

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION**

In the Matter of:)	
)	
AA QUARRY LLC)	Proceeding Under
AA Quarry Site # 2462)	The Land Reclamation Act,
Johnson County, Missouri,)	Sections 444.760, <i>et seq.</i> RSMo
New Site Permit Application)	
)	
DAVID EARLS, et al,)	
)	
<i>Petitioners,</i>)	
)	
v.)	Permit # 1094
)	
DEPT. OF NATURAL)	
RESOURCES, KEVIN)	
MOHAMMADI, Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
)	
<i>Respondent,</i>)	
)	
AA QUARRY LLC,)	
<i>Applicant,</i>)	

**RESPONDENT'S ANSWER TO THE ORDER ON PREPARATION FOR
THE PRE-HEARING CONFERENCE**

1. Respondent will stipulate to undisputed events reflected in the Land Reclamation Program files related to receiving and processing the permit application and issuing Respondent's pre-hearing recommendation. Respondent will stipulate to formal actions of the Land Reclamation Commission in relation to ordering this hearing.

2. Respondent has no burden of proof and will not present a case-in-chief regarding whether issuance of the permit will unduly impair any person's health, safety or livelihood, or whether Applicant's compliance history suggests that the permit should be denied because there is a reasonable likelihood of future noncompliance. Respondent does not plan to call expert witnesses. Respondent's case-in-chief will be to explain the Program's practical implementation of the statutory and regulatory process for reviewing the application and driving Respondent's pre-hearing recommendation, for purposes of creating a thorough hearing record. Respondent will otherwise defend against any challenges to the implementation or lawfulness of that process.

3. Respondent may call the following witnesses related to the Department's authority and actions to enforce environmental standards:

Bob Clay, P.E.
Missouri Department of Natural Resources
Dam and Reservoir Safety Program
(573) 368-2177

Jimmy Coles
Missouri Department of Natural Resources
Water Protection
Watershed & Outreach Unit
Kansas City Regional Office
(816) 251-0751

Kendall Hale
Missouri Department of Natural Resources
Air Protection Program
(573) 751-4817

Kevin Mohammadi
Missouri Department of Natural Resources
Land Reclamation Program
Program Director
(573) 751-1740

Tucker Fredrickson
Missouri Department of Natural Resources
Land Reclamation Program
Environmental Specialist
(573) 522-2587

William (Bill) Zeaman
Missouri Department of Natural Resources
Land Reclamation Program
Chief, Non-Coal Unit
(573) 751-1312

Respondent may offer the following exhibits:

The Land Reclamation Act 444.760-444.790 RSMo and Promulgated rules at 10 CSR 40-10.010 – 10 CSR 40-10.100 (or ask the Hearing Officer to take notice thereof);

Complaint Inspection 2012-16 (LRP);

Documentation of any relevant complaint investigation or inspection conducted by the Department of Natural Resources in relation to this proposed quarry or other facilities owned or operated by Applicant;

Staff Director's Notice of Recommendation and Attachment 1;

The permit application and associated documents, including public notices and correspondence received or generated by the Land Reclamation Program and Commission in relation to this case;

The federal Clean Water Act and Missouri Clean Water Law and implementing rules (or ask the Hearing Officer to take notice thereof);

The federal Clean Air Act and Missouri Air Conservation Law and implementing rules (or ask the Hearing Officer to take notice thereof);

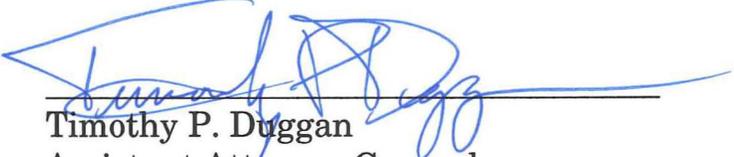
Missouri Dam and Reservoir Safety Law and implementing rules (or ask the Hearing Officer to take notice thereof);

4. Respondent's case-in-chief will require less than an hour, excluding time allotted for all cross-examination and re-direct testimony.

5. Respondent does not plan to conduct discovery.

Respectfully submitted,

CHRIS KOSTER
Attorney General



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Fax: (573) 751-8796
Email: tim.duggan@ago.mo.gov
ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was electronically mailed, this 23rd day of August, 2013 to:

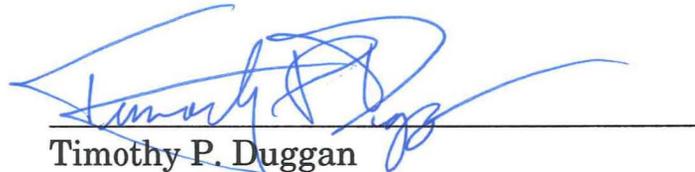
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