed in at the informal public meeting. These issues have been grouped together for ease of written presentation.

The meeting started off with introductions from the following: Robert Radmacher, Applicant; Bill Zeaman, Missouri Department of Natural Resources, Unit Chief, Land Reclamation Program; Tucker Fredrickson, Missouri Department of Natural Resources, Land Reclamation Program; Anastasia Welch, Professional Engineer, SCS Aquaterra; Jimmy Coles Missouri Department of Natural Resources, Water Pollution Program; Kevin Mohammadi, Missouri Department of Natural Resources, Staff Director, Land Reclamation Program; James Helgason Missouri Department of Natural Resources, Air Pollution Program; Mike McGrath, Missouri Department of Transportation, Area Engineer.

Mr. Robert Radmacher opened the meeting by stating the purpose of this meeting was to address questions from the public, resolve concerns, and clear up any misconceptions. Mr. Radmacher stated he would address some questions and Bill Zeaman would also. He then stated he intended to open up the floor for questions to the panel. Mr. Radmacher added that the blasting consultant was not present.

Bill Zeaman reiterated the purpose of the meeting was to resolve questions, clear up misconceptions and make commitments. He said the applicant, Mr. Radmacher, had agreed to hold this meeting and was not required to do so under the law. Mr. Zeaman informed the attendees that the meeting was being recorded and would be placed on the Department's Land Reclamation Program website.

Mr. Zeaman stated that the United States Corps of Engineers has issued a Notice of Violation for Code of Federal Regulation Section 404 at the proposed quarry site and is currently being addressed by Mr. Radmacher. Department staff toured the proposed quarry site earlier in the day. Mr. Zeaman explained to the attendees he had developed responses to letters submitted to the Land Reclamation Program from the concerned public. The responses are in the form of a PowerPoint presentation which may take an hour and twenty minutes to present. He offered to present it but wanted to give the attendees the option of coming up and asking questions directly to the panel without viewing the presentation. Land Reclamation Program staff will also be producing a Staff Director's Recommendation and Attachment #1 with all the responses and

concerns addressed in the letters and those asked tonight. Copies of these documents will be sent to each legible address which submitted letters with concerns/questions. The PowerPoint presentation contains much of the same information as will be provided in the Staff Director's Recommendation and Attachment #1.

**Concern:** How many tons of rock do you plan on taking out of the mine per day, per week, per month, per year? The permit allows 775,000 tons of material per year maximum with a 24/7, 365-days a year operation. The blasting required for this amount of material will be extraordinary.

**AA Quarry:** Before I discuss the amount of aggregates removed from the quarry, there are a few things everyone needs to understand. No matter the capabilities of the plant or what the plant is permitted to crush per hour, the market for this location cannot support sales of 775,000 tons per year. The market will determine sales; whether it is 60,000 or 300,000 tons per year. When considering a plant for the quarry, we decided to purchase one that would produce enough rock in 3 to 4 months to last a full year.

The plant we decided on was already permitted for 1,000 tons per hour with the Air Pollution Program. The plant may produce 1,000 tons per hour set fully open, making one product. The products required for our projects and most of the work in this area would require more crushing and screening, which will slow the plant down to 300 to 400 tons per hour. The 775,000 tons per year in the Land Reclamation Permit was calculated by figuring 400 tons per hour/3,200 tons per day/16,000 tons per week/64,000 tons per month/775,000 tons per year.

We will produce 400 tons per hour at times when crushing. There will be days when we crush 3,200 tons. There will be weeks when we crush 16,000 tons. There could be months when we crush 64,000 tons. We do not, however, anticipate a market where we could sell 775,000 tons of rock in a year's time and our air permit would not allow us to crush and stockpile 775,000 tons of rock. We anticipate sales the first year at around 60,000 tons and 100,000 tons per year by the fifth year. After the fifth year, we are looking at sales from 100,000 to 200,000 tons per year, with the highest possible year being 300,000 tons.

We looked back three years and our company purchased an average of approximately 65,000 tons per year. Our goal, due to hauling distances, would be to supply our jobs 45,000 to 50,000 tons per year of the 65,000 tons we now purchase from other quarries. We anticipate local sales of 10,000 to 20,000 tons per year in addition to our project needs.

775,000 tons of rock used in a MODOT surface mix would overlay 335 miles of 24 feet wide roadway 3" thick. This would extend from our quarry to St. Louis, back to Jefferson City plus another 17 miles. This is the rock needed when combined with sand and oil to produce surface asphalt.

Daily truck loads based on 5-day work week: 60,000 tons per year equates to an average of 1.6 truckloads per hour. 100,000 tons per year equates to an average of 2.4 truckloads per hour. 200,000 tons per year equates to an average of 5.2 truckloads per hour. 300,000 tons per year equates to an average of 7.8 truckloads per hour.

## **Air Pollution**

**Concern:** I know dust is created at construction sites and the quarry will produce dust, so what do I do if my asthmatic child is affected by the dust or impacts our family? I have noticed an increase in dust in my home since the quarry has started hammering and using dynamite and I know the worst is yet to come. I also suffer from high blood pressure and have had by-pass surgery and I am not able to take the stronger medications to try and curb my allergies. This situation will cause great suffering to me. I know I am not the only one who has health problems and I am concerned for all of us. I worry about the families that have young children who will be breathing the dust laden air. Who will monitor the air? Is there a dust control plan? Who would pay for medical related expenses caused by the dust? Silicosis, which is lime dust in the lungs, is a concern. How are they reducing silica in the air we breathe from the crushing of rock?

**Missouri Department of Natural Resources:** Dust is created by blasting, loading and hauling of rock within the quarry site. The crusher has a set-back distance of 850' from the property line. The roads will also be watered to minimize dust. Dust cannot leave the property and has to be visually monitored. Operation is limited to producing 15 tons of particulate matter less than 10 microns in size for any consecutive 12 month period.

AA Quarry has set the 15 ton limit themselves. They can re-apply for a higher limit if they decide to. The Missouri Department of Natural Resources, Air Pollution Control Program currently inspects a site similar to AA Quarry, once every five years, unless there is a complaint which needs to be investigated at the site. The complaint investigation would need to occur while the mine was operating and there were comparative wind speeds. The department relies on citizens to inform us of fugitive dust. The department would also consider evidence of dust along the tree-line of the mine property if it can be differentiated from dust off a nearby road outside of the mine plan property. If violations are issued, the emission limits may be tightened or a specialized dust control plan may be developed. Routine inspections include a records review and must be done while the facility is operating. If fugitive dust is detected at the property line of the mine site a Notice of Excessive Emissions may be issued. The Enforcement Section will determine if issuance of a Notice of Violation is warranted.

Dust from limestone can cause health problems. Physical irritant effects caused by exposure to dusts and particulates can cause irritation; such irritation involves the skin, eyes, nose, upper respiratory tract and mucous membranes. An excessive amount of dust can cause problems with visibility. Missouri air quality laws do not tolerate visible dust emissions migrating off the property boundary, including dust generated from blasting operations. Dust must be contained within the property of AA Quarry if the permit receives approval. If dust is seen escaping the confines of the property or if there are excessive amounts of dust noticed during normal operation please contact the company first by telephone at (816) 540-3614 to take corrective actions.

The Missouri Department of Natural Resources does not conduct air monitoring at quarries. During inspection and investigation, if the inspector sees that a process may be close to the limit, then the inspector will conduct a Method 9 opacity test. This method estimates that opacity (the amount of dust) produced at each process (crushing, transportation and storage). The ambient impact of particulate matter is calculated during the construction permitting process. Daily limits are placed on the quarry to ensure they do not exceed the National Ambient Air Quality Standards for Particulate Matter 10-microns.

If AA Quarry, L.L.C. fails to take corrective actions concerning fugitive dust migrating onto adjacent properties, then do not hesitate to contact the Department's Air Pollution Control Program for what we believe will result in AA Quarry, L.L.C. taking corrective actions to stop dust from migrating onto adjacent properties or becoming problematic within the confines of the quarry. A contact number for people to report a dust complaint can be made to the department's Kansas City Regional Office, 500 NE Colbern Rd., Lee's Summit, MO 64086-4710 at telephone number (816) 251-0700. It will prove best to ask to speak with someone in Air Pollution Control. Only the Department's air laws regulate dust generated at a mine site. AA Quarry mentioned they may set-up a call line for people to alert the quarry of fugitive dust issues.

**Concern:** Will you only have one crusher and how big is it?

**AA Quarry:** Yes, only one and it is big.

**Concern:** How frequently are air violations issued?

**Missouri Department of Natural Resources:** In the last two weeks five air related penalties have been issued by the department's Kansas City Regional Office.

**Concern:** Do I need to be concerned about the dust impacting my fruit trees and garden vegetables?

**AA Quarry:** No, lime is used agriculturally.

**Concern:** How do you monitor for air quality? Can you put up some monitoring devices that aren't subjective?

**Missouri Department of Natural Resources:** The department's Air Pollution Program utilizes Method 9, a visual opacity test for the crusher, screener, haul roads, etc. Actual monitoring devices are very expensive and the Kansas City Regional Office has none. We are only able to set those up when the situation meets certain criteria and the federal government provides them. There is no limit placed on the amount excavated, however, the crusher and screening plant will have throughput limits which are designed to be at or below the daily ambient impact levels or the rolling 12 month de minimis levels. This limit will be placed on the construction permit once it is issued.

**Concern:** The health impacts from diesel particulate matter (DPM).

**Missouri Department of Natural Resources:** The diesel particulate matter may fall under the de minimis levels of the air permit.

**Concern:** Dust control during reclamation. The plan I had access to doesn't address: Trucks hauling soil, sand and other loose materials as part of reclamation activities or require such trucks to maintain at least two feet of freeboard between the top of material and the top of the truck. **Missouri Department of Natural Resources:** There is no plan to haul from an off-site location any material to use as backfill. Maintaining a two-foot freeboard in the haul truck or having tarps on the load is outside the jurisdiction of the Department of Natural Resources. Air pollution has no regulations on the transport of material.

However, not utilizing tarps on trucks when needed is a violation of Missouri Revised Statutes Section 307.010 RSMo. for transporting goods on public roads by the Missouri Highway Patrol and reads:

**“All motor vehicles, and every trailer and semitrailer operating upon the public highways of this state and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried.”**

**Concern:** Pave, apply water at a minimum of three times daily in dry weather or apply non-toxic soil stabilizer on all unpaved access roads, parking areas and staging areas at the quarry. **Missouri Department of Natural Resources:** This will be at the discretion of the facility. It is very dependent on the permit. The permit may have conditions to employ best management practices which could include watering of the roads, paving areas or other methods to reduce or eliminate dust created from the roads and paved areas.

## **Road Maintenance/Safety**

**Concern:** How old is Route AA? What was it designed for, heavy duty truck traffic or regular traffic?

**Missouri Department of Transportation:** I'm not sure how old it is. I think it was built in the 1950's by the County and was designed as a secondary road or farm-to-market roadway. Our traffic engineer has done traffic counts and speed studies on Route AA and plans to continue if the quarry is operating.

**Concern:** Will the culverts on Route AA support a 90,000 pound truck?

**Missouri Department of Transportation:** Yes, but any that need replacement will be. But, they are all designed to handle those trucks.

**Concern:** Highway F has a sign which specifies an 8-ton weight limit. Why is there no weight limit on Route AA? There is no bridge on Highway F.

**Missouri Department of Transportation:** Normally there are no weight limits on state routes unless there is a bridge. Many bridges are not structurally able to handle heavy trucks. I'm not sure why Highway F has the weight limit if there is no bridge.

**Concern:** We want posted signs with a speed limit of 35mph for trucks. I don't want to pull out of my driveway and see a haul truck doing 60mph.

**Missouri Department of Transportation:** Numerous speed studies show that a reduced truck speed decreases safety due to the contrast in speed of trucks and other vehicles. We do intend to install speed signs at curves.

**Concern:** Do you plan to use 450 Road? We saw your haul trucks travel down 450 Road this past summer of 2012. It is a secondary road and it has a bridge. Are there weight limits on 450?

**AA Quarry:** We intend to use 450 Road only if we need to deliver there. **Missouri Department of Transportation:** I can't speak for the county but I know those bridges are inspected every two years by the state and signs will be installed. If it isn't currently posted by the county then I would assume there are no weight limits on 450 Road.

**Concern:** I live where school buses stop at the intersection of Route AA and 450 Road, and there is no visibility. My kids wait for the bus right off Route AA. I'm afraid school kids or someone is going to get hurt.

**AA Quarry:** My drivers are trained and we are used to running trucks by schools and through neighborhoods. We are willing to meet with people and educate them on safety issues.

**Concern:** Are you willing to consider shutting down operations early on Fridays during the lake vacation season to limit traffic jams at Highway 50?

**AA Quarry:** Yes.

**Concern:** What improvements will be made to Route AA? Will it be widened? Wouldn't it be more cost-effective to not keep chip and sealing Route AA?

**Missouri Department of Transportation:** Due to budgetary constraints not sure if it can be widened. Widening may include purchasing right-of-way or extending culverts. A hot-mix asphalt will definitely not be applied this year to Route AA as all contracts have been filled for 2013. We plan to patch AA, fix ruts, and replace culverts as needed, whether there was a quarry or not. Eventually a chip and seal will be applied. There is a meeting scheduled for 3/8/2013 to discuss the possible improvement of the intersection of Highway 50 and Route AA.

**Concern:** How wide is Route AA? Is that road surface? In most places is there a drop-off?

**Missouri Department of Transportation:** I believe it is 20 feet wide. There are areas where there is no shoulder and there is a drop-off.

**Concern:** What is the width of a haul truck mirror-to-mirror?

**AA Quarry:** I don't know. **Public response:** Width of haul truck/114 inches, school bus/112 inches, and the average width of Route AA is 21 feet. This leaves two feet of clearance when a haul truck meets a school bus. That clearance is assuming a smooth road surface from center to paved edge.

**Concern:** Safety hazards are imminent with the 5,425 fully loaded gravel trucks and with an equal 5,425 number of trucks that could be allowed to use the roads during the year. Route AA is not wide enough, with no shoulder and curves sharp enough that motorists, joggers, school buses and other vehicles will be placed in danger due to the large amount of truck's that will be in and out of the quarry each day. The permit allows for 775,000 tons of material per year maximum with a 24/7, 365-days a year operation. The blasting required for this amount of material will be extraordinary.

**AA Quarry:** Before I discuss the amount of aggregates removed from the quarry, there are a few things everyone needs to understand. No matter the capabilities of the plant or what the plant is permitted to crush per hour, the market for this location cannot support sales of 775,000 tons per year. The market will determine sales; whether it is 60,000 or 300,000 tons per year. When considering a plant for the quarry, we decided to purchase one that would produce enough rock in 3 to 4 months to last a full year.

AA Quarry has asked their drivers to be courteous to the neighbors and believe that is reflected in your letter. AA Quarry will ask other drivers who frequent the quarry to be more neighbor friendly.

**Missouri Department of Natural Resources:** The Land Reclamation Program does not regulate public travel-way issues. If you experience trucks operating in a hazardous manner you may contact the Johnson County Sheriff's office at (660) 747-6469. Our authority over the mining operation is limited to the mining site, including the environmental controls and reclamation activities at that site. Once the rock is removed from its natural deposit, the Land Reclamation Act does not contain statutes regarding weight limits or any other damage that might be caused by hauling the material on public roads. However, the Missouri Department of Transportation will have responsibility over the maintenance and/or improvements made to Route AA. The county road commission should have the authority over the use of secondary roads such as 450 Road, including the determination of road weight limits, how strictly the weight limits are enforced on nearby roads, and how to address concerns regarding damage. The Missouri Department of Natural Resources does not have any authority to enforce local ordinances or requiring an operator to repair a roadway for any damages that may have been caused by haul trucks.

## **Permitting**

**Concern:** Isn't AA Quarry operating right now? When did the Land Disturbance permit come into effect?

**AA Quarry:** We're not running a commercial operation at this time; we're only using rock at this proposed quarry site and on some other jobs. We have a Land Disturbance permit which allows us to do that and it was issued in the summer of 2012.

**Concern:** Radmacher Brothers has already started to mine the property but recently stopped. If they are skirting the rules now, how many more regulations will be violated in the operation of this quarry?

**Response:** The department did investigate complaints of possible quarry related activity at this site that were received on June 12, 2012. Nature of the complaint – several trucks and sounds like they are mining limestone. Site inspected on June 19, 2012. It was reported that no material is leaving the site; limestone is being used as riprap on the farm. Not selling any rock. No permit needed. Complaint Closed.

The rules at 10 CSR 40-10.010(2) read: “(2) Operations Not Required to Obtain a Land Reclamation Permit. (B) Surface mining for industrial minerals may be conducted without a permit by any. 1. Individual for personal use only; and 2. Political subdivision...”

Radmacher Brothers did not skirt the rules of operating a mine site without a permit.

**Concern:** How many permits has the Department denied in the past 10 years? None have been denied due to health, safety, or livelihood. Only two have been denied and that was because of Planning and Zoning.

**Missouri Department of Natural Resources:** It is true that only two permits have been denied in the last 10 years and that was indeed due to Planning and Zoning restrictions. The Land Reclamation Program only assesses the application for completeness. The Land Reclamation Commission makes the determination on whether to grant or deny the permit. A request for a formal hearing may be made by any person with a direct, personal interest. The Missouri Land Reclamation Commission may consider in issuing a permit, as required by The Land Reclamation Act, sections 444.760 to 444.790 RSMo. The commission may grant a formal hearing if the commission finds, based on good faith evidence provided to them, that someone’s health, safety or livelihood will be unduly impaired by the issuance of the permit. In order to be granted a formal hearing, the health, safety and livelihood impact must be within the authority of an environmental law or regulation administered by the Missouri Department of Natural Resources.

**Concern:** How many permits have been denied during your tenure as Land Reclamation Program Staff Director? The Saxony Lutheran School in Cape Girardeau showed that students with asthma would be impacted by dust from the Strack Quarry operation but the permit was issued anyway. Now it is in court, but why are we told to show evidence of damage to health, safety, or livelihood if it doesn’t seem to count?

**Missouri Department of Natural Resources:** No permits have been denied during my one year tenure. A hearing was granted by the Land Reclamation Commission and both sides were represented. An independent recommendation was made to include the 1,000 foot set-back between the quarry and the school property. The authority to determine whether there will be impairments to health, safety, or livelihood of the petitioners is determined by the administrative hearing commission. The Land Reclamation Program only considers the completeness of the application.

**Concern:** What is the purpose of the Land Reclamation Program? Are you regulatory?

**Missouri Department of Natural Resources:** Our mission statement is on our website. Mission is to assure removal of mineral commodities in an environmentally safe manner protecting water, air and land.

**Concern:** Do all permits change hands if the quarry is sold to a new mining company or is the new quarry owner required to apply for new permits?

**Missouri Department of Natural Resources:** The Land Reclamation Program will require a transfer of the permit to the new corporate entity. This would involve public notification requirements similar to what is required of a new permit. **Air Pollution Program** – The new owner will have to abide by all construction permit and operating permit conditions. The air construction permit is automatically transferred to the new owner. The new owner will have to submit an amendment to the air program to reflect the change of ownership.

**Concern:** I want the Public Notices to provide more detail on the location of the quarry, such as an address rather than Section, Township and Range.

**Missouri Department of Natural Resources:** The legal requirements at this time are to identify the legal description concerning County, Section, Township and Range. To change this requirement would take a legislative action. Some of our gravel bars that are also required to go out on Public Notice simply do not have a physical street address.

**Concern:** I would like to know the process for closing the loophole with the relationship to the 100-foot setback of the mine plan boundary from the property line.

**Missouri Department of Natural Resources:** This again would take a legislative action to change the current wording of The Land Reclamation Act.

**Concern:** Who or what organization gave the quarry permission to operate so close to residential areas? I feel this is too populated of an area to have someone open a quarry in.

**Missouri Department of Natural Resources:** The Land Reclamation Act does not identify a minimum set back requirement from a residential area. There are safeguard requirement setbacks when operating next to a school, neighboring property and also roads. The setback requirements for roads and property are currently established at 50-foot setbacks as identified at 10 CSR 40-10.050(2) & (3).

**Concern:** Who determines what specific criteria are used for the formal meeting and how is that specific criteria used to determine the fate of the homeowners surrounding the quarry or is this an exercise in futility for the homeowners without due process.

**Missouri Department of Natural Resources:** This is a part of the due process for people who have a property located adjacent to a proposed mining operation. The process is part of the requirements for the Land Reclamation Commission to follow in order to see if people have standing to be granted a hearing. The rules at 10 CSR 40-10.080(2) read: (2) Establishing Standing for a Formal Public Hearing.

(A) For a formal public hearing to be granted by the Land Reclamation Commission, the petitioner must first establish standing.

(B) The petitioner is said to have standing to be granted a formal public hearing if the petitioner provides good faith evidence of how their health, safety, or livelihood will be unduly impaired by the issuance of the permit. The impact to the petitioner's health, safety, and livelihood must be within the authority of any environmental law or regulation administered by the Missouri Department of Natural Resources.

Essentially if you can prove with scientific evidence that your health, safety and livelihood will be unduly impaired and that impairment is associated with a law administered by the Missouri Department of Natural Resources, then a hearing should be granted.

**Concern:** After reading the permit application we would like to know why so little information is required from the application details such as: Depth of Mine, equipment being used, blasting material, size of trucks, and hours of operation. The permit application does not provide sufficient detail to determine impact on safety, health and livelihood consequences of the quarry operation. **Missouri Department of Natural Resources:** These details are not required at this time to satisfy application completeness, a legislative action would be required to change the current permit application requirements. There are some cases where Missouri Department of Transportation has requirements to operate at night to reduce interference with rush-hour commuting, thus requiring rock deliveries at night. The act does not have depth of mining restrictions or the type of equipment that is required to be on site or the size of that equipment. The Land Reclamation Act does not regulate blasting or the handling or storage of that material. Detonations are regulated by the Missouri Division of Fire Safety.

**Concern:** What permits does a quarry have to acquire before being allowed to operate? What agencies oversight this type of project. What are the OSHA regulations that apply?

**Missouri Department of Natural Resources:** MODNR/Land Reclamation Program/Industrial Minerals Permit; MODNR/Air Pollution Control Program/Construction Permit and Operating Permit based on emissions from operation; MODNR/Water Protection Program/General Permit MOG49 – Limestone Quarries; Division of Fire Safety/Blasting Permit – Missouri Blasting Safety Act – Certified Blaster; Mine Safety & Health Administration (MSHA) / No OSHA requirements; MSHA is similar to OSHA.

**Concern:** Who sets the minimum font size for public notices; if available I would like to know the process for getting a minimum font size for Missouri Department of Natural Resources Public Notices.

**Missouri Department of Natural Resources:** There is no font size requirement. The notice does need to be legible. Typically, this is a single column classified advertisement ran about the same font size of a garage sale advertisement. The AA Quarry public notice was ran as a block ad rather than a single column classified ad. The font size used in the AA Quarry public notice satisfied the public notification requirements under The Land Reclamation Act. To establish a set font size requirement would take a legislative action.

**Concern:** We need your help, please help us by denying the application for the operation of AA Quarry.

**Missouri Department of Natural Resources:** There are requests that the permit application not be issued. The statutes that regulate mining, 444.760 to 444.790 do not provide an opportunity for the agency to simply deny an application. Rather, the law spells out that if an application is in full compliance with the provisions of The Land Reclamation Act, then the permit must be issued with one exception. If a hearing is requested by someone who believes that their health, safety or livelihood will be unduly impaired by the issuance of the permit, then the Land

Reclamation Commission may grant a hearing to determine whether to issue or deny the permit. Only the Land Reclamation Commission has the authority to grant the hearing and to make the final decision.

**Concern:** Sediment and runoff control. Effects of excessive runoff due to rapid topsoil removal?

**Missouri Department of Natural Resources:** This is enforced by both the Land Reclamation Program and the Water Protection Program. The Land Reclamation Program can in accordance with 10 CSR 40-10.050(4) enforce erosion and damaging sediment: “(4) Erosion and Siltation Control Requirements. (A) The commission may require erosion or sedimentation control if damaging erosion or siltation occurs or is likely to occur from land affected by surface mining onto adjacent lands.(B) Erosion and siltation are considered damaging if it causes the approved post-mining land use not to be met or excess silt is deposited on or outside the affected area.” Water Protection Program monitors the discharge of storm water from the discharge points.

The Kansas City Regional Office aims to conduct routine compliance inspections at all facilities with water pollution control permits at least once every five years. This frequency aligns with the duration of each permit renewal. This frequency may not capture individual incidents of permit non-compliance if they occur however, if residents near AA Quarry notice discharges from the quarry during precipitation events or during dry periods that appear to violate Missouri’s water quality standards they should contact the Kansas City Regional Office while the discharge is occurring. Inspectors will respond to legitimate concerns with an investigation. It is important to note that water quality digressions may not last long and the evidence may not persist long after the discharge ceases so inspectors need to be alerted as soon as possible so the incident can be documented and samples can be collected if needed.

The water pollution control permit that AA Quarry has applied for has requirements that the facility develops and implements a Storm Water Pollution Prevention Plan (SWPPP) mandating the use of Best Management Practices (BMPs), both physical and procedural, that prevent the discharge of excess sediments and other contaminants. The permit requires that the SWPPP be effective in meeting both the numeric and narrative water quality standards set forth in 10 CSR 20-7.031. The effectiveness of the SWPPP is measured by quarterly self-monitoring of discharges of stormwater as well as process water such as equipment wash water and quarry pit dewatering.

**Concern:** The impact on mental health and quality of life?

**Missouri Department of Natural Resources:** Having a quarry set up operations near a residence may create some discomfort to a person’s quality of life when compared to not having a quarry neighboring a property. Public interest quite often relates to specific issues of dust, water pollution, discomfort to the quality of life, blasting, perceptions of possible property devaluation, noise, travel way safety issues or a request to simply deny a permit application. Out of this list only dust and water pollution is enforceable by environmental regulations. The others are all issues important to society and they are all legitimate issues; however they are not environmental issues that are within the regulatory authority of the Missouri Land Reclamation Commission. The current law requires that a person’s health, safety or livelihood must be unduly impaired by the issuance of the permit before a hearing may be granted. We recommend

that the petitioners be prepared to explain to the commission why they feel that their health, safety or livelihood will be unduly impaired by the issuance of this permit. The Missouri Land Reclamation Commission will make a determination to grant a hearing as it relates to someone's health, safety or livelihood being unduly impaired by the issuance of the permit certificate.

**Concern:** To help me better understand how the Land Reclamation Commission makes decisions, could you please provide for me how the commission defines the following examples:

1. Undue health impairment
2. Undue safety impairment
3. Undue livelihood impairment
4. Scientific evidence on the record
5. Competent scientific evidence on the record.
6. Substantial scientific evidence on the record

**Missouri Department of Natural Resources:** Neither The Land Reclamation Act or its implementing regulations defines these terms. The petitioner's testimony will be the determining factors for the commission to make the final decision.

**Concern:** Where can a concerned citizen view or obtain all the permits (application and proposed) required to operate a quarry, a quarry's operational and reclamation plans, related material, files or permits that comply with state, county and city regulations?

**Missouri Department of Natural Resources:** There is a web site located at <http://dnr.mo.gov/forms/index.html> that has all of the application forms available to operate a quarry, including, air, water and land reclamation. There are also other application requirements such as maps. Anyone can request through a sunshine law request at <http://dnr.mo.gov/sunshine-form.htm> the application contents, plans of operation, maps, related material, files and permits submitted to the Missouri Department of Natural Resources. A person concerned with County and City regulations would be best to contact the city or county officials where the land is located.

**Concern:** Will this quarry be turned into a sanitary landfill?

**Response:** If a later goal is to develop this project into a sanitary landfill, a process must be completed to ensure the geology can support a landfill. All new landfills must meet the requirements of Subtitle D for construction, engineering and design as well as gas extraction and leachate collection systems. This is a lengthy process that looks at the geology, groundwater, and other environmental factors. Sanitary waste cannot be deposited into the quarry until properly constructed and permitted by the Missouri Department of Natural Resources/Solid Waste Management Program.

## **Land Reclamation Commission**

**Concern:** Who makes up the Land Reclamation Commission? What are their professions? How many members are from the industry? It seems the Land Reclamation Commission members based on their backgrounds are favorable to the mining industry.

**Missouri Department of Natural Resources:** **James M. DiPardo**; Chairman, Owner/Operator of Rosati Sandstone, Industry Representative, St. James. **Dr. Gregory Haddock**; Vice Chairman, Acting Dean of the Melvin D. and Valorie G. Booth College of Business and Professional Studies, Vice Provost and Dean of the Graduate School, Northwest Missouri State University, Maryville. **Dr. Leslie Gertsch**; Associate Professor of Geological Engineering, Missouri University of Science & Technology, Rock Mechanics & Explosives Research Center, Rolla. **Aaron Jeffries**; Department of Conservation, Designee, Jefferson City. **Joe Gillman**; Director, Division of Geology and Land Survey and State Geologist, Department of Natural Resources, Rolla. **John Madras**; Staff Director, Clean Water Commission, Department of Natural Resources, Jefferson City.

The seven-member commission includes three statutory and four public members. The statutory members are the state geologist, the director of the Missouri Department of Conservation and the staff director of the Clean Water Commission. With Senate approval, the Governor appoints four public members. Only one member of the commission may have a direct link with the mining industry. There is a current vacancy in the commission, which the Governor has not yet filled.

The Land Reclamation Commission is made up of a diversity of mind sets and backgrounds. The commission must also follow law and regulations concerning permit issuance. When hearings are granted, a Hearing Officer who acts as an independent judge provides a recommendation to the commission. The Hearing Officer's recommendation is based on factual evidence presented at the hearing. The Land Reclamation Commission has a history of accepting a Hearing Officer's recommendation concerning permit applications such as AA Quarry. Hearing Officers must also work within the boundaries of applicable law.

## **Blasting Related Issues/Radon Gas**

**Concern:** Who will be responsible for flying rock from blasting?

**AA Quarry:** We do not foresee any flying rock leaving our property. This can and will be eliminated by using the proper explosives and blasting patterns.

**Concern:** Do you have an escrow account or something to help with damage to our foundation or windows in our homes? What if my homeowner's insurance is cancelled or won't cover damages due to the quarry blasting?

**AA Quarry:** We'll have insurance and will conduct pre-blast surveys. Blasting at quarries has come a long way in the last 20 years. We intend to place seismographs near the closest house to the blasting. The seismographs will be re-located as appropriate. It will be 30 years before we approach the phase close to the horse property, but we can call you directly or possibly set up a call line to alert people of blasting. I've been doing this type of work for years and we work in neighborhoods and blast next to homes and have never destroyed anyone's home.

**Concern:** What if the foundation of my concrete earth-contact home is damaged from 50 years of blasting; do I have to take you to court to get compensation?

**AA Quarry/** We're not planning on tearing up anybody's home by blasting. I don't think the blasting will damage your home. We will do a pre-blast survey.

**Concern:** Your company conducting the pre-blast survey will simply say the damage was done before the blasting and since blasting has already taken place we can't let them on to our property. Are you going to pay out for damages?

**Response:** I'm not going to speculate; I've been doing this for my whole life and have never damaged anybody's property.

**Concern:** The health concerns regarding the effects of this blasting releasing Radon Gas from the neighboring rock formations into our residence. We request any studies showing the long-term effects of blasting at this magnitude on residential developments with regard to Radon gas levels.

**Missouri Department of Natural Resources:** Some of the radon comes from the uranium-bearing, black, fissile shale's that are in Pennsylvanian strata. That shale will register on a Geiger counter. Basements of houses in the area are prone to taking on concentrations of radon. Radon from quarries should simply disperse in the open atmosphere. The physical act of removing rock from a quarry would not significantly increase radon levels in off-site dwellings. Wind would disperse it and blow it away.

Radon is continually being generated at a constant rate in bedrock at any particular geographic location and that the radon is continually migrating upwards to the surface. Radon tends to build up in unventilated structures (e.g., basements) that are in contact with the ground. The radon comes to the surface from beneath the structure, enters the structure, and cannot escape.

It may prove beneficial to search the web for: "Geologic causes of natural radionuclide anomalies" for studies on radon gas.

**Concern:** I know you said you'd get us information on radon gas since your blasting guy wasn't here. The number to call to receive a free radon test kit is 573-751-6102. I suggest homeowners use this to establish a base line limit before the quarry operates. If you get more radon into your home from the cracks you will get sick.

**AA Quarry:** The EPA website states the possibility of radon gas can be anywhere in the state of Missouri. The EPA recommends checking for radon gas, at a minimum of every two years, regardless of where you live. The quarry operation will not produce radon gas. Our operation will not produce vibration levels that will cause new cracks or widen existing cracks that would affect accumulation or production of radon gas, relative to our operation.

**Concern:** Have you heard of the quarry in Sugar Creek and the property damage there? That is in court right now.

**AA Quarry:** If you're asking me if I'm going to just start writing checks then no, but if you prove that we tear something up then we'll pay for it.

**Concern:** What are the conditions required to obtain a blasting license? What permits need to be issued? How are blasting operations monitored so compliance issues are maintained? What steps does a quarry need to take before it is permitted to use blasting techniques? What permits need to be issued? How are blasting operations monitored so compliance issues are maintained?

**Missouri Department of Natural Resources:** The law requires explosives users or those intending to use explosives in Missouri to register with the Division of Fire Safety prior to using

explosives in the state. If you or your company meets the above definition of a user of explosives, please submit the completed "Explosive User Registration Application" and the initial \$200 registration fee to the Missouri Division of Fire Safety before first using explosives in the state. For persons using explosives at multiple locations under the operational control of one parent company or organization, only one registration fee for the parent company or organization shall be required. If you are involved in Missouri's blasting industry, it is your responsibility to be familiar with and know Missouri law, RSMo. 319.303 to 319.345. Copy of the Missouri Revised Statutes pertaining to blasting can be obtained at [www.dfs.dps.mo.gov](http://www.dfs.dps.mo.gov) or by calling 573-751-2930. Additional information can be located on the web at: <http://www.dfs.dps.mo.gov/programs/investigations/blasting.asp>

**Concern:** Will you blast at certain times, or would that be something you'd consider? What is the extent of blasting – will it be restricted to 8am to 5pm five days a week?

**AA Quarry:** We could look into that, we would consider blasting at 10:00am Monday through Friday and rarely on Saturday.

**Concern:** What recourse do we as homeowners have if we do suffer damage to our property? Possible breakage of gas lines around my home as well as other subsurface structures. What are our legal rights? Who bears the expense? Are there any funds available from the Department of Natural Resources to reimburse residents living near the quarry to repair foundation damage and/or reimbursement for the decline in property value? What can homeowners do when their homes start showing signs of damage from mining?

**Missouri Department of Natural Resources:** No one has the right to damage another person's property without providing compensation. If a concerned person experiences damage to their property due to the operation of the neighboring quarry then those individuals have every right to take civil litigation actions to formally resolve those issues. The department does not have funds to provide aid to landowners. Detonation of explosives always triggers ground vibrations at specific frequencies that do leave the blast area and resonates structures nearby. Blast vibrations can also be perceptible, but not necessarily damaging, in a home at great distances from a blast. Structures respond to very low frequency levels of ground vibration. Some companies are able to safely detonate explosives within 150 feet of a structure with no damaging impact to the structure. It may prove beneficial for concerned individuals to have a blasting survey taken of their homes and property if they live near a mine site. A blasting survey done before the initiation of a blasting program is of the most value, however a survey can be performed at any time. The blasting survey usually involves an independent party documenting all of the walls and other parts of the house for cracks or the lack of cracks. If a large blast does put a crack in a wall where there once was none or if an existing crack becomes larger, the survey will provide such documentation. The Missouri Blasters Safety Act enforces the detonation of explosives as well as requiring certification of the people detonating those explosives. Representatives of Johnson County would be best to answer what safeguards they have in place. In addition, Radmacher Brothers is inspected by their insurance agency on a regular basis and rates are adjusted based on performance reviews.

Another option to consider is having an independent blasting consultant set up a seismograph to monitor the vibrations a residence experiences. If the seismograph measures damaging ground

movement at a damaging frequency, during the detonation of explosives, then there is better evidence that the damage caused to a residence is, in fact related to blasting. A review of past blasting records or logs will also provide insights to how explosives have been used.

Although civil litigation is an option, we recommend that concerned individuals request the company to provide assistance with a blasting survey, seismograph monitoring or any damage claim, although we must emphasize that this would be strictly voluntary for the company. There are no environmental laws that would require the company to do so. However, any concerned person has every right to ask the mining company to resolve these issues and pay the costs to do so. Again, the contact person with AA Quarry, L.L.C. is Mr. Robert Radmacher who can be reached by telephone at (816) 540-3614 or he can be contacted in writing at 2201 North State Route 7 Highway/Suite B, Pleasant Hill, Missouri 64080.

**Concern:** Are you familiar with the Emergency Plan of the Blasting Contractors? You better have an emergency plan in place. Do you know how to discard waste associated with explosives? I know you probably won't store explosives at the quarry site but people may try to steal the explosives if possible.

**AA Quarry:** I don't have the Emergency Plan. The contractor takes the boxes of discarded explosives.

**Concern:** I'm concerned about the blasting spooking my horses and causing them to run through a fence. If you're blasting 100' away from property line what can be done?

**AA Quarry:** Where you live, it will be 30 years before we reach that area. Can we call you and work with you? It's going to be a little bit before we can sit down. Perhaps a blast call line could be set up.

**Concern:** What type of explosives are you going to use? What did you mean by the changes in blasting?

**AA Quarry:** Dynamite gel or slurry, and AN/FO (an ammonium nitrate/fuel oil). I don't know the brand name. The changes in blasting are related to the timing, so all the charges don't go off simultaneously.

## **Noise Pollution**

**Concern:** My son has non-verbal Down's Syndrome and his doctor provided me with a letter stating there would be negative effects on his condition. There is no doubt in my mind that the constant noise of trucks coming in and out the quarry will have a significant adverse effect on his sleep/wake cycle and a severely deleterious effect on his behavioral problems which will ultimately require resumption of sedative medication. It is clearly not in my son's best interest to be on sedative medication when simple control of environment is all that is needed. The Missouri Department of Natural Resources is not responsible for the trucks, correct?

**Missouri Department of Natural Resources:** Not for truck traffic.

**Concern (Continued):** Mr. Radmacher is going to tell me he is not responsible for the trucks.  
**AA Quarry:** We own some trucks.

**Concern (Continued):** Yeah, but the noise of the trucks going by, you're not causing that?  
**AA Quarry:** I'm not sure. Do large trucks that drive on AA bother him now, does he hear anything?

**Concern (Continued):** Yes they do bother him. His sleep patterns are affected and it takes months to correct along with behavioral problems that can arise. The sedative medication can have lethal side effects and he is non-verbal.

**AA Quarry:** I don't know, you moved right next to a highway?

**Response:** "I didn't move right next to the quarry, it moved next to me. So don't give me that."

**Concern:** "The noise, the noise, the noise, they did hammer and blasting this summer." I work from home and conduct webinars. The noise is currently intense enough to interrupt the business. Clients ask what is the noise, which results in a poor impression and loss of income. I have had to reschedule some presentations to the evening hours, for others I had to hold them at my sister's house in Kansas City. What exactly should we expect from the daily operation of mining of this quarry pertaining to possible damage and noise levels? The noise factor from blasting, crushing rock and grinding will create stress and deter people from wanting to purchase our property in the future. As it stands, the quarry can operate anytime, day or night, at any hour chosen by the operator. The noise factor is a detriment to my health and well-being as lack of sleep can accentuate health problems. What will be the hours of operation for blasting, crushing and grinding? Is this in the permit?

**Missouri Department of Natural Resources:** AA Quarry, LLC, will generate a variety of noise during its operation. If noise levels generated from the quarry operation become problematic, then that concern must be conveyed to AA Quarry. The contact person with AA Quarry is Mr. Robert Radmacher who can be reached by telephone at (816) 540-3614 or you can contact him in writing at 2201 N. State Route 7; Suite B, Pleasant Hill, Missouri 64080. Another option is to contact the Mine Safety and Health Administration (MSHA) at their field office in Rolla by telephone at (573) 364-8282 or in writing at 1404 Independence Road, Rolla, Missouri 65401. Although MSHA only regulates a miner's safety and well-being; most likely if people outside of the quarry area are experiencing problems with noise pollution from the mine site, possibly the mineworkers are too. Besides contacting the company, MSHA or filing a civil action to provide some relief from the noise, there is no other option we are aware of. There are no environmental provisions that allow the Missouri Department of Natural Resources to administer protection against noise pollution.

**Concern (Continued):** How many haul trucks go down AA currently? How many will go down AA by my house when the quarry is operating? Where will the trucks come from?

**AA Quarry:** I don't know how many come down AA now. In the future they will come from the quarry if the quarry receives approval for a permit.

**Concern:** I am currently being treated in a Veteran's Hospital as a result of an emotional condition resulting from loud noises such as blasting or truck exhaust, which causes significant impacts on this condition and is health related. I have concerns with the potential number of

blasts as I am a 100% disabled veteran with Post Traumatic Stress Disorder and suffer from panic attacks.

**Missouri Department of Natural Resources:** At this time The Land Reclamation Act does not provide authority to regulate blasting or truck traffic or noise resulting from those activities.

**Concern:** Will haul trucks be restricted from using their Jake brakes and Arkansas stacks? Will we be hearing the quarry operation during the weekends and summer months?

**AA Quarry:** I can control our drivers and request other drivers hauling from the quarry to not use these brakes and stacks. If we hear of trucks intentionally trying to annoy residents with brakes or loud pipes, they will be asked not to return.

**Concern:** I'm disappointed with your honesty last summer. There was constant jackhammering and beeping noises from heavy equipment on Saturdays and Sundays. That wasn't putting up fencing. Can you operate at reasonable business hours?

**AA Quarry:** We did some work on the weekends. We don't plan on quarrying on the weekends in the future unless there is a make-up day needed.

**Concern:** Why are you running only 3 months of the year?

**AA Quarry:** We bought a large plant so we could be profitable. A little plant would require running all the time.

**Missouri Department of Natural Resources:** Besides contacting the company, Mine Safety and Health Administration (MSHA) or filing a civil action law suit to provide some relief from the noise, the only other option may be contacting the Johnson County Sheriff at (660) 747-6469. There are no environmental provisions that allow the Missouri Department of Natural Resources to administer protection against noise pollution. This would extend to the noise generated by the truck traffic on Route AA or any other roadway.

## **Property Devaluation/Livelihood**

**Concern:** Describe how the mine will affect the property values in the area.

**AA Quarry:** We do not believe the quarry will have an adverse effect on home values. We spoke with the Johnson County Assessor and he has not seen home appraisals drop due to quarries, junk yards or power plants in Johnson County. We have found online studies on the impact of quarries on nearby housing that show no significant impact on home prices. Most studies imply the proper design and operation of quarries are the main factor in whether they have an impact on property values.

Below are the steps we are taking to limit chances of adverse impact on property values in the area: 1) We placed the crusher as close to the middle of the 528 acre property to help with noise and air pollution control. 2) Phase 1, the crusher will be placed and will have vertical walls on the north and south sides to provide sound and wind barriers. 3) We will place overburden, where possible, on the east side of Phase 1 to provide sound and wind barriers. 4) The size of the plant will limit crushing to 3 to 4 months per year. 5) In Phase 3, we will strip overburden and

reclaim mined areas with one operation; limiting possible sound and air problems by moving material one time.

We will work with residents and the Missouri Department of Transportation (MODOT) to improve Route AA: 1) Request proper signs and notification for motorists and pedestrians. 2) Help with requests for improvements such as widening, shoulder development, wedging, overlay and striping. 3) Participate in improvements with material, labor and equipment. We need to be profitable. 4) Schedule quarry visits to inform and educate residents on quarry operations and safety, both in the quarry and on Route AA.

**Concern:** Financial effects on business: The diminished quality of a safe and comfortable environment provided to customers and employees due to the noise, vibration and dust, causing the possible loss of business and/or employees. The cost to the business for additional cleanup of vehicles due to dust and sediment. Additional climate control cost in my business structure due to being unable to leave overhead doors open due to noise and dust. I could also incur additional expenses to run my household and business.

**Missouri Department of Natural Resources:** The department does not have any authority to regulate noise or vibrations. Air pollution control laws do not allow visible fugitive dust emissions beyond the property boundary of where the proposed quarry is located. Sediment runoff is controlled by both the Department's Land Reclamation Program and Water Protection Program.

**Concern:** Property values will be affected in the future if the rock quarry application is approved. Property value – studies show different effects from zero to 25%. I find it hard to believe that a quarry operating 400-feet from your house would not affect the value of your home. I know with the already low house values it scares me to have my property devalued by another \$21K to \$35K. Our livelihood has been invested in our property and will be threatened if we cannot sell our property when needed for our retirement income due to noise, air quality and destruction of the environment in this neighborhood.

**Missouri Department of Natural Resources:** The concern involving property devaluation is a real issue among residents who live near a mining operation. The mere presence of a mining operation may potentially decrease property values during mining and cause concerns among prospective homebuyers. It is however, not always true that mining causes property devaluation.

Anyone has the right to seek restitution for damage that AA Quarry, L.L.C. may cause. No one has the right to cause devaluation of someone else's property without proper reimbursement or settlement for those damages. This is based on laws governing property rights and not laws that govern mining. The Land Reclamation Act does not provide guidance for property devaluation that neighbors a mine site. Rather, the declaration of The Land Reclamation Act identifies the need to protect and perpetuate the taxable value of property while allowing for the responsible mining of mineral resources.

**Concern:** Taxable value of property?

**Missouri Department of Natural Resources:** The Land Reclamation Act 444.762 RSMo. reads: "...to protect and perpetuate the taxable value of property..." On February 28, 2013 at

9:50AM, Land Reclamation Program Staff did speak with Mr. Mark Reynolds, Johnson County Tax Assessor. There are four other quarries in Johnson County and none of those quarries had a decrease in taxable value of property for houses in the general area of those quarries. In regards to where the proposed quarry is located, that land will increase from a 12% tax rate currently to a 32% tax rate for commercial property, if the permit application receives approval. Even the equipment on site will be taxed as personal property. Johnson County is not zoned and is open to free enterprise. AA Quarries is seeking to engage in a legally recognized business enterprise.

**Concern:** Are you only permitted for Phase I and how long are these phases slated to last so I know how long before I need to sell my house? Can you run concurrent phases? How many years before you get to Phase 5?

**AA Quarry:** We've currently only submitted enough bond for Phase 1 and Phase 2. Phase 1 should last 8 years, Phase 2 – 5 years, Phase 3 – 7 years, so it would be 23 years before we get to Phase 5. I wouldn't have to re-apply for the other phases just provide additional bond. I don't plan to have multiple phases open simultaneously.

**Missouri Department of Natural Resources:** The quarry can run multiple phases as long as those areas are needed to support the rest of the active mining operation. There will be a transition between phases that are being reclaimed or backfilled with soils from another phase. A phase which contains a haul road or overburden storage area may need to be open concurrently to support the active mining area.

**Concern:** I lived here along with my neighbors before this company did. The whole reason homeowners moved out to the country is for the peace and quiet and for no harm to come to our family's health or home. Our south boundary is directly in contact with the proposed site and will greatly affect our personal and business life. Living here is a pleasure and something we enjoy and do not take for granted. My property butts up to the proposed mine. Due to loop holes in the law, the mine owner was not required to send me a certified mail letter stating their intent on putting in a mine 100-feet from my property. If this mine is allowed to operate, the mine in many ways will have adverse effects including a reduction in the quality use of my property, possible loss in quality of health and loss of livelihood.

**Missouri Department of Natural Resources:** This is more of a Planning and Zoning issue rather than requirements for engaging in surface mining activities. The Land Reclamation Commission does not have authority over planning and zoning.

**Concern:** The bond for land reclamation is not enough per parcel to recover the land as tons of material will be recovered.

**Missouri Department of Natural Resources:** The current bonding rate is set at \$8,000.00 for the first eight (8) acres and five hundred dollars for each additional acre of land affected by mining. This bonding rate has not been changed since the early 1990's. It will take a legislative action to change the current bonding rate.

## **Ponds/Lakes in General Area**

**Concern:** What organization is responsible for monitoring the effects of this mining operation on Echo Lake Dam?

**Missouri Department of Natural Resources:** This dam was formerly known as Johnson #A-1 Dam and has a national ID number of MO20020. According to our records it was built in 1964 and is 30 feet high. Reservoirs with a height of dam 35-feet or less are exempt from regulations. The dam was designed and likely built by the United States Department Agriculture – Soil Conservation Service. The dam is owned by the Blackwater Watershed District and the landowner owns the land under the dam. The Blackwater Watershed district does inspect this dam on an annual basis. There is an easement maintained by the watershed district. The dam was built for flood control and is designed to fill up with sediment. The dam is earth-fill and is elastic, shrinks and swells with weather conditions. The best maintenance for the dam is keeping trees and brush off of it so the roots of these woody plants do not penetrate enough to cause water conveyance channels through the dam. The watershed that drains into the lake is nearly 3,000-acres. Even if the entire property of AA Quarry were to drain into Echo Lake this would represent less than 1% of all of the drainage that flows to Echo Lake.

MO20020: Dam height = 30'/Watershed = 2996 ac/Lake are at normal pool = 27ac  
Purpose built = flood control.

**Dick Purcell, P.E., National Resource Conservation Service:** The South Fork Blackwater Watershed District is the dam owner and holds the easement on the property where the dam is located. Because the dam is less than 35 feet tall it is not state regulated. The sponsors are required to annually inspect the dam. As far as I know the dam is in good shape. From the map you sent me it looks like very little of the 3,000 acres that drain into the lake come from the proposed quarry location boundary. The dam is earth fill and relatively speaking, elastic material. The pipe is concrete and needs be checked annually. This is likely the place where any concussion from explosions could begin to cause a problem. The sponsors and Natural Resource Conservation Service refer to the dam as Structure A-1. Natural Resource Conservation Service is not the owner of the dam but we do provide technical advice to the sponsors. If you want detailed information on the dam you will need to ask the Watershed District. The Natural Resource Conservation Service is not in a position to release records on the dam. Public information on Dams can be found on Department of Natural Resources, Dam and Reservoir Safety's web site. We have been told that the Natural Resource Conservation Service had conducted a camera pipe inspection of that site within the last few years.

**Comment:** There is white material located at the North End of Echo Lake. Will it kill the fish?

**Response:** Echo Lake is designed to catch sediment and will eventually fill in with sediment. The white material located at the north end of Echo Lake is sediment. There will be a point in time when the lake becomes shallow enough not to support species of aquatic wildlife, unless dredged to maintain depth.

**Concern:** I own a 3-acre pond below your Phase #8 area, how is this going to affect the run-off that feeds it? Have there been any studies done or does anybody care?

**AA Quarry:** I don't think we'll affect it. We have put in a sediment basin and I'd have to look at the elevations to determine if it would.

**Missouri Department of Natural Resources, Water Pollution Control** – The Water Pollution Control Permit that would be issued if the Land Reclamation permit is issued regulates the water quality not necessarily the quantity or direction of flow. All stormwater runoff from the proposed site is designed to collect in the sediment basin and would be discharged from a single point. It would require quarterly monitoring and must meet water quality standards and effluent limits. Additional sediment basins may need to be installed if other areas of industrial activity are developed and don't drain to the sediment basin. These must also meet the same water quality standards. The analysis must be done by a laboratory that uses EPA approved methods. We do compliance inspections at the same frequency of the Air Pollution Program and would take our samples at the discharge point and not at receiving waters or lakes.

**Comment:** There are also water bodies to the south in the subdivision and another water body just to the north of the proposed mining operation.

**Response:** Similar to Echo Lake, the dams are earth fill, elastic, shrinks and swell with weather conditions. The best maintenance for the dam is keeping trees and brush off so the roots of these woody plants do not penetrate enough to cause water conveyance channels through the dam. The lakes to the south are at mean sea level elevation of 900 feet. The deepest point of the proposed mining operations will not go below 968 feet at mean sea level.

The lake to north is at 942 feet at mean sea level. Again, the deepest point of the proposed mining operations will not go below 968 feet at mean sea level. There will be no chance of these lakes draining back towards the proposed mining area.

**Concern:** How will oil and chemicals from the equipment used be prevented from leaking into the soil and the ground source water supply?

**Water Pollution Program:** The permit that AA Quarry has applied for requires the facility to adopt a Spill Prevention, Control, and Countermeasures (SPCC) program. This requires provisions that measures be taken to prevent loss, leaks, and spillage of fluids, fuels, and other chemicals from equipment and other facilities. The permit also contains oil, grease and pH effluent limitations for non-stormwater discharges and benchmark limitations for stormwater discharges that must be met prior to discharge to waters of the state.

## **Permit Issuance/Denial**

**Concern:** Why have you only denied two permits in the past ten years? What is the use of the health, safety, and livelihood issues for denying a permit?

**Response:** Denying a permit is a formal administrative action and subject to appeal. Appeal is made to administrative hearing commission and may then potentially move on to a circuit court. We must have good grounds to deny the permit as this is a litigation issue. The final decision for

permit issuance is made by the Land Reclamation Commission. We're here tonight to answer questions within our authority.

The Land Reclamation Program has to work within the law and regulations established by the legislature and if we work outside of those laws and regulations we could be sued.

The Staff Director's Recommendation and Attachment #1 would be completed and sent out within about three weeks and would include a date of the Land Reclamation Commission meeting. At this meeting a request for a hearing would be either granted or denied. If the hearing is denied, the permit would be issued by the Land Reclamation Commission.

## **Inspections/Reclamation**

**Concern:** What is the schedule of inspections and how often do they occur?

**Missouri Department of Natural Resources:** The Land Reclamation Program is committed to inspecting each mine site on a two-year rotation. If a complaint is called in, we will investigate that complaint, generally no later than 15-days after receiving the complaint. The Mine Safety and Health Administration usually inspects a mine site every six months. The Air and Water Pollution Program's conduct regular inspections every five years unless there is complaint.

**Concern:** What entity is responsible for such inspections?

**Missouri Department of Natural Resources:** Each regulating authority is responsible for their section of law and regulations.

**Concern:** What happens when they break or do not abide by the permit agreements, given they are given a permit? What happens if the quarry operator does not do what he says he will to reclaim the land? What actions can be taken from lack of operator/company compliance?

**Missouri Department of Natural Resources:** There are enforcement procedures outlined at 10 CSR 40-10.070(2). Enforcement starts off with Conference, Conciliation and Persuasion and can escalate to a Notice of Violation, Formal Complaint and eventually Permit Revocation or Suspension along with Bond Forfeiture. A monetary penalty may be assessment if warranted.

**Concern:** Can 12 inches of topsoil sustain new vegetation?

**AA Quarry:** Yes, that is what our boring logs show is in place now. When possible, there will be 12" of topsoil placed over clay soil.

**Concern:** What does reclaiming land mean? What will happen to that 500 acre piece of land if he doesn't reclaim it and just leaves the pits?

**Missouri Department of Natural Resources:** The company has to submit a reclamation plan which is approved by us. A \$29,000 Certificate of Deposit has been posted for the 50 bonded acres. The money would be used to hire contractors to stabilize the site if pits are left unreclaimed.

**Concern:** How will the land be reclaimed? Will gravel be taken out of all the plats at once? If not, is this specified in writing? Where is the material going to come from? What will the tons of rock that will be removed be replaced with? Can 12-inches of topsoil really sustain new vegetation for cattle? Soil is not going to work. Please explain the process. How high will the overburden piles be? I understand that the law requires the land to be reclaimed to the current elevation. How is this reclamation plan enforced? Will it become a sanitation dump?

**Missouri Department of Natural Resources:** The mine plan is to reclaim all 214-acres to pasture. The top twelve inches of soil will be salvaged to establish a root growth medium. The remaining overburden will be removed from above the Bethany Falls Limestone formation. The overburden piles will be used as a windbreak. The current elevation of the land where the proposed quarry is located ranges from 990 to 1,022 feet above mean sea level. The overburden piles will not exceed an elevation of 1,050 feet above mean sea level. The limestone will then be blasted and removed. The overburden will then be backfilled into the mined out pit area and then covered with the salvaged topsoil. There will be no material hauled from an off-site location to fill the mined out rock area. The topsoil will be graded and then soil amendments will be incorporated based off of soil tests. The soil will then be seeded with fescue and red clover. The Land Reclamation Act has no requirement for the land to be reclaimed to the current elevation; however the mine plan reads that the post mining land use will match the slope that existed prior to mining. Essentially, the land will be lowered by fifteen to twenty feet in elevation. Most likely, the reclamation plan will be adjusted to include some permanent water impoundment areas. It is common to tweak a reclamation plan as long as it is not a substantial revision. If there is a substantial revision to the reclamation plan or method of mining, then another public notice is required.

Restoring land to a viable land use, which is mined on or after January 1, 1972, is what The Land Reclamation Act is all about. The Act's declaration is to strike a balance between surface mining of minerals and reclamation of land subjected to surface disturbance by mining, as contemporaneous as possible, and for the conservation of land, and thereby to preserve, and aid in the protection of wildlife and aquatic resources, to establish recreational, home and industrial sites, and to protect and promote the health, safety and general welfare of the people of this state. There are various safeguards that the Department of Natural Resources requires from operators to prevent pollution from leaving the boundaries of the property where a mine is proposed or active.

The reclamation plan proposed by AA Quarry, LLC, provides assurance to return the mine site to a land use recognized by The Land Reclamation Act. A certificate to mine limestone issued by the Missouri Land Reclamation Commission does not allow an operator to destroy the environment. AA Quarry will not be allowed to cause environmental harms outside of the permit area without consequences, if this permit application is approved for issuance. Sites are inspected at least once every two years to help ensure that the operator can achieve the proposed reclamation plan as well remain in compliance with other performance requirements.

**Concern:** Could you hydro-seed, apply non-toxic soil stabilizers or water areas which have been in-active for ten days or more?

**Missouri Department of Natural Resources:** There is no requirement for a mining operation to take actions on an area that is in-active for ten days; the ten day inactive window may be due to weather conditions or may be outside of an optimal seeding window, thus resulting in a waste of resources. If an area is no longer needed to support the active operation, the requirement is for the operator to grade and topsoil that area within one year and get vegetation established within one year following topsoil replacement.

**Concern:** Can you install wind breaks or tree/vegetative wind breaks at the windward sides of the reclamation areas until such time as the vegetation is established.

**Missouri Department of Natural Resources:** There are no requirements in The Land Reclamation Act that requires such windbreaks. Where possible AA Quarry will use overburden piles to form windbreaks. The small size of each phase will serve as wind and noise barriers. Trees are being considered for certain areas. At this time, the Air Pollution Program has no regulations requiring wind breaks.

## General

**Concern:** What type of communication/information is offered to the public so concerned citizens can be kept aware of mining inspections, permits applied for, issued or denied and other monitoring programs/activities that regulate mining operations?

**Missouri Department of Natural Resources:** The Land Reclamation Program does update a web page at <http://dnr.mo.gov/asp/lrp/impermits/search.asp> which identifies all of the permits that are currently active. Other information can be requested via a sunshine law request.

**Concern:** What natural products are allowed to be mined from AA Quarry?

**Missouri Department of Natural Resources:** The overburden consists of topsoil, clay and shale above the Winterset and Bethany Falls limestone formation. The overburden will be used as backfill in the areas that the limestone is removed. Limestone is what is identified in the mine plan and public notice. Limestone is the product that will be mined, processed and sold.

**Concern:** How many tons may be excavated per day?

**Missouri Department of Natural Resources:** The Land Reclamation Program does not regulate the amount or tonnage of material that will be excavated per day.

**Concern:** Is this a typical amount of concerns and letters received for an application?

**Missouri Department of Natural Resources:** The Land Reclamation Program has received 5,000 letters for an application for a quarry in Fruitland, Missouri. We received about 140 letters concerning this application; however some were from the same address.

**Concern:** Please explain the process or removal of the material from the strip mine and explain quarry phasing?

**AA Quarry:** The soil and shale will be removed with trucks or scrapers. When Phases 3 through 8 are under construction, we will be reclaiming with our own on-site soil material. The

overburden will be removed from each phase and placed in the stockpile area or placed in the phase that has been mined and is ready for reclamation. The Bethany Falls will then be blasted, crushed and transported by truck.

**Concern:** Of all the places to open a quarry why did you choose this one?

**AA Quarry:** This area contains the Bethany Falls rock formation.

**Concern:** Who is liable for property damage should it occur?

**AA Quarry:** If there is damage caused by AA Quarry, we will be liable.

**Concern:** Can I lose the mineral rights to my property without being told?

**AA Quarry:** No, not to AA Quarry, LLC.

**Concern:** What is the possibility of losing my land to eminent domain?

**AA Quarry:** Not possible to lose land to AA Quarry, LLC.

**Missouri Department of Natural Resources:** As far as permitting the proposed quarry operation, there has never been an eminent domain action exercised on properties due to a neighboring quarry. No one will lose their mineral rights as part of the permitting process through the Land Reclamation Program. The mineral rights of AA Quarry stop at their property line. AA Quarry does not have the right to remove minerals from adjoining properties without first making a contractual agreement.

**Concern:** Has there been a geological survey done on the property in question? What about the natural gas pockets in the general area?

**AA Quarry:** Five test holes were drilled by Palmerton & Parish out of Springfield, Missouri under the supervision of Casey Jones of Foundation Testing and Consulting, LLC. A visual inspection of the multiple rock outcroppings was also made. At the deepest cuts, we will remove 10 feet of soil, 8 feet of Winterset rock, 10 feet of Galesburg Shale and 21 feet of Bethany Falls Limestone. No hydro-carbons were detected.

**Missouri Department of Natural Resources:** "Natural gas pockets" are "natural gas reservoirs." In western and northwestern Missouri they typically reside at depths exceeding 200 feet. All oil and gas reservoirs leak to some degree. The hydrocarbons, being less dense than water, are constantly trying to escape from their subsurface traps and come to the surface. Some leaks are by way of fractures, in which case obvious oil and gas seeps occur locally at the surface. The other kind of leak, which predominates, is characterized by constant slow diffusion of gas through the reservoir caprock and then upward migration of the escaped gas through bedrock and surficial materials to the atmosphere. This kind of leak is virtually unnoticeable.

Oil and gas prospectors that put out "gas sniffers" arranged on a grid in the soils and contour the recorded values. A bulls-eye of anomalously high gas values suggests an oil/gas reservoir at depth. The long-term result of this slow leaking by diffusion is the eventual escape of all gas and the development of a residue of tar in the reservoir. Natural gas reservoirs have been there for millions of years. These reservoirs have survived the tumult of many great earthquakes in the past. Localized blasting will not have any significant impact on them.

**Concern:** How big is the rock shelf you plan on mining? How far does the rock shelf extend beyond the boundaries of the land being mined?

**AA Quarry:** The ledge starts at elevation 988 feet; it is 22 feet deep and stops at elevation to the west of the fence line, the rock runs out 0.47 miles (2,481 feet). To the north of the fence line the rock runs out 1 mile (5,280 feet), and to the south of the fence line the rock runs out 0.33 mile (1,742 feet). To the east the rock runs out on AA Quarry property. This is the south-eastern edge of the Bethany Falls Limestone formation.

**Concern:** Location of mine was previously known as Devil's Ridge, where Civil War battles were fought.

**AA Quarry:** This is not required for quarry permits; however, we are investigating this. We have archaeologist/historian Jim Feagins researching this question. We can provide an answer in future.

**Concern:** Will the opening of the quarry create local employment? If so, how much?

**AA Quarry:** Not sure, it will help sustain work for our employees who now live in the area. We do have several employees who live in Johnson County.

**Concern:** How deep will you end up digging?

**AA Quarry:** 57 feet at deepest point.

**Concern:** How involved will you be in the quarry operation?

**AA Quarry:** I'll run the operation from my office but one of my brothers will be out there all the time.

**Concern:** What will be the impact on wildlife, plants and livestock in the area around the mine?

**AA Quarry:** It has been our experience that construction activities and dust have not had any impact on wildlife, plants and livestock. Lime or dust is commonly added to cropland and pastures to neutralize soil acidity.

**Concern:** I want to ask you if we ever have a personal issue (crack in the foundation) can we talk about it? Will you have an open-door policy? In my heart I don't trust your brother, but I feel you're a man of your word and I will come to talk with you.

**AA Quarry:** You have my word. I've talked with everyone that approached me before this meeting, I didn't turn anybody away.

**Concern:** What provisions does the county, state or quarry operator follow to secure the safety, health and livelihood of those affected by the operation of the quarry?

**Missouri Department of Natural Resources:** The state enforces environmental laws to maintain clean air, water and that the land will be reclaimed to a recognizable land use.

Environmental laws are designed to protect the environment that in-turn does protect your health, safety and livelihood. For your information, the laws that govern reclamation of Industrial Mineral mine sites in Missouri, such as limestone quarries is stricter than the federal standards as there is no federal law regulating the reclamation of Industrial Mineral mine sites. As mentioned

earlier if there was no environmental law, mine operators could leave heaping mounds of overburden that could erode directly into waterways. Dust from these operations could resemble the Dust Bowl era. The State of Missouri has some of the strictest mining reclamation compared to every state that neighbors Missouri.

**Concern:** Would you consider putting in a general information line for quarry operations and/or provide a phone number we can call in?

**AA Quarry:** We will consider it. We will also provide tours of the quarry operation and demonstrate our blasting procedure for interested parties.

**Missouri Department of Natural Resources:** The Missouri Land Reclamation Commission is the ruling body over Missouri's mining issues set forth in three separate state statutes. These mining statutes protect public health, safety and the environment from the adverse effect of mining and assure the beneficial restoration of mined lands. The Land Reclamation Program carries out the policies of the Missouri Land Reclamation Commission and provides the staffing necessary to regulate the states mining industry.

The Land Reclamation Commission and Land Reclamation Program are responsible for the issuance of strip mining permits related to the mining of limestone, sand, gravel, clay, tar sands, barite, sandstone, granite and traprock. As part of the permitting process, mining companies must provide financial assurances to the Land Reclamation Program which provide for reclamation should the company not be able to complete this activity. After the mining company completes all required reclamation, the Commission releases these financial assurances and relieves the companies of any further reclamation responsibilities. The Commission decides when public hearings are granted.

Respectfully, there are numerous requests that the permit application not be issued. The statutes that regulate mining, 444.760 to 444.790 do not provide an opportunity for the Department to simply deny an application. Rather, the law spells out that if an application is in full compliance with the provisions of The Land Reclamation Act, then the permit must be issued with one exception. If a hearing is requested by someone who believes that their health, safety or livelihood will be unduly impaired by the issuance of the permit, then the Land Reclamation Commission may grant a hearing to determine whether to issue or deny the permit. Only the Land Reclamation Commission has the authority to grant the hearing and to make the final decision on permit issuance.

**Comment:** As a community do we have the right to say no? We do not want this business to operate here.

**Missouri Department of Natural Resources:** This is more of a Planning and Zoning issue rather than requirements for engaging in surface mining activities. The Land Reclamation Commission does not have authority to address planning and zoning. According to Johnson County officials, Johnson County is not zoned and is open to free enterprise. AA Quarries is seeking to engage in a legally recognized business enterprise.

**Closing:** The Staff Director's Recommendation and Attachment #1 will provide a synopsis and include promises and commitments made at this meeting. If this meeting didn't formally resolve concerns generated by the public you have 30 days following the date of the Staff Director's Recommendation and Attachment #1 to formally request a hearing before the Land Reclamation Commission.

To request a hearing: "Write a letter stating that (your name) request a hearing concerning the AA Quarry Land Reclamation permit application."

Address the letter to: Missouri Department of Natural Resources  
Land Reclamation Commission  
P.O. Box 176  
Jefferson City, MO 65102-0176

If a request for a hearing is received, the request will most likely be presented at the May 23, 2013 Commission meeting.