



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

Attachment I

Consideration of and Responses to Public Comments Received Regarding the Proposed
Creighton Quarry Transfer Consisting of 80 Acres for Capital Materials, LLC, Permit 1137,
Henry County

Informal Public Meeting Held August 11, 2016, at 6:00 p.m.

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Introduction

On June 1, 2016, Capital Materials, LLC submitted to the Missouri Department of Natural Resources (department) Missouri Geological Survey's Land Reclamation Program (LRP) a permit application for a transfer, which included the Creighton Quarry, an 80 acre limestone operation. The application was deemed complete on June 8, 2016, and required the company to begin the public notification process. Public notices were published on June 15, 22, 29, and July 6, 2016, in *The Clinton Daily Democrat* newspaper, which circulates in Henry County. Certified mail was sent to the Henry County Commission as well as the first tier of landowners within one-half mile that are adjacent to the mine plan boundary. During the public notice comment period one (1) letter requesting a public meeting was received by the director of the department's Land Reclamation Program. Capital Materials, LLC held an informal public meeting on August 11, 2016, at 6:00 p.m. at Mallard's Roadhouse in Clinton, Mo. Nine (9) citizens signed in at the public meeting.

Background

Creighton Quarry is a pre-existing permitted quarry site located north of Creighton, Mo. in Henry County on NW 1651 Rd, Missouri. The quarry was permitted in the 1990s by Hunt Midwest Mining, Inc., with the mineral rights leased from the landowner. The site was transferred to Hilty Quarries, Inc. in 2004. No excavation has occurred on these 80 acres since the permit was issued. The Capital Materials, LLC application is to transfer the site from Hilty Quarries, Inc. due to a business acquisition. The site is currently permitted for 20 acres with a mine plan boundary of 80 acres. See [Figure 1](#) below.

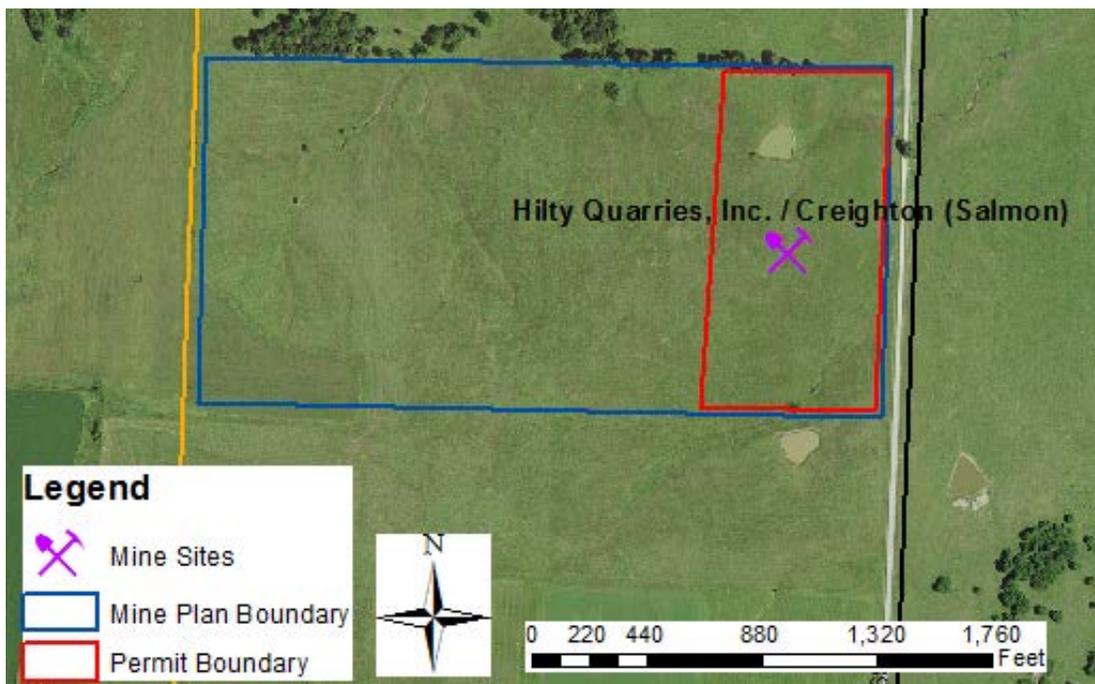


Figure 1: Creighton Quarry: 20 Permitted Acres, 80 Mine Plan Acres, Henry County, T43N, R28W, S06

Opening Remarks at Meeting

Mr. Chris Thiltgen, Environmental Manager of Capital Materials, LLC, started the meeting with a brief opening statement about how the quarry acquisition happened and requested everyone in attendance introduce themselves. Creighton Quarry was part of a package deal from a business acquisition from APAC/Hilty Quarries, Inc. Capital Materials, LLC has no current plans to start mining the quarry. Members present from Capital Materials, LLC included Chris Thiltgen and Stephen Lehman. Three (3) representatives from the department were present: Carey Bridges, R.G., Interim LRP Staff Director; Bill Zeaman, Unit Chief, LRP Industrial and Metallic Minerals Mining Unit; and Ashley Harrison, Environmental Specialist, LRP Industrial and Metallic Minerals Mining Unit. Nine (9) citizens were present, which included two (2) individuals from the Bogard Township Zoning Board and one (1) Commissioner from Henry County, who gave introductions prior to the meeting being opened for questions and comments.

Handouts provided by the department consisted of a copy of the application, the mine plan form, and maps. The department also provided a contact sheet, mining regulations, and asked citizens to sign in on the form provided.

Summarized Concerns or Statements with Responses

Comments and concerns are summarized and grouped together for efficiency of written responses and for clarity of presentation. Listed below are the issues raised during the public notice comment period, public meeting, and responses in consideration of comments or concerns received.

Subject #1: Operation Concerns

Concern: *Several concerns were expressed about how soon the mining operation will come in and start mining.*

Response: Capital Materials responded by stating there were no plans as of today to start mining in the quarry, but could not say the plan would not change in the future. The mining company had met that morning and the decision was there were no plans for this quarry at this time.

Concerns: *Urich quarry is geographically close and couldn't it be used for rock? There was discussion about the other quarries acquired in the business deal.*

Response: Capital Materials stated that there were one (1) to two (2) years in reserves of rock at the Urich quarry with approximately 70,000 to 80,000 tons a year being mined. As of now it is still early in the acquisition of the quarries from Hilty Quarries, Inc. and APAC, and they haven't planned the quarry progressions yet. Capital Materials did express their intention to improve operations at the quarries and make them better for everyone affected.

Concern: *How long will take to mine 80 acres of rock?*

Response: Capital Materials responded it would depend how deep the rock shelf at the quarry is. There was speculation based on surrounding quarries that the rock shelves were anywhere from 50 to 60 feet deep. If this is the case, Capital Materials stated it would take a long time

to mine out the 80 acres in the mine plan. They wouldn't have to affect as much ground to get necessary rock for operations, as opposed to some quarries that have a 12-foot rock shelf.

Concern: *Hours of operation?*

Response: Capital Materials stated that the hours of operation would be 7:00 a.m. to 4:00 p.m.

Concern: *What would be the demand for the rock?*

Response: Capital Materials stated the demand to come in and mine the rock would be construction related such as an asphalt or a big concrete job. Capital Materials said it would be hard for them to justify opening a quarry that has never been excavated just for the purposes of road rock.

Subject #2: Zoning

Concerns: *Henry County does not have zoning, but six or seven townships within the county do have zoning. The land where the mine plan is located currently is zoned for agriculture with the Bogard Township Planning and Zoning, which was established approximately 12 years ago. Bogard Township Zoning Board will not have a meeting to rezone land from agriculture to commercial until mining operation is ready to become active, since it's been permitted for approximately 20 years and hasn't been operational yet.*

Response: Hilty Quarries, Inc. did not have the quarry zoned commercial because the Bogard Township Zoning Board had not formed in 2004 when the quarry was transferred from Hunt Midwest Mining, Inc. As part of the legal right to mine, the land has to be zoned properly prior to the Land Reclamation permit being issued. Board members from Bogard Township Zoning attended the meeting and stated until the time the mining company does decided to start mining, as it has been permitted by the department for approximately 20 years already, the need to rezone from agriculture to commercial would not be necessary by the zoning board. The members from the zoning board stated, the land would have to be rezoned prior to actual operations at the quarry, and there would be a zoning meeting in order to get the land rezoned.

Concerns: *Will there be another meeting when the quarry becomes active? Is the mining operation required to contact adjacent landowners when they become operational and how far?*

Response: Bogard Township Zoning Board members stated they are required to contact adjacent landowners when the zoning meeting to rezone the land is to be held. The zoning board members believed they only had to notify landowners within Henry County and not Cass County, but they would have to make sure and would check statute 65 when the time came for the meeting.

Subject #3: Road, Truck Traffic

Concerns: *If the quarry becomes active, what would happen with traffic impacts? There is a bridge north on Highway N which will not hold up to truck traffic. Highway N has been resurfaced and that won't last long with truck traffic, and Cass County will have issues with*

roads too. There are already speeding issues on Highway N. Concerns that the gravel road used to access mine is used by the school bus some years.

Response: The department has no authority to regulate roads or traffic on public roads in Missouri. Henry and Cass counties have jurisdiction over the county maintained roads. Missouri Department of Transportation (MoDOT) has jurisdiction over state maintained roads. Additional concerns about truck traffic can be addressed by either Henry County Sheriff at 660-885-7021, Cass County Sheriff at 816-380-5200, or Missouri State Highway Patrol, Troop A at 816-622-0800. Capital Materials stated the truck drivers would be hired out; therefore, managing road traffic will be difficult.

Subject #4: Noise Pollution

Concern: *Noise concerns from drilling, blasting, and trucks.*

Response: There are no environmental provisions that allow the department to administer and to provide protection against noise pollution. If noise levels generated once the quarry becomes operational are problematic, please do not hesitate to contact Capital Materials at 573-644-2982. Another option is to contact the Mine Safety and Health Administration (MSHA) at their field office in Rolla by telephone at 573-364-8282. Although MSHA only regulates a miner's safety and well-being, most likely if people outside of the quarry area are experiencing noise pollution problems from the mine site, possibly the mineworkers are too. Capital Materials stated while there will be noise created from those activities, it is hard to determine at this point how many trucks will be hauling rock creating the noise concerns, but for blasting and drilling there should not be adverse conditions.

Subject #5: Land Reclamation

Concern: *What is the difference between the 80 acre lease and the 20 acres on the map?*

Response: Mining operators are required to submit to the LRP a map of the mine plan area, which is the maximum area the mining operation will impact, in this case 80 acres. Within the mine plan area, a smaller number of acres can be permitted and bonded for active mining operations, in this case 20 acres. Only the permitted acres can be impacted and mined during operation. More acres can be permitted and bonded by the company at any time, as long as those acres are within the mine plan area. If acres outside of the mine plan are to be impacted, the operator would be required to submit a permit expansion application, which requires a new public notice. As the mining operator reclaims affected mined land and the reclamation is approved, those acres can be released from the permitted boundary acres.

Concern: *Surrounding landowner didn't get notification of this mine from the department.*

Response: As required by the Land Reclamation Act, only the first tier of landowners within a half mile of the mine plan boundary must be notified by the mining operator. Only if there is a legal relationship with a first tier landowner would the mining operator be required to notify landowners of the second tier and only if they own property within a half mile of the mine plan boundary. The Land Reclamation Act also requires the mining operator to notify the governing body of the county in which the proposed mine site is located. Also, the mining operator is required to publish a public notice once a week for four (4) consecutive weeks in a certified newspaper that circulates in the county the mine site is located.

Subject #6: Blasting

Concerns: *Planning to build a house and what are foundation problems associated with being close to a quarry in association with blasting? What are the different impacts blasts have on basement houses as opposed to slab foundations? What is the difference in breaking and cracking of rock? There were concerns about accidents happening with blasting. Would anyone outside of first tier of landowners surrounding mine plan experience effects from blast?*

Response: In 2007, the Missouri Blasting Safety Act was enacted to regulate blasting and excavation activities. Under this act all individuals who use explosives are required to have a blaster's license or be supervised by a person with a blaster's license, with some exceptions. The Division of Fire Safety State Fire Marshall's office has a licensing program and establishes qualifications that applicants must obtain prior to conducting blasts. The state sets limits for blasts. When a licensed individual conducts a blast, they are monitored to ensure compliance. Blasts suspected of a violation of the Blasting Safety Act will be investigated by the Division of Fire Safety. Individuals concerned about the potential for blasts to damage basements may request a pre-blast survey, which may be done at any time. Concerns about blasts should be directed to the Division of Fire Safety at 573-751-2930.

Capital Materials stated that under the Capital Quarries operation, there is a site in the middle of Jefferson City where blasts occur twice a week and no problems have been associated with those blasts. Capital Materials mentioned they contract the blasting at their sites to Buckley Powder, a company that is certified by the state to perform blasts. Capital Materials stated there should be no difference in basement houses compared to slab foundation houses in response to a blast effect, and no one even within the first tier of landowners should have an impact as a result from a blast. The mining operator also stated that there was no difference in breaking rock and cracking because breaking the rock is essentially cracking it.

Concerns: *How often will blasting happen? When the quarry opens, is blasting at the site going to be consistent or just as needed? When a blasting company sets up a seismograph prior to blast denotation, where is that seismograph located - only on the mining operation property?*

Response: Capital Materials stated they do not foresee this quarry having blasts more frequently than once every two (2) weeks once it would become active. Capital Materials also stated that this site would have a portable plant and not a stationary crushing plant; therefore, blasting will occur only as needed. Capital Materials stated that Buckley Powder would set the seismograph to monitor the blast next to the closest dwelling to the blast area.

Subject #7: Water

Concern: *Would the quarry affect the water table?*

Response: Capital Materials responded to this concern stating they would not feasibly be able to operate in the quarry at a depth that would affect the water table. In general, a cost is associated when quarries pump significant amounts of water out of a pit. Mining deep

enough that the water table is affected would ensure the company always would have to pump water out of the pit. Mining companies typically avoid this practice.

Concerns associated with water table, groundwater monitoring in particular, may be addressed by the department's Missouri Geological Survey, Water Resources Center at 573-368-2175.

Subject #8: Air Pollution, Dust

Concern: *When the quarry becomes active and starts crushing rock, what are the controls to maintain dust? There were concerns about other local quarries which were not able to control the dust in the past.*

Response: The generation of dust at a limestone mining and processing operation can come from a variety of sources. Some sources include stockpiles, crushing operations, en route traffic and blasting. The department's Air Pollution Control Program implements and enforces laws and regulations concerning air quality, which do not tolerate visible dust emissions migrating off the property boundary. Dust must be contained within the property boundary of Capital Materials operation if the mining transfer permit is issued. If dust is seen escaping the confines of the property boundary or if excessive amounts of dust are observed during normal operation, Capital Materials must take immediate corrective action. Capital Materials stated to eliminate fugitive dust they would have a water truck driving the site and watering as needed, the crushing equipment is equipped with a dust suppression system, and they would water rock prior to blasting to control dust. Capital Materials stated that some quarries under the Capital Quarries permit have had problems with dust; therefore, the company modified the way they work to suppress the dust on those sites and accomplished making the dust issue better.

Concern: *Are there any health effects associated with dust from quarries such as silica?*

Response: Once the mine becomes active, it will be inspected by MSHA, which may be contacted at 573-364-8282. One of the required monitoring MSHA conducts is occupational sampling to monitor exposure of miners to dust particulates. Additional concerns about dust control may be directed to the department's Kansas City Regional Office at 816-251-0700. Specifically ask for the Air Pollution Control Program.

Capital Materials stated they do not believe there would be silica issues in the dust at this location as silica is associated with chert and there is not a lot of chert in this area.

Closing

The public appeared to be satisfied with the responses that Capital Materials, LLC provided in response to their concerns and questions. Henry County Commissioner, Daniel Doll, expressed his appreciation in being able to be involved and attend the public meeting. The planning and zoning concerns will have to be discussed within the department's Land Reclamation Program, as the company is required to have the legal right to mine. Chris Thiltgen requested anyone who may experience an adverse condition as a result of active mining operations to contact him at 573-644-2982. If the company personnel do not adequately resolve the concern, contact the Missouri Department of Natural Resources, Land Reclamation Program at 573-751-4041. For concerns which require immediate attention, please contact Bill Zeaman of the Land Reclamation Program by telephone at 573-751-1312. Bill Zeaman wrapped up the meeting by providing information about the next step in the process and stating the department would not know of issues without meetings like this.

The director of the Land Reclamation Program has six (6) weeks from the date of this public meeting to investigate the application and make a decision to either issue or deny the permit. Public comments will be considered when making this decision. Any interested party whose health, safety or livelihood will be unduly impaired by the decision will have an opportunity to appeal the decision to the Administration Hearing Commission. If the director denies this permit, Capital Materials, LLC may appeal the decision. If the director issues the permit, affected parties may appeal the decision. All appeals must be filed by petition within thirty (30) days after the director's decision, as provided by 621.250.3 RSMo. All appeals must be filed by petition and mailed to this address: Administration Hearing Commission, PO Box 1557, Jefferson City, MO 65102.