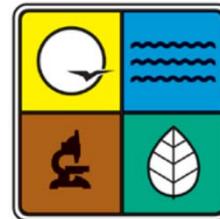


AA QUARRY, LLC PUBLIC MEETING



**Missouri Department of
Natural Resources**
Land Reclamation Program



Comment: How Does Reclamation Work,
Phases 1-8?

Response: Reclamation Requirements 10
CSR 40-10.050 (10):

Reclamation shall commence as soon as practicable after the completion of surface mining of viable mineral reserves in any portion of the permit area in accordance with the plan of reclamation.

Response continued:

Reclamation Requirements 10 CSR 40-10.050 (10)

Grading and topsoil replacement shall be completed within twelve (12) months after mining of viable mineral reserves is complete in that portion of the permit area.

Mining shall not be deemed complete if the operator can provide credible evidence, in writing, to the director that viable mineral reserves are present.

Response continued:

Reclamation Requirements 10 CSR 40-10.050 (10)
(B)

Seeding and planting shall be completed within twenty-four (24) months after mining of viable mineral reserves is complete in that portion of the permit area.

Survival of vegetation by the second growing season.



**Response continued: Reclamation Requirements 10
CSR 40-10.050 (10) (C) :**

All areas within the permit shall be subject to this timetable unless it can be shown by the operator that the area is needed as a part of the active operations.

Yes, the operator may work on multiple phases at once as long as that area is needed to support the active mining area.

Comment: Sale of the Permit or Permit Transfer.

Response:

Land Reclamation Permits are Transferable

Permit Application for Transferring Reclamation
Responsibility

Public Notice Comment Period

Comment: Event of Bankrupt Mine Operator.

Response: Bond is required before mining takes place

Permit would be revoked

Bond would forfeited and be used to hire contractors to stabilize the area

Slides of sites that experienced bond forfeiture:









Comment: How Many Permits have been issued over the last 20-years?

Response: New Permits in 1992 ended with permit # 598 – to present 1090. Total number of possible permits = 492. There are also Permit Transfers (29), same permit number with a “T” total = 521. There were 72 permits that were not issued. Total amount of permits issued:
 $521 - 72 = 449$

Some permits never get issued due to the operator not submitting a complete application or withdrawing the application. This figure does not include renewals.

New Sites in 1992 ended with site # 1701

Most recent site # issued 2461

Total 760

705 sites were issued

55 sites were not issued

Some sites do not get issued due to lack of a complete application.

Some sites were withdrawn

Comment: How many sites were declined at Program Director Level in the last ten years?

Response: Two (2) – why only two?
Rules at 10 CSR 40-10.040(2) – Application Determination by Program Director

Response Continued:

The director shall make a determination within four (4) weeks after the public comment period

The recommendation will be to either issue or deny.

The director's recommendation on a permit application is based on the following:

1. The application's compliance with section 444.772, RSMo; (permitting)
2. The application's compliance with 10 CSR 40-10.020; (permitting)

Response continued:

3. Consideration of any written comments received during the public notice period

4. Whether the operator has had a permit revoked, a bond forfeited

(B) If the director recommends a denial, the applicant may request a hearing, as provided for in 10 CSR 40-10.080(1)(A).

(C) If the director recommends approval of the application, the permit shall be issued without a hearing, unless a petition is received.

FACTS:

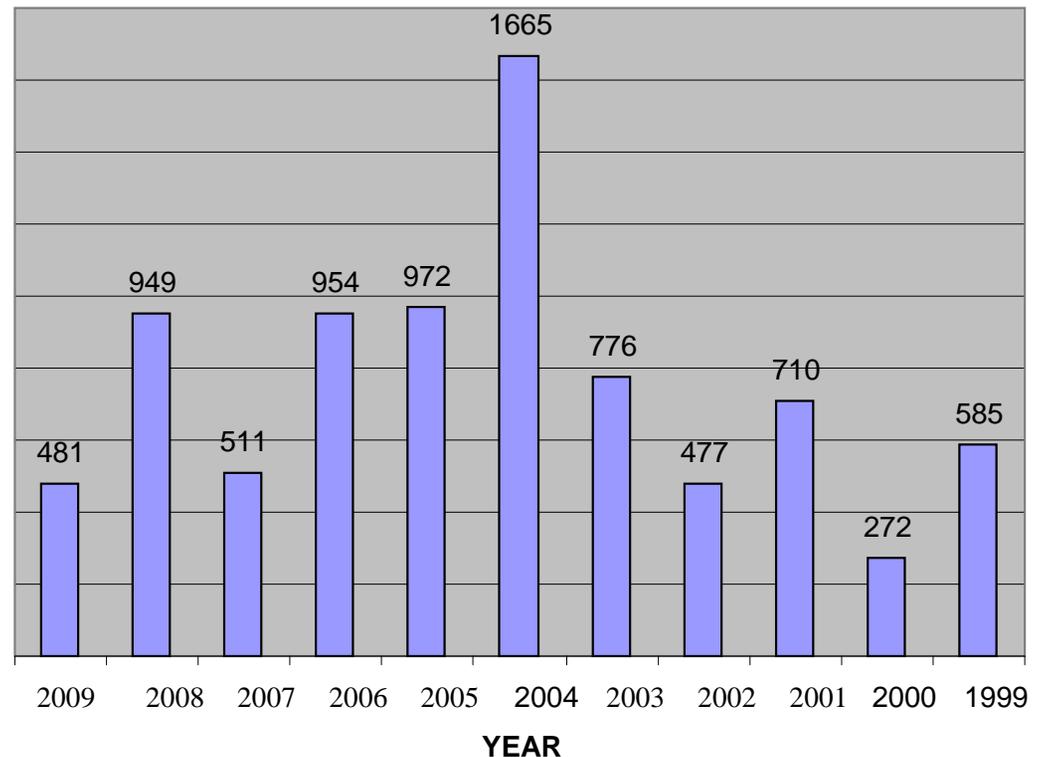
Prior to August 27, 2001 – One time Public Notice, No Certified Mail Requirements. Had to be a violation on site before a hearing could be granted.

On August 27, 2001- Four Time Running Public Notice / Certified Mail requirements

Options to request a meeting and/or Hearing based on Health, Safety or Livelihood

Comment: For Approved Permits, please provide documented evidence of how reclamation has been implemented? **Response:**

Acres Released Since 1999



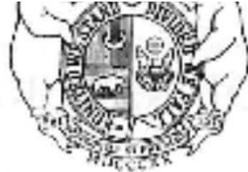
Response continued:

2010 – 251 acres reclaimed

2011 - 248.5 acres reclaimed

2012 – 242.5 acres reclaimed

The next slide is a copy of our latest
bond release.



LAND RECLAMATION COMMISSION
STATE OF MISSOURI
P.O. BOX 176
JEFFERSON CITY, MISSOURI 65102-0176

NOTICE OF BOND RELEASE

BONDING COMPANY: Community Bank of the Ozarks
P.O. Box 43
Sunrise Beach, Missouri 65079

BONDED COMPANY: Mr. Stephen R. Catron
P.O. Box 1122
Sunrise Beach, Missouri 65079

PERMIT NUMBER: 0919

Notice is hereby given that the Director on February 13, 2013, released the bond listed below:

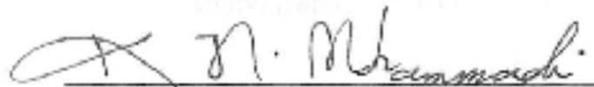
LETTER OF CREDIT: 00036

DATED: 11/04/2002

AMOUNT RELEASED: \$8,000

AMOUNT REMAINING: \$0

REMARKS: A total bond release of 8 acres at Stingray Airport Site for \$8,000 has been released leaving zero acres bonded for zero dollars. *WSE*


Program Director's Signature

2/13/2013
Date

Missouri Department of

Natural Resources

Comment: For approved permits, please provide documented evidence of how reclamation has been implemented. **Response:**







12/13/2012 10:36



08/31/2011 14:15

Comment:

Provide documented evidence of actions taken by the Land Reclamation Program where reclamation has not been implemented over the past twenty years?

Response:

Non-Coal Violations = 252 – see spread sheet handout

Starts With: “Commodity Sand and Gravel”

Coal Violations = 887

Total Number of Violations = 1139

The next slide is a reduced version of the handout



Response continued:

Sand, Gravel	Baker Sand and Gravel	1/18/2013	Mining w/o permit, Improper gravel removal, Mining below lowest undisturbed elevation of the stream bottom adjacent to the mining area, Leaving stockpiles in stream channel, Improper stream crossing and transport, and silty discharge from wash plant.	Immediately
Limestone	Gabel Stone Co. Inc.	12/17/2012	ft provide bond for affected land Outside permitted boundary	01/18/13
Sand, Gravel	Baker Sand & Gravel	5/11/2012	Operating w/o permit	Immediately
Limestone	Strack Excavating, LLC	9/24/2012	Operating without a permit	Immediately
Sand, Gravel	Coleman Trucking, Inc.	9/29/2011	Failed to obtain a permit	Immediately

Response continued:

May by regulation at 10 CSR 40-10.070 (2)(A) to work with an operator to eliminate a violation through Conference, Conciliation and Persuasion:

(A) Conference, Conciliation and Persuasion (CC&P). If, during the course of inspection, it is determined that a surface mining operation is being conducted contrary to or in violation of any statute or regulation...the director, by conference, conciliation or persuasion, may endeavor to eliminate the violation.

How many sites are permitted?

Response: 783 sites in 2012

How many sites are subject to an annual inspection?

Response: 57 – Sites that are in the watershed of an Outstanding National or State Resource Waters

How many inspections were conducted last year?

Response: 499

How many sites pass / fail?

Response: Do not track Pass / Fail at this time.

How many inspectors are there?

Response: Five (5) – Permitting and Inspection work, Jefferson City.

Comment: Please provide a sample report resulting from an annual inspection.

Response: – See handout Doss and Harper Stone Company, Inc. – Date of Inspection 02/14/2012

The next set of slides are a cut version of an Annual Inspection



Missouri Department of Natural Resources
 Division of Environmental Quality
 Land Reclamation Program
 Open-Pit Inspection

Date of Inspection: 2/14/2012		Inspector: Don Cripe		County: Oregon	
Company: Doss and Harper Stone Company, Inc.				Permit No.: 0206	
Site No.: 0283		Site Name: Oregon Quarry Site #6		Acres: 23	
Decimal Degrees Entrance: -91.3834 36.6255		Commodity: Limestone		Nearest City: Alton	
Inspection Type: <input checked="" type="checkbox"/> Regular / <input type="checkbox"/> Bond Release / <input type="checkbox"/> Complaint		Location: S/ 26 T/ 23N R/ 04W			
GPS Decimal Degrees of Pit: -91.377609 36.627055		CC & P DATE Started Finished			
Date Report Written: 2/14/2012		Contact Phone # 417-256-5424		Company Personnel: Larry Carter	
Date of Last Inspection: 6/16/2011		Public notice expires: 12/31/2100		Outstanding Watershed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Environmental Assistance Visit N/A <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Declined <input type="checkbox"/>		Previous EAV? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

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

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

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

B 10 CSR 40-10.020(3) PERMIT RENEWAL			
1	X	Does the site need a permit? RSMo 444.776	Yes, current through 2-16-2013.
2	X	Does the site have a permit? RSMo 444.770 1	
3	X	Is the permit current? RSMo 444.772 7	

C 10 CSR 40-10.030(4) TOPSOIL BONDING		
1	N/A	Is topsoil bonding required? Topsoil bonding may be required when sufficient topsoil is not stored on

E 10 CSR 40-10.050(3) SAFETY BARRIER

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

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

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

G 10 CSR 40-10.050(5) GRADING

1	N/A	All affected areas are graded to slopes traversable by farm machinery (3:1 slope).	
2	N/A	Affected areas are graded to a stable landform that minimized effects of erosion.	
3	N/A	Are exceptions to the grading requirements present at site? -Consolidated highwalls -Existing slopes steeper than 3:1 -Areas under water -25% of overburden graded and reclaimed to wildlife -Slopes of ponds, terraces, and other erosion control	



I 10 CSR 40-10.050(6) TOPSOIL HANDLING

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

J 10 CSR 40-10.050(7) REVEGETATION

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

K 10 CSR 40-10.050(7) LAND USE

Acres			
1	52	Wildlife Habitat	
2		Agriculture	
3		Development	
4	20	Water Impoundment's	



M 10 CSR 40-10.050(9) PERMANENT IMPOUNDMENTS

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



O 10 CSR 40-10.050(11) SIGNS

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

1	N/A	Any land being used for substitution?	
---	-----	---------------------------------------	--

Q 10 CSR 40-10.060 ACCESS-RIGHT OF ENTRY

1	X	Is there access of entry?	
---	---	---------------------------	--

R OTHER

1	Site is generally clean and well run. No compliance issues with Land Reclamation Regulations.		
2			



Comment:

Please provide documented evidence of when a site fails inspection.

Response:

See handout, River Cement dba Buzzi Unicem, USA – Date of Inspection 7/11/2011, again the next set of slides is a cut version of when an inspection identifies a violation.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 Division of Environmental Quality
 Land Reclamation Program
 Open-Pit Inspection

Date of Inspection: 7/11/2011		Inspector: Joyce Luebbering, Tucker Fredrickson, Don Cripe		County: Crawford	
Company: River Cement dba Buzzi Unicem, USA				Permit No.: 1025	
Site No.: 2354		Site Name: Kitchen #1		Acres: 3	
Decimal Degrees Entrance: -91.339442 38.082860		Commodity: Clay		Nearest City: Cuba	
Inspection Type: <input checked="" type="checkbox"/> Regular / <input type="checkbox"/> Bond Release / <input type="checkbox"/> Complaint		Location: S/ 22 T/ 39N R/ 4W			
GPS Decimal Degrees of Pit: -91.353128 38.086004		CC & P DATE Started Finished			
Date Report Written: 7/12/2011		Contact Phone # 573-263-0801		Company Personnel: Fred Bullock	
Date of Last Inspection: 11/4/2010		Public notice expires: 05/01/2020		Outstanding Watershed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Environmental Assistance Visit N/A <input type="checkbox"/> Accepted <input checked="" type="checkbox"/> Declined <input type="checkbox"/>		Previous EAV? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

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

A 10 CSR 40-10.010 PERMITTING			Comments
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*Stockpile and processing are areas exempt as part of development. RSMo 444.766 2

B 10 CSR 40-10.020(3) PERMIT RENEWAL			Comments
1	X	Does the site need a permit? RSMo 444.776	Permit expires 7/8/2012.
2	X	Does the site have a permit? RSMo 444.770 1	
3	X	Is the permit current? RSMo 444.772 7	

C 10 CSR 40-10.030(4) TOPSOIL BONDING			Comments
1	N/A	Is topsoil bonding required? Topsoil bonding may be required when sufficient topsoil is not stored on	

E 10 CSR 40-10.050(3) SAFETY BARRIER

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

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

1	O	<u>No</u> sediment being discharged or deposited off site.	Sediment is leaving the site along the south permit border of the permit area. Sediment has been carried through the wooded area off the permit boundary by a small drainage ditch. Sediment fences have been placed along portions of the permit area. The fences were not installed properly and in some areas a gap exists between the fence and the ground.
2	X	<u>No</u> sediment entering streams of the state.	
3	X	<u>No</u> erosion of permitted areas that have been reclaimed or are under reclamation.	
4	O	<u>No</u> gross or significant erosion features present.	
5	N/A	Erosion control structures have been constructed to USDA, NRCS standards.	
6	N/A	Sediment ponds constructed sufficiently to control damaging runoff.	

G 10 CSR 40-10.050(5) GRADING

1	N/A	All affected areas are graded to slopes traversable by farm machinery (3:1 slope).	
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		Are exceptions to the grading requirements present at site? -Consolidated highwalls -Existing slopes steeper than 3:1	

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

J 10 CSR 40-10.050(7) REVEGETATION

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K 10 CSR 40-10.050(7) LAND USE

Acres

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

M 10 CSR 40-10.050(9) PERMANENT IMPOUNDMENTS

1	N/A	Water impoundments are designed and constructed to NRCS PONDS 378 standards for Missouri. These are for constructed earthen dams only.	No water impoundments have been constructed at the time of this inspection. The pit is actively being mined.																		
2	N/A	Minimum top width for the dam is correct. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Minimum Dam Top Width</th> <th>Dam Height</th> <th>Top Width</th> </tr> </thead> <tbody> <tr> <td>< 10'</td> <td></td> <td>6'</td> </tr> <tr> <td>10 - 14.9'</td> <td></td> <td>8'</td> </tr> <tr> <td>15 - 19.9'</td> <td></td> <td>10'</td> </tr> <tr> <td>20 - 24.9'</td> <td></td> <td>12'</td> </tr> <tr> <td>25 - 34.9'</td> <td></td> <td>14'</td> </tr> </tbody> </table>		Minimum Dam Top Width	Dam Height	Top Width	< 10'		6'	10 - 14.9'		8'	15 - 19.9'		10'	20 - 24.9'		12'	25 - 34.9'		14'
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Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

CERTIFIED MAIL # 7008 2810 0000 2017 2941

RETURN RECEIPT REQUESTED

July 14, 2011

River Cement dba Buzzi Unicem, USA

Attn: Katie Jost

1000 River Cement Road

P.O. Box 1003

Festus, Missouri, 63028

Dear Ms. Jost:

Joyce Luebbering, of the department's Land Reclamation Program, conducted an inspection of your permitted site, Kitchen #1, on July 11, 2011. Mrs. Luebbering was accompanied during the inspection by Tucker Fredrickson and Don Cripe, also of the department's Land Reclamation Program, as inspectors in training. During the inspections she found that mining operations were not being carried out according to performance requirements. In particular, a violation of 10 CSR 40-10.050 (4) – Erosion and Siltation Control Requirements was observed. As such, Notice of Violation # 1025-002 is being issued.

Enclosed is Notice of Violation # 1025-002, for violations of the *Land Reclamation Act*. The violations concern your permitted open pit mining operation in Crawford County, Section 22 - Township 39N - Range 04W. The Notice provides further information explaining the violation. Following this letter, you will be receiving an assessment of administrative penalty.

Please feel free to contact us at (573) 751-4041, if you have any questions concerning this matter.

LAND RECLAMATION COMMISSION
MISSOURI DEPARTMENT OF NATURAL RESOURCES
INDUSTRIAL MINERALS UNIT
P.O. BOX 176
JEFFERSON CITY, MO 65102
(573) 751-4041

NOTICE]
MODIFICATION]
TERMINATION]

NOTICE OF VIOLATION-PERMITTED OPERATORS

NOTICE OF VIOLATION NO 1025-002

DATE 7/14/2011

To the Following Permittee or Operator:

Name : River Cement dbauzzi Uticgen, USA

Mine: Kitchen #1 (Site #2354) County: Crawford

Permit Number: 1025 Section or United States Survey: 22

Township: 39N Range: 04W Date of Inspection: 7/11/2011

Time of Inspection: From: a.m. to: a.m.
 p.m. to: p.m.

Name of operator (if other than permittee) Dillion Clay Mining - Fred Bullock

Mailing Address 1000 River Cement Rd, P.O. Box 1003, Ferris, Missouri 63028

UNDER the authority of The Land Reclamation Act (Section 444.760 to 444.790 RSMo 2009) the undersigned authorized representative of the Land Reclamation Commission has conducted an inspection of the above mine on the above date and has found violation(s) of the law listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

YOU must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.



NOTICE OF VIOLATION NO.: 1025-002

Nature of the Violation:

Erosion control structures are not effectively controlling sediment from leaving the site. There was a significant amount of sediment observed outside of the permit area. Sediment from the permitted area is leaving the property via a drainage ditch for the site and from an unconsolidated overburden material used to create a road and turn around on the south side of the pit.

Provision(s) of the Law Violated:

10 CSR 40-10.050(4) Erosion and Siltation Control. "(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."

Portion of the Operation to which the Notice Applies: Kitchen #1 (Site #2354)

Remedial Action Required (including interim steps, if any):

Proper installation and maintenance of erosion control structures to prevent any further sediment from leaving the permitted site. Stabilize exposed overburden material with a cover material, a temporary vegetative species, or combination of both.

Time for Abatement (including time for interim steps, if any): 30 days

Notice to Operators

The Land Reclamation Act in Section 444.787 RSMo (2009) allows a permittee issued a Notice to apply to the Director of the Land Reclamation Program for review of the Notice of Violation. The review is in the format of an informal conference. The application for an informal conference must be received by the Director of the Land Reclamation Commission within fifteen (15) days of receipt of this notification.

After completion of the remedial actions as specified in the Notice, the Director shall assess the administrative penalty and/or affirm, modify, vacate or terminate the Notice or Order.

A formal complaint will be filed against you if you fail to comply with this Notice. You may, within fifteen (15) days of the receipt of the formal complaint, request a hearing before the Commission.



Jacques W. (Jay) Nixon, Governor • Sara Parks Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

CERTIFIED MAIL # 7008 2810 0000 2017 2989
RETURN RECEIPT REQUESTED

August 18, 2011

River Cement dba Buzzi Unicem, USA
Attn: Katie Jost
1000 River Cement Road
P.O. Box 1003
Festus, Missouri, 63028

Dear Ms. Jost:

Recently, a violation of Missouri's surface mining laws was observed. Notice of Violation 1025-002 was mailed to you by certified mail on July 14, 2011.

The violation has been reviewed and assessed in accordance with Section 444.790 RSMO (Cum. Supp. 2009). Please find enclosed the recommended assessment to the Director of the Land Reclamation Program of \$470.00 for Notice of Violation 1025-002. This assessment was adjusted for prompt abatement.

River Cement dba Buzzi Unicem, USA

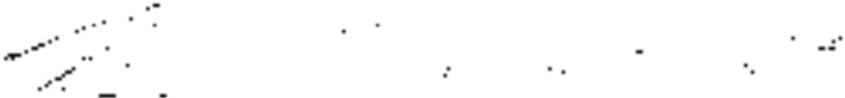
August 18, 2011

Page Two

If you have any questions concerning this process, please contact me at your earliest convenience at (573) 751-4041.

Sincerely,

LAND RECLAMATION COMMISSION



William S. Zeaman, Chief
Non-Coal Unit

MISSOURI DEPARTMENT OF NATURAL
RESOURCES
LAND RECLAMATION COMMISSION
P. O. BOX 176
JEFFERSON CITY, MO 65002
(573) 751-4041

INDUSTRIAL MINERALS

ASSESSMENT OF ADMINISTRATIVE PENALTY AND ORDER

PENALTY ASSESSMENT WORKSHEET:

DATE OF ASSESSMENT July 21, 2011 PERMIT NO. 1025

MINE OPERATION River Cement dba Buzzi Unicem, USA

PERSON TO WHOM THE VIOLATION WAS ISSUED: Ms. Katie Jost

NOTICE OF VIOLATION NO 1025-002 DATE ISSUED July 21, 2011

I. POTENTIAL FOR HARM

A. RISK OF EXPOSURE

1. PROBABILITY OF EXPOSURE TO HUMANS OR OTHER ENVIRONMENTAL RECEPTORS TO
A HEALTH OR SAFETY HAZARD OR ENVIRONMENTAL POLLUTION.

a. HIGH 3 POINTS

b. MODERATE 2 POINTS

c. LOW 1 POINT 3

DESCRIPTION OF EXPOSURE INCLUDING RESULTS OF ALL SITE INSPECTIONS: 

2. POTENTIAL SERIOUSNESS OF EXPOSURE TO HUMANS OR OTHER ENVIRONMENTAL RECEPTORS TO A HEALTH OR SAFETY HAZARD OR ENVIRONMENTAL POLLUTION.

a. HIGH 3 POINTS

b. MODERATE 2 POINTS

c. LOW 1 POINT

2

DESCRIPTION OF SERIOUSNESS OF EXPOSURE: Potential seriousness is considered moderate due to the fact that some sediment is leaving the site, however some sediment was documented just short of leaving the affected area.

3. HARM TO REGULATORY PROGRAM-THE ACTIONS HAVE OR MAY HAVE A SUBSTANTIAL ADVERSE EFFECT ON THE STATUTORY OR REGULATORY PURPOSES OR PROCEDURES FOR IMPLEMENTING THE LAW OR REGS.

a. HIGH 3 POINTS

b. MODERATE 2 POINTS

c. LOW 1 POINT

1

DESCRIPTION OF HARM: The harm to the regulatory program is considered to be low.
Failure to control erosion and sedimentation does not necessarily impact the Program's ability to implement the law or regulations. The harm to the regulatory program is considered to be low.



II. EXTENT OF DEVIATION FROM THE REQUIREMENT

A. MAJOR -

B. MODERATE -

C. MINOR -

DESCRIPTION OF DEVIATION: The erosion and siltation is somewhat being controlled by the mining company and therefore is considered to be a moderate deviation from the requirement. The company did place some silt fencing, however they were not completely installed/maintained properly. Sediment was documented outside the affected area.

CATEGORY SELECTED: MODERATE

INDUSTRIAL MINERALS PENALTY ASSESSMENT WORKSHEET

MATRIX

		II. EXTENT OF DEVIATION FROM REQUIREMENT		
I. POTENTIAL FOR HARM	CATEGORY	MAJOR	MODERATE	MINOR
	MAJOR	\$1000 TO \$800	\$799 TO \$600	\$599 TO \$400
	MODERATE	\$799 TO \$600	\$399 TO \$200	\$199 TO \$100
	MINOR	\$599 TO \$400	\$199 TO \$100	\$0

IV. ADJUSTMENT FACTORS

A. GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE
WITHIN TIME LIMIT SET.

DESCRIPTION OF MEASURES: The violation was received on July 18, 2011. On August 9,
2011, Katie Jost announced that this site now has adequate sediment control. The operator
completed the abatement measures in 21 days out of the allowed 30 days. The operator did complete
abatement measures within 61% to 70% of allowed time; therefore as allowed by rule \$40.00 are
deducted from the penalty for prompt abatement.

TOTAL \$ 40.00

B. DEGREE OF WILLFULNESS/NEGLIGENCE

1. OPERATOR'S CONTROL OVER SITUATION \$ 50.00

DESCRIPTION OF SITUATION: The situation was within the control of the operator as he
did have sediment fencing on site, however improper installation and maintenance allowed
sediment to flow off site. Fifty (\$50) dollars are added to the proposed assessment.

2. FORESEEABILITY OF EVENTS: \$ 50.00

DESCRIPTION OF SITUATION: The event was foreseeable, as the operator failed to
properly install and maintain the sediment fencing. Fifty (\$50) dollars are added to the proposed



4. INTENTIONAL CONDUCT WITH THREAT TO HEALTH OR SAFETY: \$ 0.00

DESCRIPTION OF THE SITUATION: The failure of the operator to control the erosion and sediment in this case is not viewed as intentional conduct with a threat to the health or safety of the general public.

5. OPERATOR'S KNOWLEDGE OF THE LEGAL REQUIREMENT AND HAZARD.

INCLUDE WRITTEN WARNINGS (IF ANY): \$ 60.00

DESCRIPTION OF THE SITUATION: The operator was aware of the legal requirement and was warned three times in writing prior to the violation. Sixty (\$60) dollars are added by rule.

TOTAL \$ 210.00

C. HISTORY OF NONCOMPLIANCE:

1. Similarity of Previous Violation(s) \$ 0.00 (Within the past 24 months)
2. Operator's Response in Abating Past Violation(s) (Within the past 24 months) \$ 0.00

D. TOTAL ADJUSTMENT FACTORS AMOUNT: \$ 210.00

INDUSTRIAL MINERALS PENALTY ASSESSMENT WORKSHEET

<u>CRITERION</u>	<u>SUMMARY</u>	<u>DOLLAR AMOUNT</u>
MATRIX FIGURE		<u>\$300.00</u>

THE OPERATOR MAY REQUEST AN INFORMAL CONFERENCE WITH THE PROGRAM DIRECTOR IF THE WRITTEN REQUEST IS RECEIVED BY THE LAND RECLAMATION PROGRAM WITHIN FIFTEEN (15) DAYS OF THE OPERATOR'S RECEIPT OF THIS PROPOSED ASSESSMENT. THE PURPOSE OF THE INFORMAL CONFERENCE WILL BE TO DISCUSS THE FACTS INVOLVED IN THE DEVELOPMENT OF THIS PROPOSED ASSESSMENT.

AN HABITUAL VIOLATOR MAY BE ASSESSED ADMINISTRATIVE AND CIVIL PENALTIES-IF THE OPERATOR MEETS THE CRITERIA LISTED BELOW THE LRC MAY ASSESS ADMINISTRATIVE PENALTIES AND REFER TO AGO FOR CIVIL PENALTIES AS WELL:

1. OPERATOR HAS THREE (3) SIMILAR VIOLATIONS ISSUED IN ANY SIX (6) OR LESS INSPECTIONS
2. OPERATOR HAS FIVE (5) VIOLATIONS ISSUED IN ANY TEN (10) OR LESS INSPECTIONS
3. OPERATOR HAS THREE (3) OR MORE VIOLATIONS ISSUED IN ANY THREE (3) CONSECUTIVE INSPECTIONS

ACCORDING TO SECTION 444.790 RSMO (CUM. SUPP. 2009) THE DIRECTOR MAY ISSUE AN ORDER ASSESSING AN ADMINISTRATIVE PENALTY UPON THE VIOLATOR.

A FINE OF \$470.00 DOLLARS FOR NOTICE OF VIOLATION NO. 1025-002, AS DESCRIBED ABOVE, HAS BEEN PROPOSED FOR (one) DAY(S).



Larry Siechta
Environmental Specialist III
Land Reclamation Program

8-18-2011

DATE:



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

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

CERTIFIED MAIL # 7008 2810 0000 2017 3030
RETURN RECEIPT REQUESTED

August 23, 2011

Ms. Katie Jost
River Cement dba Buzzi Unicem, USA
1000 River Cement Road
P.O. Box 1003
Festus, Missouri 63028

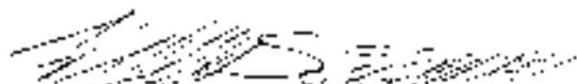
Dear Ms. Jost:

Please find enclosed Termination Form to Notice of Violation #1025-002. This termination follows the successful completion of the abatement requirements as specified in the Notice of Violation. On Friday, August 19, 2011, Joyce Luebbering inspected the site and determined that adequate sediment control structures were present. Thank you for your quick response in addressing the enforcement actions.

If you have any questions, please contact me at (573) 751-4041.

Sincerely,

LAND RECLAMATION COMMISSION


William S. Zeeman, Chief



TERMINATION

NOTICE OF VIOLATION NO.# 1025-002

DATE OF ABATEMENT: August 9, 2011

DATE OF INSPECTION: August 19, 2011

TIME OF INSPECTION: FROM 9:30 A.M. TO 2:00 P.M.

REASON FOR TERMINATION: The operator has complied with the Notice of Violation by installing adequate sediment control structures on site.

Joyce Lubbering

NAME OF INSPECTOR

48-23

I.D. NO.

Joyce Lubbering
SIGNATURE

8-23-2011

DATE

Katie Jost

PERSON SERVED WITH NOTICE

TITLE

Served Via Certified Mail # 7008 2810 0000 2012 3030

SIGNATURE

DATE

How will an inspector know if AA Quarries has mined outside of their bonded area?

Response: Utilization of Laptops, ARC GIS and Real Time GPS Technology in the Field.

Before Mobile Laptops: The average time for an inspection report to leave the office was 16 days.

After becoming mobile, 99 percent of the reports are completed in the field on the same day as the inspection.

Response continued:

- Forms use check boxes to indicate compliance status.
- There are comment boxes associated with each check box for items that require further explanation.
- After the inspection, there is a close out with operator and report is printed using a mobile printer.
- The report is saved as a Public Domain File, E-copy provided to Support Staff for data entry and saved to electronic file.

Response continued:

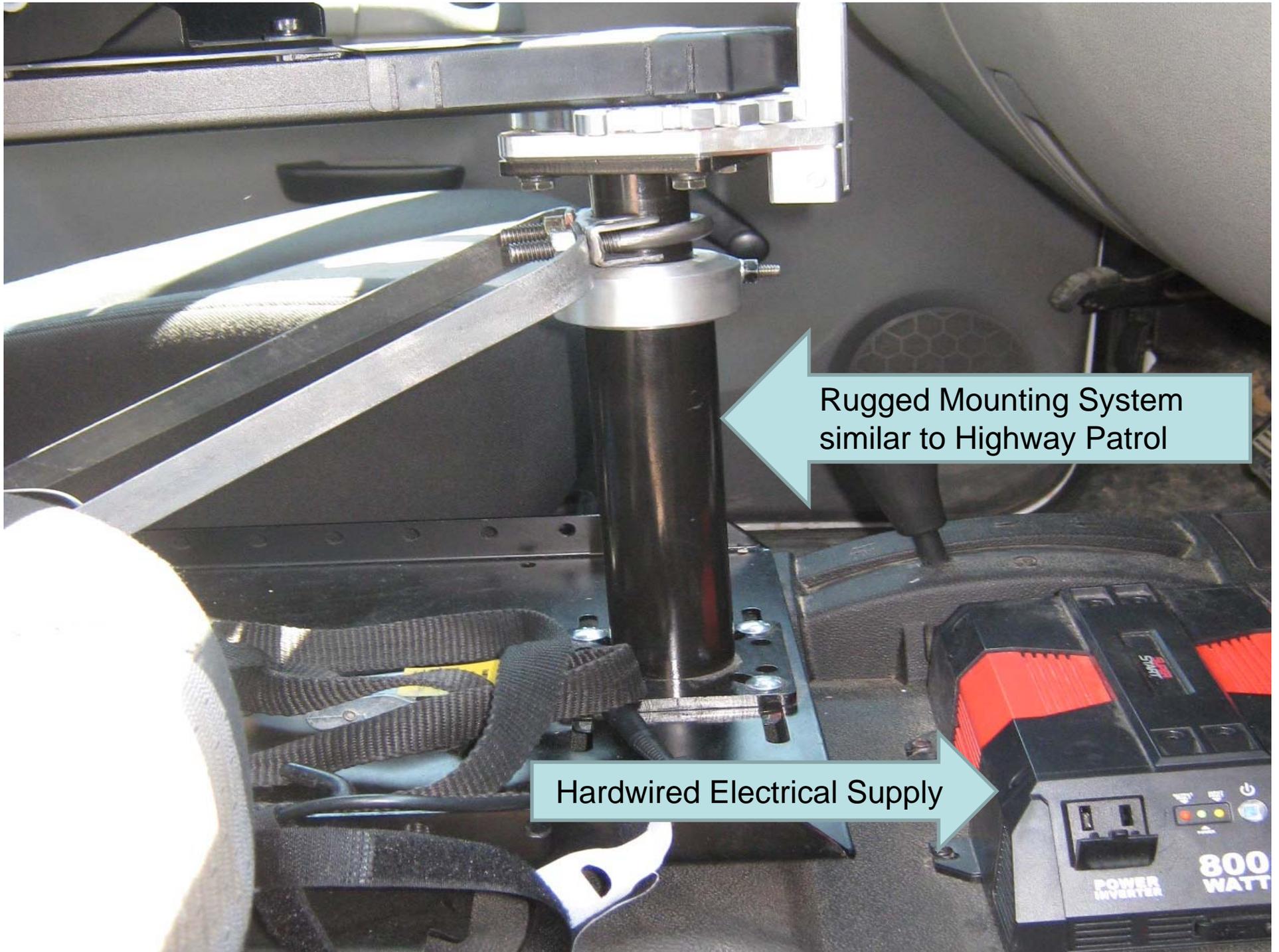
- A laptop is connected to a Geographic Positioning System, or GPS.
- ARC GIS mapping is kept on project files sorted by county.
- GPS communicates in real-time with ARC GIS loaded on the laptop.
- The laptop also serves as the inspector's office computer.
- Efficient resource utilization of one computer per employee.

Response continued:

- The power of real-time GPS coupled with ArcGIS gives inspectors the knowledge of exact positioning during the inspection.
- Problem areas are marked on the project map and printed off at the end of the inspection to hand to the operator.
- The inspector returns the county map to the server upon return to the office for future use.

The next set of slides is what the system looks like:





Rugged Mounting System
similar to Highway Patrol

Hardwired Electrical Supply



07/10/2012 16:16



Green star: Mine Entrance

Yellow: Property Boundary

Red slash: Area of noncompliance

You Are HERE!
Notice the trail-tracker

Blue: Long Term Mine Plan
Red: Bonded Area



Early Shaver / Hwy 165

Comment:

The permit application indicates mining an estimated 775,000 tons per year. The permit application also indicates conducting mining operations for 40-years, with “adequate time for slow years”. At 775,000 tons per year, that would total 31,000,000 tons over 40-years. This is over twice the amount indicated on the phase plan page of the application. Please explain this discrepancy.

Response:

AA Quarries blames this discrepancy on the way the forms are worded. AA Quarries figures are a result of running at full capacity, 5-days a week, for an entire year. As previously mentioned by Robert Radmacher: AA Quarries would rarely come close to the 775,000 tons per year as suggested on the form.

It would take a large economic development windfall to ever achieve 775,000 tons per year, which is not in the foreseeable future.

Comment:

The phase plan page indicates tons of material to be removed from each plot in the phase plan. Please provide sample reports from other strip mine sites indicating annual amounts of material removed and how actual amounts removed vary from those sites' permit applications.

Response: Land Reclamation Program does not keep records of material removed or sold at limestone mine sites. Air Pollution Control Program and Mine Safety and Health Administration may be better sources for those types of records.

Response continued: Please notice on the Site Information form where the figure of 775,000 reads.

Directly above the figure of 775,000 reads:
“ESTIMATED TONS / YEAR (GRAVEL SITES)”

“Not Applicable”

Different fee structure between Sand and Gravel operators who mine more or less than 5,000 tons of sand and gravel per year.

Response continued:

Gravel in this case is not limestone that is crushed into smaller rocks that may resemble a gravel material; rather it is for operators who mine sand and gravel usually from a stream or floodplain area.

Comment: Please describe the actions taken by the Land Reclamation Program when actual amounts removed exceed the amounts indicated in the permit applications. Please provide documented evidence of these actions.

Response: Again, please note that the tonnage figure is only applicable to operators who mine sand and gravel. We have two instances where operators who were at less than 5,000 tons that went over and paid the additional fees:

See Handout: Roy Kramme and
Mathew Girardier Excavating

Comment: Please provide how Land Reclamation deems a site abandoned, including the costs of reclamation and how the costs are paid.

Response: The word abandoned is not a term that is used in The Land Reclamation Act or the rules from 10 CSR 40-10.010 to 10 CSR 40-10.100. Therefore, the Land Reclamation Program does not deem a site as abandoned; however we do issue enforcement actions that may potentially revoke a permit and forfeit the bond. Enforcement actions are a series of steps in attempt to bring the operator back in to compliance.

**Response continued: Enforcement Procedures – starts at 10
CSR 40-10.070 (2) – Operations With a Permit:**

Again, we inspect each site at least once every two years,
so we know if the site has been operated in the recent past.

Conference, Conciliation and Persuasion (CC&P)

Notice of Violation

Formal Complaint

Permit Revocation and Bond Forfeiture



Comment: Please provide costs of reclamation.

Response: Reclamation costs vary between each site

Generally, the amount of overburden helps to determine costs as that is bulldozer push time that is involved.

Some limestone quarries that have gone through bond forfeiture with little to no overburden have reclaimed themselves, thus the money is put in to the Land Reclamation Fund, to help reclaim other sites.

Costs of reclamation continued: Quarries are required to put up bond at \$8,000.00 for the first eight (8) acres and \$500.00 for each additional acre

These funds are secured by the State of Missouri in the event the operator walks away from the mining operation.

Typical red flags indicating a site will no longer be worked by an operator: Permit is not renewed (Yearly Requirement); No equipment on site and Operator does not answer telephone or respond to letters

Comment: How are the costs of reclamation paid?

Response: Through performance bond funds that are included with the application

Forfeited bond sites are inspected and evaluated for priority:

Public Safety

Damage to Adjacent Structures / Property

Damage to the Environment

Missouri Department of

Natural Resources

Response continued: Once a site is evaluated to be reclaimed:

Construction Contract is made

Bids are submitted

Bid awarded to qualified persons

Land Reclamation Program oversees reclamation activities

Money is paid for materials during reclamation activities

Response continued: Once the contract is fulfilled, final payments are made. The contractor work is paid for by money from The Land Reclamation Fund, which is funded in part by money secured through the bond forfeiture process.

Comment: 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.

Response continued: 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.

Comment: Who picks the commissioners?

Response: The Land Reclamation Commission is set by legislation. Three members by office and four members are appointed by the Governor.

444.520. 1. RSMo. "...The commission shall consist of the following seven persons: The state geologist, the director of the department of conservation, the director of staff of the clean water commission, and four other persons selected from the general public who are residents of Missouri and who shall have an interest in and knowledge of conservation and land reclamation

Response continued:

No more than two of the appointed members shall belong to the same political party.

The three members who serve on the commission by virtue of their office may designate a representative to attend any meetings in their place and exercise all their powers and duties.

Comment: The 100 foot set-back notification has caused residents to lose trust.

Response: There are no minimum set-back distances between the mining operation and the property boundary specified in the regulations:

AA Quarry plans to establish a 100 foot set-back between the mine plan and the property boundary to provide an additional buffer.

Initially placed in legislation due to large tracts of property having a small mine site

Comment: There is a bond for \$29,000 for the 231 acres. Who pays for reclamation if Radmacher Brothers defaults?

Response: The current \$29,000 bond that AA Quarry has in place is for 50 acres of the total 214 acres of the mine plan.

If more acreage is to be mined additional bonding would be required at a cost of \$500 per acre.

**Response continued: 10 CSR 40-10.070 Enforcement (6)
Bond Forfeiture**

(C) An order of bond forfeiture shall authorize the commission to utilize appropriated monies in the Mine Land Reclamation Fund to complete the reclamation.

Comment: How many quarries are located within a five and ten mile radius of the proposed AA Quarry?

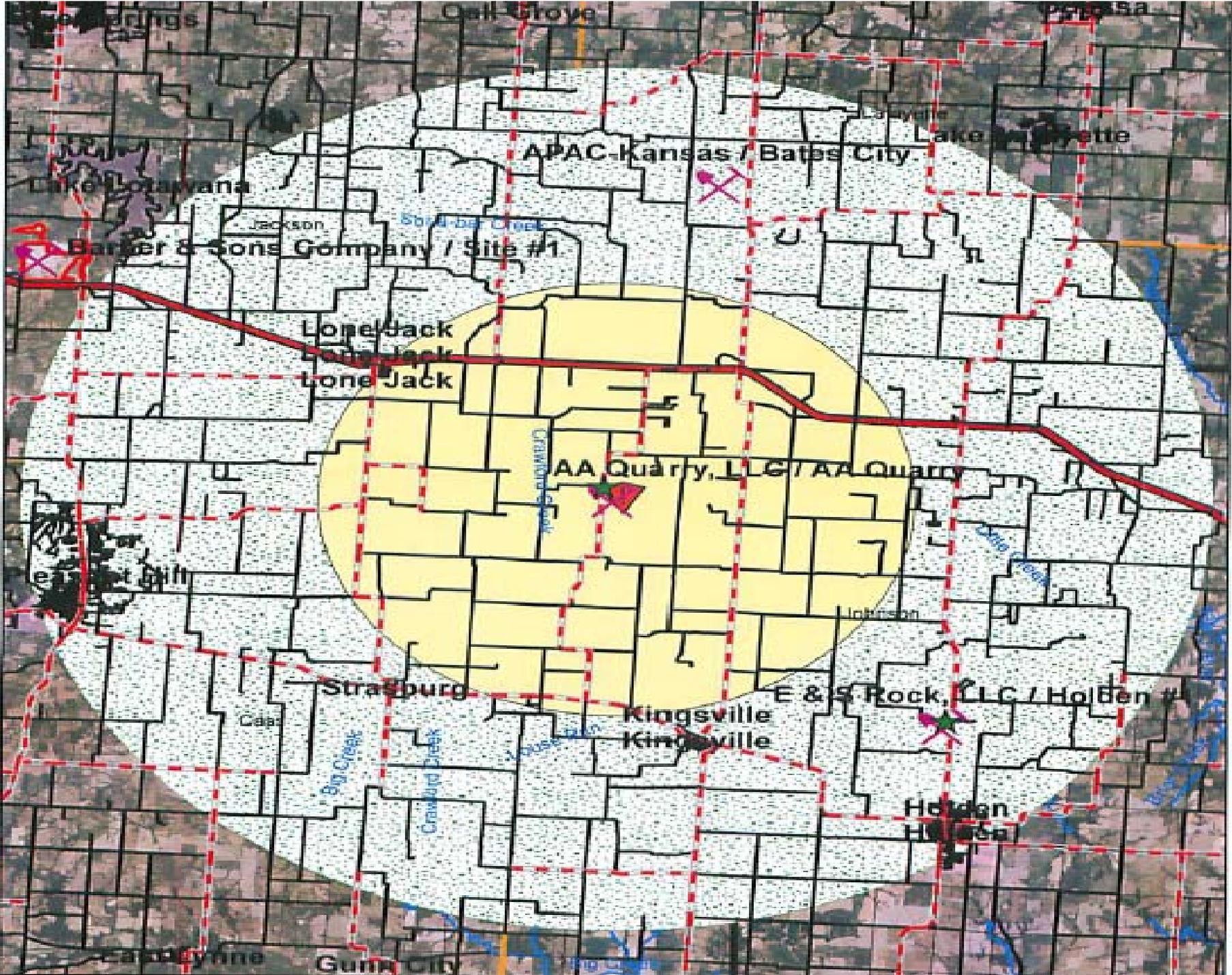
Response: There are no quarries located within a five mile radius. There are two quarries located within a ten mile radius:

E&S Rock – Holden Site

APAC – Kansas - Bates City

Note Barber and Sons is located just out side the ten mile radius. A map illustrating the locations follows:





Comment: 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?

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

Comment: 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.

Response: There is no font size requirement. Typically, this is a single column classified ad 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 advertisement ran for the AA Quarry has satisfied public notification requirements under The Land Reclamation Act. To establish a set font size requirement would take a legislative action.

Comment: 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.

Response: Public Notice 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.

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

Response: This again would take a legislative action to change the current wording of The Land Reclamation Act.

Comment: 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.

Response: 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).

Comment: Please deny the AA Quarry application.

Response: Respectfully, 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.

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

Response: 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.

Response continued:

(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.

Missouri Department of

Natural Resources

Response continued:

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.

Comment: 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, hours of operation? The permit application does not provide sufficient detail to determine impact on safety, health and livelihood consequences of the quarry operation.

Response: 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.

Response continued:

The Land Reclamation Act is designed to regulate the earthen materials that lay above the mineral to be mined and where that overburden is placed. 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.

Comment: I am currently being treated in a Veteran's Hospital as a result of an emotional conditions resulting from loud noises such as blasting or truck exhaust, which causes significant impacts on this condition and is health related. Number of blasts as I am a 100% disabled veteran with Post Traumatic Stress Disorder and panic. There are also other comments concerning noise and how noise may disrupt normal workday or sleep patterns.

Response: At this time The Land Reclamation Act does not provide authority to regulate blasting or truck traffic or noise resulting from those activities.

Comment: What recourse do we as homeowners have in if deed we 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?

Response: 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 reserve 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.

Response continued:

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 since quarry and construction blasting typically produces high-frequency vibrations.

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.

Missouri Department of

Natural Resources

Response continued:

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.

Comment: What is the schedule of inspections and how often are they to occur?

Response: 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. Mine Safety and Health Administration usually inspects a mine site every six-months.

Missouri Department of

Natural Resources

Comment: What entity is responsible for such inspections?

Response: Each regulating authority is responsible for their section of law.

Comment: 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 and penalties that can occur from lack of operator/company compliance?

Response: There are enforcement procedures outlined at 10 CSR 40-10.070(2). Enforcement starts off with Conference, Conciliation and Persuasion, can escalate to a Notice of Violation, Formal Complaint and eventually Permit Revocation or Suspension along with Bond Forfeiture. There can be a monetary penalty assessment if the violation is other than minor.

Comment: How will the land be reclaimed? Will gravel be taken out of all the plats at once? If not, is this specified in writing? What is the plan with specifics to reclaim the land? 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? What are the hours of operation? Will it run 24-hours a day? 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?

Response: 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 limestone formation. The overburden piles will be used as a windbreak and noise barrier. The overburden piles will not exceed an elevation of 1050 feet above mean sea level. The average depth from top of ground to limestone ranges between 18 to 22 feet deep. The limestone will then be blasted and removed. The overburden will then be backfilled in to 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.

Response continued: The topsoil will be final graded and then soil amendments will be incorporated based off of soil tests and the soil will be seeded with fescue and red clover. Soil does work. 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.

Response continued:

Restoring land to a viable land use, which is mined 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.

Missouri Department of

Natural Resources

Response continued:

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 active.

Response continued: 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 harm 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.

Comment: I lived here and neighbors before this company. The whole reason homeowners moved out to the country is for the peace & quiet and no harm to come to our family, health & home. Loss of country living lifestyle. 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.

Response: This is more of a Planning and Zoning issue rather than requirements for engaging in surface mining activities. The Land Reclamation Commission is not a zoning commission.

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

Response: 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.

Comment: 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.

Response: 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 not always true that mining causes property devaluation. There are some instances, where in fact, that the presence of quarry did not affect the value of a property. This is a local planning and zoning issue. Anyone has every right to seek restitution for damage that AA Quarry is responsible for. 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 not laws that govern mining.

Response continued:

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.

Comment: Taxable value of property?

Response: The Land Reclamation Act 444.762 RSMo. reads: "...to protect and perpetuate the taxable value of property..." On February 28, 2013 at 9:50AM I 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.

Response continued:

In regards to where the proposed quarry is located, that land will increase from a 12% tax rate as that is what is currently charged for agriculture land to 32% tax rate for commercial property, if the permit application receives approval. Even the equipment on site will be taxed as personal property. Similarly junk yards in Johnson County Missouri have not had a negative impact on property value. Johnson County is not zoned and is open to free enterprise. AA Quarries is seeking to engage in a legally recognized business enterprise.

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

Response: This is enforced by both Land Reclamation Program and Water Protection Program. The Land Reclamation Program can in accordance with 10 CSR 40-10.050(4) enforce erosion and damaging sediment: 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.

Comment: The impact on mental health and quality of life?

Response: 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, conceptions of possible property devaluation, noise, travel way safety issues or a request to simply deny a permit application. Unfortunately, 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;

Response continued:

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 as to whether someone's health, safety or livelihood would be unduly impaired by the issuance of the permit certificate.

Comment: 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

Response:

Neither “The Land Reclamation Act” or it’s implementing regulations defines these terms. The petitioner’s testimony will be the determining factors for the commission to make the final decision.

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Comment:

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?

Response: 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.

Comment: 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?

Response: For Land Reclamation Program the permit will require a transfer to the new corporate entity. This would involve public notification requirements similar to what is required of a new permit.

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

Response: The overburden consists of topsoil, clay and shale above the Winterset and Bethany Falls limestone formations. The overburden and waste rock will be used as backfill in to 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.

Comment: How many tons may be excavated per day?

Response: The Land Reclamation Program does not regulate the amount or tons of material that will be excavated per day at mine sites.

Comment: What type of communication/information is offered to the public so concerned citizens can be kept aware of mining inspections, results of such, permits applied for, issued or rejected and other monitoring programs/activities that monitor that mining compliance is maintained?

Response: Land Reclamation Program does update a web page at

<http://dnr.mo.gov/asp/lrp/impermits/search.asp>

Identifying all of the permits that are active. Other information can be requested via a sunshine law request.

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

Response: This dam was formerly known as Johnson #A-1 Dam and has a national ID number of MO20020. Echo Lake Dam was built in 1964 and is 30 feet high. It has a maximum storage of 433 acre feet, a reservoir area of 27 acres, and a huge watershed of 2,996 acres. Rock that is on the dam came from the quarry that is located on the Radmacher property.

Response continued:

The dam was designed and likely built by the USDA-SCS. 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, swells with weather conditions. The best maintenance to 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.

Response continued:

The pipe is concrete so the one thing that needs be checked annually is the pipe. This is likely the place where any concussion from explosions could begin to cause a problem. The surface water level of Echo Lake Dam is at 865 mean sea level elevation. The deepest point that AA Quarry is proposing to mine to is at the 968 mean sea level elevation. AA Quarry is proposing to mine at a minimum of 100-feet above the surface water of Echo Lake. There will be no chance of water from Echo lake draining into the proposed mining area.

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.

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 and elastic, shrinks, swells with weather conditions. The best maintenance to 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.

Response continued:

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 being drained into the proposed mining area.

Comment: 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?

Response: The state enforces environmental laws to maintain clean air, water and that the land will be reclaimed to a recognizable land use. The Missouri Blasters Safety Act enforces the detonation of explosives as well as requiring a certified person 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.

Comment: Silicosis – lime dust in lungs. How are they reducing silica in the air we breathe from the crushing of rock?

Response: The generation of dust at a limestone operation comes from a variety of sources. Some of those sources involve stockpiles, crushing operations, road traffic, and blasting. 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.

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Response continued: Dust must be contained within the property of AA Quarry if the permit receives approval. If dust is seen escaping the confines of their 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. If AA Quarry fails to take corrective actions concerning fugitive dust then do not hesitate to contact the Department's Air Pollution Control Program for what we believe will result in AA Quarry taking corrective actions to stop dust from migrating past their property boundary 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 by telephone at (816) 251-0700. Only the Department's air laws help regulate dust generated at a mine site.

Comment: 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.

Response:

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 Land Reclamation Program and Water Protection.

Comment: What is the possibility of losing my property to eminent domain? Can I lose the mineral rights to my property without my knowledge?

Response: As far as permitting the proposed quarry operation, there has never been an eminent domain action exercised on properties due to that 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.

Comment: Confirmation that DNR will conduct annual inspections for said site.

Response: The Land Reclamation Program is committing to an inspection every two years and we will investigate complaints within fifteen days.

Comment: Hydro-seed, apply non-toxic soil stabilizers or water to inactive reclamation areas previously graded areas in-active for ten days or more.

Response: 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 well outside 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.

Comment: Installation of wind breaks or tree/vegetative wind breaks at the windward sides of the reclamation areas until such time as the vegetation is established.

Response: 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, mainly on the north side where there are no natural windbreaks.

End of Presentation