



## MEMORANDUM

DATE: March 8, 2010

TO: Land Reclamation Commission

FROM: Joyce Luebbering, Environmental Specialist III (*Original Signed by Joyce Luebbering*)

SUBJECT: Hearing Request Concerning the New Permit Application for 24 acres by Covington Quarry, Inc., Franklin County – at the Covington Quarry Site.

### BACKGROUND:

On November 9, 2009, the Missouri Department of Natural Resources, Land Reclamation Program received a new permit application from Covington Quarry, Inc. proposing a new permit of 24 acres at the Covington Quarry Site in Franklin County. After the application was deemed complete the company published the public notice once a week, beginning on December 9, 2009, for four consecutive weeks in the *The Washington Missourian*, a newspaper that is qualified to publish Public Notice's pursuant to Section 493.050 RSMo., in Franklin County. The company also sent by certified mail a notice of intent to operate a surface mine to the appropriate government officials. This proposed new permit application for 24-acre limestone mining operation is located in Sections 1, Township 43 North, Range 2 East in Franklin County. The proposed mine operation timeframe is to the year 2059.

The Staff Director received letters during the comment period concerning the proposed new permit application. Many letters provided comments, a request for a public meeting and a request for a hearing. Covington Quarry, Inc. respectfully declined holding a public meeting on January 15, 2010. The next step in the process is to proceed to a request for a hearing before the Land Reclamation Commission at their next meeting.

All of the letters that requested a public meeting within public notification timeframe requirements also requested a hearing. We have hearing request records on file that were signed by: William M. and Laverne F. Wiest, Jack A. and Bonnie C. Wilcox of Wilderness Hollow I, II, III, LLC, Fred Hoven, Cindy Hoven, Alan E. Mostow, Edward L. Smith, Joan V. Smith, Daniel G. Vogal of Cunningham, Vogel & Rost, P.C., Rick Massimi, The Honorable Michael R. Frame, State Representative, Gregory La Combe, and Curtis and Susan Finley. Therefore we present a request for a hearing before the commission at the March 25, 2010 meeting. On January 27, 2010, the Staff Director did send a letter informing the people requesting a hearing of the time, location of and how to prepare for the March 25, 2010, commission meeting.

The Land Reclamation Act addresses the issues of public notification requirements, new permit denial, a request for a public meeting, and requests for a hearing. The Missouri Department of Natural Resources does provide protection concerning sediment and run off in to the creek system, air pollution or excessive dust emissions that originate from within the property of the proposed mine site. The Department does not provide protection concerning noise pollution, traffic safety, road maintenance, dust created outside the property boundary of the proposed mine site, disruption of recreational activities or blasting.

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

The Land Reclamation Act at Section 444.773.3, RSMo, requires that the Staff Director make a formal recommendation 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 issues provided in letters, it is the Director's recommendation to issue the new permit application, for 24 acres in Franklin County sought after by Covington Quarry, Inc. at the Covington Quarry Site. The Director's recommendation for approving this new permit application is based on the fact that the company has satisfied the requirements for application completeness. This completes the first step of a two step process.

The second step in the process involves the Land Reclamation Commission making the final decision on whether or not people have standing to grant a public hearing.