

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

In the Matter of:)	
)	
MAGRUDER LIMESTONE CO., INC.)	Proceeding Under
Osage Beach Quarry, Miller County, Mo.,)	The Land Reclamation Act,
<i>Applicant,</i>)	Sections 444.760 – 444.789, RSMo.
)	
LINDA WEEKS, et al)	
<i>Petitioners,</i>)	
)	
v.)	
)	
LARRY P. COEN,)	
Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
<i>Respondent,</i>)	

ORDER DENYING MOTION TO ADD PETITIONERS

On January 23, 2008, Motion to Add Petitioners was filed by Petitioner Concerned Citizens of Miller and Camden Counties, LLC .

Motion is denied on two grounds.

Concerned Citizens Not A Party

The entity Concerned Citizens of Miller and Camden Counties, LLC is not a party to this action and therefore does not have standing to file any motion or other pleading in this matter. According to records on file with the Secretary of State this LLC came into existence on November 9, 2007. The sole incorporator and the registered agent of the corporation is Brian E. McGovern. Mr. McGovern is attorney of record for a group of named petitioners identified as the McGovern Petitioners. However, the legal entity - Concerned Citizens of Miller and Camden Counties, LLC - did not exist during the time for public comment or request for formal public hearing in this matter and therefore it could not have made a request for a formal public hearing. It cannot now be a party.

Motion Without Basis In Law

The Motion to Add Petitioners sought leave to add Miller County Board for Services for the Developmentally Disabled, Lakeview Christian Academy, Golden Age

Activity Center and Ted Bax, individual. The Motion asserted that each of the businesses submitted letters expressing their objection to the proposed quarry to the Commission. They believed these letters were sufficient to grant them standing as petitioners in this proceeding.

The letters submitted as exhibits in support of the Motion from the three businesses failed to inform the Commission in any manner of a request for a formal public hearing. Two letters were dated September 24, 2007 and one September 25, 2007. Nothing was provided in support of the claim of Ted Bax to establish any request for a formal public hearing.

By letter dated June 26, 2007, Staff Director Larry P. Coen issued notice that parties which had submitted comments during the public comment period as establish under 10 CSR 40-10.080 could submit a request for a formal public hearing within fifteen (15) days of the date of his letter. None of the businesses, or the individual seeking to be added as petitioners submitted any letter for a formal public hearing within the time limit imposed by the regulation.

There is no statutory or regulatory basis upon which the three business entities or Mr. Bax can be given standing as petitioners in this action.

Motion for Leave to Add Petitioners is denied.

Certification of Service

The Hearing Officer certifies that he has sent a copy of this Decision and Order to each Pro Se Petitioner at their address of record in this proceeding on January 29, 2008 and the Attorneys of record for Applicant, Joint Sewer Board, McGovern Petitioners and Respondent by email attachment on January 28, 2008.

SO ORDERED January 28, 2008.

MISSOURI DEPARTMENT OF NATURAL RESOURCES



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