



DEPARTMENT OF NATURAL RESOURCES

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MEMORANDUM

DATE: September 10, 2007

TO: Land Reclamation Commission

FROM: William S. Zeaman, Environmental Specialist (*original signed by William S. Zeaman*)

SUBJECT: Hearing Request Concerning the Permit Expansion Application for a new site sought after by Magruder Limestone Company, Inc., Lake Ozark Quarry in Miller County – for a Total of 205-Acres.

BACKGROUND:

On April 23, 2007, the Missouri Department of Natural Resources, Land Reclamation Program received a permit expansion application from Magruder Limestone Company, Inc., proposing to open a new limestone mine site on 205-acres in Miller County. After the application was deemed complete the company published the public notice once a week, beginning on May 17, 2007, for four consecutive weeks in *The Miller County Autogram-Sentinel*, a newspaper that is qualified to publish Public Notice's pursuant to Section 493.050 RSMo., in Miller County. The company also sent by certified mail a notice of intent to operate a surface mine to the appropriate government officials. There are no landowners considered adjacent and contiguous to the mine plan area. This proposed permit application of this 205-acre limestone mining operation is located in Sections 28 & 33, Township 40 North, Range 15 West in Miller County. The proposed mine operation timeframe is to the year 2107.

The Staff Director received letters during the comment period concerning the proposed permit expansion application. Many letters provided comments and a request for a public meeting. During a telephone contact on June 20, 2007 we learned that Magruder Limestone respectfully declines to hold a public meeting.

LRC Memo – Magruder Limestone Company, Inc.



According to the rules and regulations at 10 CSR 40-10.080 if the applicant does not agree to the public meeting then the petition may be referred to the commission for a formal public hearing as directed by rules if the petitioner makes a written request within fifteen (15) days of notification of the denial of the public meeting by the applicant. On June 26, 2007 we did send out mail asking the people who requested a public meeting if they would like to pursue a request for a hearing. Before the Staff Director issued the Notice of Recommendation we received letters requesting a hearing that was signed by Vicky & Larry Stockman, Mr. & Mrs. William Moore, Michael C. Atkisson, Jacqueline Atkisson, Honorable Mayor Penny Lyons, Johnnie Franzeskos, Joseph M. Bax, Judy Taylor, Jerry Vincent, Robert Zawislak, Dennis & Linda Croxton, Clinton & Tamira Sheppard, Steve & Teresa Beeny, Donald R. Baker, Linda Weeks, Mary W. Denton, Steve Terviel, Carl Williams, Joyce Mace, John V. Williams, Jack & Barb Farris, Kevin & Judith Meyer, Todd & Rebecca Reinecke, Andrew Zawislac and John & Marline Zawislak. Therefore we present a request for a hearing before the Commission. On August 30, 2007 the Staff Director did inform the people requesting a hearing of the time, location of and how to prepare for the September 27, 2007 commission meeting.

The Land Reclamation Act addresses the issues of public notification requirements, permit expansion denial, a request for a public meeting, and a request 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 the sewer plant easement, noise pollution, traffic, dust created outside the property boundary of the proposed mine site, blasting, property devaluation, potential impacts on businesses or mining in a residential area.

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 permit expansion application, for a new site involving 205-acres in Miller County sought after by Magruder Limestone Company, Inc. The Director's recommendation for approving this expansion 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.