



**MINUTES OF THE
MISSOURI MINING COMMISSION
MEETING NIGHTINGALE CREEK
CONFERENCE ROOM LEWIS AND CLARK
STATE OFFICE BUILDING 1101
RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
March 21, 2018**

Commissioners Present: Dr. Gregory Haddock, Chairman; Mike Larsen, Vice Chairman; Commissioner Joe Gillman; Commissioner Dr. Leslie Gertsch; Paul Dickerson as proxy for Commissioner Chris Wieberg; Commissioner Aaron Jeffries.

Legal Counsel Present: None present

Staff Present: Larry Lehman, Bill Zeaman, Colin Priest, Ashley Harrison, Guy Frazier, Tucker Fredrickson, Austin Rehagen, David Dowdy, Daniel Wedemeyer, Mariah Morrison; Connie Edwards, Carla Vandepopuliere, Hylan Beydler and Danny Lyskowski.

Others Present: Mike Carlson and Grant Elliott, Gredell Engineering; Morgan Mundell, Missouri Limestone Producers Association; Joy Schieferstein and Allison Travers, Office of Surface Mining Reclamation and Enforcement (OSMRE).

CALL TO ORDER

Chairman Gregory Haddock called the meeting to order at 9 a.m.

Agenda Item #1 Public Hearing for Proposed Rulemaking (Proposed Rescissions)

Chairman Haddock opened the public hearing on the proposed rescissions to 10 CSR 40 Chapter 2 regulations (“Old Coal Law”). These rule changes were published for public comment in the Missouri Register, Volume 43, Number 4 on February 15, 2018. The Land Reclamation Program has received zero comments.

Chairman Haddock went on to explain that the purpose of this public hearing is to provide the Department opportunity to present testimony and to provide an opportunity for the public to comment on the proposed rule-making. The Commission first heard testimony from the Land

Reclamation Program Staff Director Larry Lehman, then the public was given an opportunity to comment. There were no comments. Chairman Haddock formally closed out the public portion with an attendance taken. No action needed to be taken.

Attendance results are as follows:

Commissioner Jeffries – present
Commissioner Gertsch – present
Proxy Dickerson – present
Commissioner Gillman – present
Vice Chairman Larsen – present
Chairman Haddock – present

Agenda Item #2 Review and Approval of October 26, 2017 Meeting Minutes

Commissioner Jeffries made a motion to approve the October 26, 2017 meeting minutes. Vice Chairman Larsen seconded the motion. Chairman Haddock inquired if there were any additions or corrections to the minutes? There were none. The motion passed with a roll call vote.

Proxy Dickerson – Yes
Commissioner Gillman – Yes
Commissioner Jeffries – Yes
Commissioner Gertsch – Yes
Vice Chairman Larsen – Yes
Chairman Haddock – Yes

Agenda Item #3 Director's Report

Larry Lehman, Staff Director thanked Connie Edwards for assisting the commission today and introduced the programs new Administrative and Commission Assistant, Carla Vandepoliere.

Mr. Lehman continued with an update regarding the Industrial Minerals Fees which are due to sunset (expire) December 31, 2018. He stated that there is a House bill 1801 sponsored by Rocky Miller and a Senate bill 782 if passed will extend the expiration date to December 31, 2024. He explained that the 2016-2017 Biennial Report is in the works and when finalized it will be posted on the website and the Commission will be notified.

Vice Chairman asked if there was an increases in the staff and if there were any current vacancies in the Industrial Mineral unit. Mr. Lehman explained that the program has 2 vacancies, one vacant Office Support staff position, which we have not been given permission to fill and a vacant Environmental Specialist position. Vice Chairman Larson said that it appears that with the operating balance at the end of 2017 you might be able to support these positions and Mr. Lehman replied that there will be a proposal to fill the Environmental position in the near future.

Agenda Item #4 Red Tape Reduction Rulemaking Update

Mr. Lehman presented an overview of the Red Tape Reduction Initiative. Mr. Lehman explained that the Land Reclamation Program is responsible for Title 10, Divisions 40 and 45 of the Code of State Regulations, containing 104 rules with 4,543 restrictive words (restrictive words include shall, must, may not, required and prohibited). The program identified 1,766 restrictive words for removal for a 39% reduction. This reduction will be achieved by the rescission of obsolete or unused rules as well as several amendments.

Agenda Item #5 Orders of Rulemaking (Proposed Rescissions)

Mr. Lehman provided information about the proposed rule rescissions. He explained that the following proposed rule rescissions were published in the February 15, 2018 edition of the *Missouri Register*.

10 CSR 40-1.010	Organization and Method of Operation
10 CSR 40-10.060	Inspection Authority and Right of Entry
10 CSR 40-10.090	Annual Reclamation Status Report
10 CSR 40-2.010	Definitions
10 CSR 40-2.020	General Obligations for Permits, Maps, Signs and Markers
10 CSR 40-2.030	Restoration of Affected Land to Equivalent Prior Use
10 CSR 40-2.040	Backfilling and Grading Requirements
10 CSR 40-2.050	Topsoil Handling
10 CSR 40-2.060	Protection of the Hydrologic System by Water Quality Standards and Effluent Limitations
10 CSR 40-2.070	Dams Constructed of or Impounding Water Material
10 CSR 40-2.080	Use of Explosives
10 CSR 40-2.090	Revegetation Requirements
10 CSR 40-2.100	Steep-Slop Mining Requirements
10 CSR 40-2.110	Prime Farmlands Performance Requirements

He informed the commission that the April 4, 2018 tele-conference call that was scheduled for the commissions to approve the Orders of Rulemaking for the identified proposed rescissions was cancelled and rescheduled for April 26, 2018. The anticipated rule making schedule is as follows: Approval of Orders of Rulemaking by the Commission 4/26/2018; File Orders of Rulemaking with the Joint Committee on Administrative Rules 4/26/2018; File Orders of Rulemaking with Secretary of State 5/29/2018; Orders of Rulemaking published in *Missouri Register* 7/2/2018; Publication in the Code of State Regulations 7/31/2018; and Rescissions become effective 8/30/2018.

Agenda Item #6 Activities Report for 2017, Required by the Land Reclamation Act

Mr. Lehman explained changes to the Land Reclamation Act in 2001 require an annual report to the commission.

Mr. Lehman provided the following information.

Industrial Minerals income:	\$642,622.44
Industrial Minerals expenses:	\$481,352.93
Operating Balance of the Fund on 12/31/2017	\$287,470.53
Number of full time employees:	7.12
Industrial Mineral Permits Processed:	414
Industrial Mineral Active Sites	792
Industrial Mineral Bond Releases Processed:	51 applications, 1072 acres
Industrial Minerals inspections:	497 site inspections
Industrial Minerals enforcement actions:	1 enforcement action issued
Industrial Minerals public meetings:	7 informal public meetings held
Industrial Minerals permit application hearings:	1 hearing held

Agenda Item #7 Summary of Industrial Mineral Bond Releases, approved by the Staff Director

Ashley Harrison, Environmental Specialist, Land Reclamation Program, presented a summary and slide show of each individual site with an Industrial Mineral Bond Release. The data she shared summarized the data on 29 sites with a total of 668 acres released and a total dollar amount of Bond releases totaling \$275,000.

Agenda Item #8 Abandoned Mined Land (AML) Status Update

Daniel Wedemeyer, Environmental Specialist, gave an AML status update on the Webster Reclamation Project. He explained that the project is located three miles north of the town of Huntsville in Randolph County. While showing a slide show of the project, he explained that it was completed on September 27, 2017. That the previously affected mine lands comprised of one thousand nine hundred and thirty feet of dangerous highwalls, two hazardous water bodies, and dangerous piles & embankments. The final cost of the project was \$746,818.79.

Austin Rehagen, Environmental Specialist, gave an AML status update on the Stephens Reclamation Project. While showing a slide show of the project, he explained that it is located north of Stephens, Missouri in Callaway County. Land Reclamation Program (LRP) and the Office of Surface Mining are funding reclamation activities to reclaim 38 acres of abandoned coal mine lands. Thirty four (34) acres of dangerous piles and embankments and two polluted water bodies will be addressed.

Chris Bobryk, Environmental Specialist, presented an AML status update on the Valles Mines Shafts project. Thirteen abandoned lead and zinc mine shafts were identified as candidates for reclamation on a 4,700 acre tract of private land located within Valles Mines, Missouri in Saint Francois County. The project was completed in three phases where eight abandoned mine shafts were filled using surrounding earthen material (Phase I and 2), one shaft was closed using a polyurethane foam plug (PUF) (also part of Phase I), and four shafts were reclaimed using bat-friendly gate closures, or cupolas (Phase 3). Total project costs after the final phase was \$75,342.

Agenda Item #9 Reclamation Liability / Bond Release report

Tucker Fredrickson, Environmental Specialist, gave a summary of the Coal Bond releases approved by the Staff Director. The first was Continental Coal, Inc., Cottonwood Creek Mine Permit 2003-01E2. He explained that a total of 808 acres qualified for a Phase I and Phase II release and a total of 735 acres qualified for a Phase III release and cover studies for the remaining 73 acres of wildlife habitat area are planned for the late spring or early summer of 2018. The remaining bond, Letter of Credit #200-1162 will total \$62,977.00. Mr. Fredrickson also summarized Continental Coal, Inc., Hume Mine Permit 2005-01CTE2 which a total of 334.0 acres qualified for a Phase I, II, III release. A total of 428.9 acres will remain bonded on the Hume Mine. The remaining bond, Letter of Credit #200-1109 will total \$184,130.00. He also stated that this summary is being presented for information purposes only.

Agenda Item #10 Comments from the Public

None.

ADJOURNMENT OF MEETING

A motion was made by Commissioner Gillman to adjourn the meeting. Vice Chairman Larson seconded the motion. Vote results are as follows:

Commissioner Jeffries	Yes
Commissioner Jeffries	Yes
Commissioner Gertsch	Yes
Proxy Dickerson	Yes
Vice Chairman Larsen	Yes
Chairman Haddock	Yes

Motion carried.

The meeting adjourned at 10:29 a.m.

Respectfully submitted,



Chairman