

## **Attachment I**

### **Consideration of and Response to Public Comments Received Regarding the Proposed 10-Acre Permit, New Site, Expansion Application for Meramec Aggregates, Inc., Jeffery Open Pit Site, Franklin County**

The Staff Director of the Missouri Department of Natural Resources, Land Reclamation Program received letters providing comments and requests for a public meeting concerning the proposed permit expansion application for a new site sought by Meramec Aggregates, Inc. A public meeting concerning this permit expansion application for a new site was held on Thursday, May 26, 2016. A total of fifty-two (52) people signed in at the public meeting. There may have been others who attended but did not provide their name on the sign in sheet. An information packet was available containing an agenda, contact information, permit application, mine plan, map, the US Army Corps of Engineers 404 permit determination and similar findings from Missouri Department of Natural Resources' Water Protection 401 permit along with a statement from US Fish and Wildlife Service concerning impacts to endangered species.

Comments and concerns have been grouped together for efficiency of written response and for clarity of presentation in summary form. Listed below are the issues raised during the public notice comment period, public meeting and staff's responses in consideration of comments or concerns received.

#### **Opening Remarks**

The meeting started off with Mr. Cameron Lueken, President, Wunderlich Surveying & Engineering, Inc. introducing representatives from Meramec Aggregates, Inc. Representatives from the Missouri Department of Natural Resources Bill Zeaman, Ashley Harrison, Carey Bridges and Kyle Brown also provided an introduction. The purpose of the meeting is to focus on the proposed ten-acre Jeffery Open Pit sand and gravel mine site. There was mentioning of another site in the works on the Bruns property; however, the Bruns property is not part of the discussion at the public meeting as the Missouri Department of Natural Resources' Land Reclamation Program has not yet received an application for the Bruns property. The Bruns property will need to go through public notification requirements, similar to the process involved with the Jeffery Open Pit site. The proposed Jeffery Open Pit site is illustrated below, outlined in red.



Proposed Jeffery Ten Acre Open Pit Sand and Gravel Mine Outlined in Red

There are three different methods for mining Meramec River gravel: one is dredging in the river, another method is bar skimming gravel bars and the third method is an open pit located in the floodplain. The proposed Jeffery Open Pit will not be in the free flowing river or on a gravel bar, rather the site will be located in the floodplain approximately 200 feet away from the river bank. Sand and gravel gets deposited in the floodplain as a result of flooding events.

Meramec River gravel is free of lignite which meets the standards of Missouri Department of Transportation. Sand and gravel is a necessary component of concrete as the components make up just over 80 percent of the concrete mix. Cement and water make up the majority of the remaining mix of concrete. Limestone can be used as a substitute; however, limestone in the area of the proposed mine site contains chert veins. Chert will absorb water. Chert has a low resistance to weathering and can lead to surface defects in finished concrete work, called popouts. Overtime the low resistance to weathering reaction will make portions of the concrete “popout,” an effect that will leave an undesirable divot appearance in the finished concrete work. Sand and gravel also have a greater hardness factor compared to limestone, thus making concrete more durable as compared to concrete made with limestone. That is why sand and gravel is more desirable for concrete as compared to limestone. Other uses of sand and gravel include: chip and seal for roads, drainfields, sand filters for wastewater treatment facilities and in landfills.

Meramec Aggregates, Inc., has been in business for the last 76-years in Franklin County and has 48-employees with plants in Sullivan, Union, St. Clair, and Owensville.

Commercial mining is legal and a regulated business. Meramec Aggregates has contacted and received approval to proceed from Franklin County Planning and Zoning, Franklin County No-Rise Certificate, Franklin County Floodplain Development Permit, US Army Corps of Engineers, US Fish and Wildlife Service and Missouri Department of Natural Resources’ Water Protection and Air Protection Programs. The Missouri Department of Natural Resources’ Land Reclamation Program permit to engage in surface mining is the remaining permit and the topic of discussion for the public meeting.

If the permit to engage in surface mining is secured at the Jeffery Open Pit site, the sand and gravel will be excavated and placed into haul trucks. The haul route will be from the pit along a road about three-thousand feet (3,000') located on the Jeffery property, to the easement road, on to Ely Road, River Bend Road, onto Highway 30/47 to the Meramec Aggregates processing facility across the road from the golf course. A one-way haul will be just over four and a half (4.5) miles from the pit to the processing facility. No processing of the mined material will occur at the proposed Jeffery Open Pit.

If the permit to engage in surface mining is secured, mine operation timeframes will be Monday through Friday, 7:30 a.m. to 3:30 p.m. There will be three haul trucks dedicated to this operation all owned and operated by Meramec Aggregates or Havin Materials. There will be no contracted haul trucks that are dependent on hauling as many loads per day as possible. These truck drivers will become familiar with the haul route. An excavator will be sitting at the site ready to place sand and gravel into the haul trucks. Fuel will be hauled to the excavator but not stored on site. Once mined out, the site will be reclaimed to a pond. The estimated timeframe to remove the gravel is five years. If mining were to be conducted outside the proposed ten-acre area, that mining would be considered an expansion and have to go through another round of public notification requirements with the Missouri Department of Natural Resources' Land Reclamation Program.

The nearest resident is about eight-hundred feet (800') away located on the other side of the river. The next closest resident is located nine hundred and thirty feet (930') on the other side of the river. The closest resident on the same side of the river as the open pit is located at a distance of three-thousand, three hundred and eighty feet (3,380').

The meeting then continued on to identify the main topics of concern that were received by the Missouri Department of Natural Resources.

**Federally Threatened, Endangered Species and Habitat:**

**Concern:** Protection of federally threatened and endangered species include bald eagles, a variety of mussels including Pink Mucket, Spectaclecase, Winged Mapleleaf. Other species of concern include the Least Tern, Northern Long-eared Bat and Decurrent False Aster. There are two known nesting bald eagle pairs in the general vicinity of the proposed mine site. Nick Norman is a zoologist who graduated out of Northwest University and has witnessed the bald eagles along with other endangered species in the area.

Protect this watershed and its natural uniqueness; this river currently contains some of the highest levels of biodiversity in the US; with over 125 species of fish, 45 species of mussels, and eight (8) species of crayfish. Not to mention the habitat it provides for countless other non-aquatic species. I believe a surface mine in this extremely close proximity will have detrimental effects on its unique ecosystem.

The irreplaceable environment and ecology of the Meramec River valley is more valuable than anyone's capital gains. I hate to hear that our government officials were so careless and reckless with the lives of everyone, the environment, the animals, and vegetation in this area. How easily they sign a piece of paper because they saw dollar signs & greed took over before they even did

all their homework. At no time, obviously, did they slow down to weigh the pros & cons or they would know the enormous harm they were causing just to get paid! Sad really, truth is that this is just another example of, "every man for themselves," only thinking & acting with greed & selfishness, while missing or not giving a damn about the bigger picture & everyone involved, sad really. I am a river rat from way back and a wildlife enthusiast, fighting for what's right! Nature needs to be respected not taken advantage of. This is one of Missouri's paradises! I love this river I grew up on it they need to leave it be; they will break many hearts by doing this. I support the protection of the Meramec River ecosystem and the wildlife that is supported by it. Please leave this beautiful area alone and leave it for animals and people to enjoy the beauty and serene landscape that God created. I take my boat out and fish for catfish and bass with the pollutants in the water from the machinery could affect my health and much larger fish in the ecosystem that I fish for. This is where I enjoy being outdoors and do not want to see it devastated. Animals need rights. I don't want nasty mines dug all over in our city; go somewhere else. You will destroy trees and wildlife and make it unhealthy. What is happening to the displaced wildlife? Fuel and oil from machinery will pollute the Meramec.

I live on the other side of the river route TT. There is an immature eagle that comes to my pond and steals bass, but I am alright with that. The eagles land in my trees, they have not nested there but I have hopes that they will.

**Response:** Endangered species are animals and plants that are in danger of becoming extinct. Threatened species are animals and plants that are likely to become endangered in the foreseeable future. Identifying, protecting and restoring endangered and threatened species is the primary objective of the U.S. Fish and Wildlife Service's endangered species program.

The proposed application involves a ten-acre sand and gravel site located in the second tier floodplain of the Meramec River. Although the long-term mine plan boundary is for ten-acres, the mining pit footprint most likely will be closer to seven-acres, allowing the operator enough elbow room if they need a slightly larger area. The site will be about two-hundred feet (200') from the river with a line of cedar trees acting as a visual screen from the river. Any storm water runoff around the mining operation will drain back into the pit. Sand and gravel act as a natural filter to trap particulate matter allowing the discharge water to seep back to the river via groundwater. There will be no surface water discharge, unless the second tier floodplain is inundated during a flood event, which has occurred at the proposed mine site about five times in the last thirty years. The US Army Corps of Engineers has inspected the proposed ten-acre open pit and determined that there will be no impacts to jurisdictional wetlands or waters of the United States. As a result of the determination, a Department of Army, Section 404 permit is not required. If a Department of Army Section 404 permit is not required, then a Missouri Department of Natural Resources, Clean Water Action Section 401 Water Quality Certification Permit is not required. US Fish and Wildlife Service also made a statement that the site is removed far enough away from the river that there will be no adverse impacts to aquatic species in the river.

Petroleum products will be trucked in as needed.

Strip mining is a temporary harsh activity on the land affected by mining. An open pit sand and gravel strip mining process typically involves the clearing and grubbing of vegetation and removal of overlying material to access the sand and gravel. As illustrated below there is little to no overburden before clean gravel is encountered. Only a few trees will need removing, which will only occur between the dates of November 1 to March 31 for protection of bat species.



Portion of the ten-acre proposed Jeffry Open Pit site.

Staff of the Missouri Department of Natural Resources shares a similar concern about wildlife species that are unique to specific areas in Missouri. Due to the lack of environmental concern by some mine operators prior to 1970, there are now various safeguard requirements to protect the surrounding environment from a mining operation. Some of the safeguard requirements include keeping sediment from reaching a stream outside the mine area, keeping dust as a result of surface mining from affecting areas outside the mined property, and timely reclamation of land affected by mining. Laws enforced by the Missouri Department of Natural Resources require these environmental protection safeguards. The Land Reclamation Act requires that land affected by mining be reclaimed to a land use of wildlife, agriculture, development or a water impoundment. The reclamation plan for this site involves nine-acres of a development land use along with a one-acre water impoundment. The land use of development will be achieved by

leaving a gentle slope down to the water impoundment. Wherever topsoil is replaced, vegetation will be established sufficient enough to control erosion.

Restoring mined land to a viable land use is what the Land Reclamation Act is all about. The Act's declaration is to strike a balance between surface mining of minerals and reclamation of land subjected to surface disturbance by mining, as contemporaneous as possible, and for the conservation of land, and thereby to preserve and aid in the protection of wildlife and aquatic resources, to establish recreational, home and industrial sites, and to protect and promote the health, safety and general welfare of the people of this state. The Missouri Department of Natural Resources believes that the act and reclamation plan proposed by Meramec Aggregates, Inc., contains requirements to return the mine site to a land use recognized by the Land Reclamation Act.

**Comment:** There is a request to delay permit issuance until a Missouri Department of Conservation bat population study is concluded. Shelly Colatskie, leading Missouri Department of Conservation Bat/Cave Biologist, will use thermal infrared video survey along with mist nets to help determine different bat species and the amount of bats in the area. Bats in the area roost in areas on Nick Norman's property and travel in the direction to the proposed mine site. There could be several threatened and protected bat species such as the Indiana and Northern Long-eared Bat in the area as bats travel along the Meramec River and in the surrounding fields to forage. Mr. Norman respectfully requests that the Missouri Department of Natural Resources wait until the conclusion of the bat study until making a decision on the issuance or denial of the proposed mining permit.

It was reported that on July 5, 2016, at 8:25 p. m. a mist net study began to learn about the bat population on a portion of Nick Norman's property. Three minutes later, the first bat was netted. About ten (10) minutes into the mist net survey, the netting system had to be taken down due to the amount of netted bats. Gray bats were netted. Gray bat is an endangered species. Age of the bats ranged from juveniles to mature adults. US Forest Service and Missouri Department of Conservation lead the study. Missouri Department of Conservation is providing a write up to US Fish and Wildlife Service about the findings. The bats are living in a secluded old lead mine consisting of a shaft and a room. Additional studies will most likely come as a result of the July 5, 2016, investigation.

**Response:** Federally threatened and endangered species are protected under the Endangered Species Act. The purpose of the Endangered Species Act is to protect and recover imperiled species and the ecosystems upon which they depend. The Endangered Species Act is administered by the U.S. Fish and Wildlife Service. The US Fish and Wildlife Service's primary responsibility is to protect terrestrial and freshwater organisms.

Meramec Aggregates, Inc., did consult with US Fish and Wildlife Service to help understand the possible impacts to wildlife species in the area. After review of the facts, Jane Ledwin, Biologist with US Fish and Wildlife Service offers: "Based on this information and your earlier emails, this addresses our concerns regarding federally listed bats. These conservation measures should avoid adverse effects and the location is far enough away from any records of listed species in the adjacent river that there should be no adverse effects to them as well."

The only request from US Fish and Wildlife Service is to not remove trees in the proposed permit area between the dates of April 1 to October 31. Not removing trees during the referenced time period will help with the protection of bat species. If federally threatened and endangered species will not be impacted as result of this proposed surface mine, other wildlife species in general area should not be adversely impacted. Once the site is mined out, the impoundment will provide water resources.

### **Travel Way Safety, Road Maintenance, Dust and Exhaust Emissions.**

**Comments:** There was an online petition that had more than 650 names. Concerns were expressed about public health and safety to residents along River Bend Road. There are animals such as dogs on the road almost at all times. People walk on Riverbend Road. There are dangerous blind curves and rise areas that are difficult to see for a distance. Animals have been killed on River Bend Road. Cars can brake much quicker than the trucks loaded with gravel. There are times when people go out in the road to help spot to see if a vehicle is coming so a vehicle can safely enter traffic to help reduce the chance for an accident occurring on River Bend Road. Dump trucks will be going by my residence about every ten minutes starting around 7:30 a.m. to 3:30 p.m. The additional traffic on the road is going to be horrendous for joggers and walking from one neighbor to the next. There is no shoulder to get out of harm's way; essentially you will have to jump into the ditch when two haul trucks pass each other. There will be no more walking along the road. There are already speeders and people who cut the corners when driving, which will exacerbate the problem with additional haul truck drivers. Postal carriers and Meals on Wheels do not like passing by dump trucks. It is when the haul truck drivers become comfortable with driving the road they will tend to become complacent and that is when accidents will happen. River Bend Road is a back country road that is paved, with no shoulders. River Bend Road has had to be repaved just with the normal back country traffic and the heavy dump trucks will require more maintenance to River Bend Road. How many potholes and cracked pavement areas need to happen on River Bend Road before it is repaired? People and pets use the road on a regular basis. To turn the typical use of the road over in a day is a potential catastrophic situation. This does immediately impact our health and safety for residents who use River Bend Road. The amount of blind spots on River Bend Road does not provide enough protection that kids typically use on this back country road.

Although the sand and gravel may be loaded when moist, the moisture will quickly dry out, especially on hot sunny days at the top of the load and could easily become airborne as the haul truck picks up speed, thus contributing to respirable sand particulate matter. However, the greatest concern is the emissions from the diesel dump trucks, which will contribute to tons of pollution per year. Diesel engines such as those used by Meramec Aggregates are found to be carcinogenic as published online in 2013 representing views and expert opinions of an International Agency For Research on Cancer workgroup on the evaluation of carcinogenetic risks to humans. There is going to be a tremendous amount of pollution that people along River Bend Road will be subject to as a result of the haul trucks.

Destroying the roads on Riverbend Road. There will be large trucks threatening public safety on small county roads, children playing and pets. School bus stops. Same postal driver has River

Bend and Mill Hill route. High traffic recreational area. Do not want an industrial/commercial surface mine in my backyard. Trucks traveling too fast (children, pets, ATVs). The road that they will be using to access the river is my driveway. We have free range chickens and other animals as well. River Bend Road (the main road leading to my driveway) is very curvy and dangerous already. It will be made worse with having the dump trucks in and out. Not to mention all of the school children who wait for the bus every day. Too many large trucks on roads that little kids live by. I am the mail carrier on River Bend and Mill Hill and wouldn't feel safe doing my job every day with all of those trucks flying by. Trucks on small roads for safety to people should speak for itself for anyone with a heart. Please help us keep River Bend free from this mine. River Bend Road also has a summer school route and the school bus is a big bus. In past experience on other roads, the haul trucks are not going the speed limit, which gives me concern on what will potentially happen on River Bend Road. Please consider the safety issue of this. Also the bus driver sees children on River Bend Road that are walking to the river; it is a common occurrence to see kids walking on the road. That is why we live in the area is to enjoy a peaceful country setting.

There will be dust, constant noise and road traffic. The dust, the noise, destroying the roads, added traffic this land should be protected, and the families living in the area will be adversely affected not only from the visual/physical changes but from the increased pollution. There will be sand particles from this mining operation. There will be added exhaust emissions from commercial trucks. There is no existing commercial entrance. Sand/dust particulates within the vicinity. People with asthma, COPD and bronchitis live in the area. One diesel dump truck makes 536 grams of CO<sub>2</sub> per horse power, per hour/ 255.17 tons per year. We retreat to our community to escape pollution. People have severe asthma and one was hospitalized on 5/9/16 for a severe asthma attack, air pollution is a main trigger for the asthma attacks. Forty-two (42) dump trucks per day produces 1,000s of tons of air pollution. This mine will directly affect health and wellbeing of people living at the front entrance to the proposed mine site. Air pollution is documented by a physician as a key component that triggers the asthmatic attacks. Allowing this mine could cause irreversible damage and cause hospitalization for people with asthma, which will directly affect the health and wellbeing of these people. I live within 200 feet from the access point where they plan to mine. The trucks entering and leaving will be driving within 40 feet from my front door. We have four (4) small children under the age of nine (9) who love playing outside. Let alone the pollution I would breathe in. Allowing this mining could cause universal damage to the health and wellbeing of the people who have asthma.

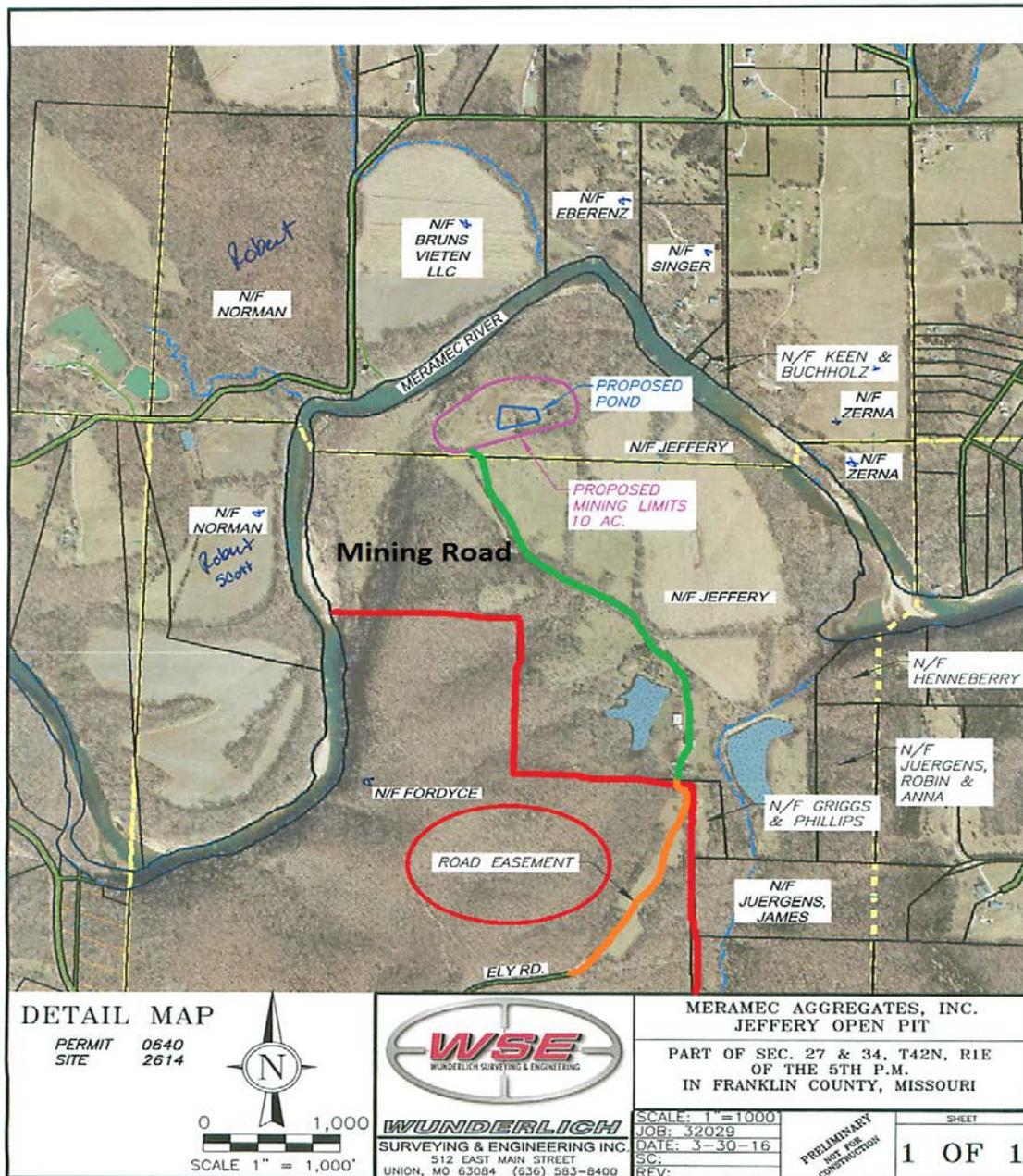
School bus stops could put children in danger while waiting for the bus when haul trucks are traveling by. These mines could put our children in extreme danger. The postal route driver has great concerns along with fears for health and life about traveling River Bend Road at the same time as the haul truck drivers for fear of a serious accident.

The conservation area not far away with people wandering about also makes the roads for high traffic thus putting more people in danger. People visiting the conservation area could wander onto the mine site.

The problem is not so much the CDL drivers, rather the teenagers who travel on River Bend Road. The problem is not the safety of the truck drivers, rather the added traffic of the trucks and

the teenagers driving on River Bend Road. Most of the kids driving three-wheelers and ATVs on River Bend Road have little to no driving skills. No one wants on their conscience a haul truck driver and an inexperienced driver being in an accident. Ely Road is maintained for residences whereas Highway 30/47 is a state-maintained road with shoulders. My concern is strictly safety on roads that these haul truck drivers will be using. The county can barely keep up with the maintenance of all Franklin County roads; these additional trucks will put an additional burden on county maintenance for River Bend Road.

There was discussion at the meeting about the easement. Debbie Fordyce owns Ely Road (260 acres) which is managed by Ozark Regional Land Trust. Ely Road is a perpetual conservation easement for Mr. Jeffery/ Mr. and Ms. Griggs to access their property. Ozark Regional Land Trust is responsible for monitoring and enforcement of the terms of the conservation easement. The conservation easement has never been used for commercial purposes. The conservation easement does not allow the road to be widened or expanded beyond its current dimensions. Debbie Fordyce has been out of the United States for a while in Singapore; however Debbie Fordyce did attend the public meeting and claims that she was not notified until the day before the public meeting. The road to the mine site on the Jeffery property will need to use the conservation easement. The purpose of the easement is to conserve the natural beauty of the area including the forests and to limit any urbanization or other type of commercialization including mining. The road was established for use of the residents to enter and leave the property. The easement is not for any economic benefit. There is record that Mr. Lueken with Wunderlich Surveying and Engineering did make communication with Ozark Regional Land Trust. The Ozark Regional Land Trust claims that they did not receive anything and had no knowledge of the proposed ten-acre Jeffery Open Pit mine site. So this is a big deal that no notification was made to Debbie Fordyce and Debbie will provide a statement. There was a statement made that not many conservation easements have a mine going right through them. Below is a map illustrating where the easement is located:



The road cannot safely handle the heavy trucks that would be traveling at high rates of speed up and down the road every day. Children, families, pets and wildlife would be at risk every day. I do not want this in my neighborhood!

River Bend Road has direct access to Highway 30/47. Most people familiar with this intersection are cautious due to limited site visibility. More haul trucks added to this location only increases the likelihood of additional accidents.

I am a retired police officer and my father has written citations to trucks owned by Havin Materials for being overweight and bad air brakes, which are safety violations. There are numerous occurrences of rocks coming off of haul trucks and busting windshields.

Right in front of my house, on the other side of the river from the proposed Jeffery Open Pit site is a big hill. I bought the property so that one day I could retire there for peace and quiet. I do not want to sit on my front porch watching gravel trucks drive by. These gravel trucks are dangerous, not just a little dangerous but a lot dangerous. I have worked accidents. If a gravel truck hits you head on there is little chance for survival and it will not be a pretty sight, whether you have a seat belt on or not. People on Mill Hill Road will be here again, we are going to fight, argue, we will oppose any trucks going down Mill Hill Road.

I live over on Highway TT, I think that if they get this site, it gives them more power to get the other site on the Bruns property. The Bruns site will be just across from me. We moved out here about three years ago and we own about 40-acres. We came out here for peace and quiet as my job is very stressful. I want peace and quiet that you cannot get in the city and I have all of that here. We also opened an animal sanctuary which is an all animals rescue. This is the only no kill animal sanctuary in Franklin County. I particularly chose this piece of property and I was looking for five years. The beauty of the property, quietness, and the community was welcoming. When we were coming in everyone said that this is a great idea. I find that amusing as compared to the proposed Havin project that no one wants.

I want to see children riding up and down the road. I want to see people riding their horses down to the river. I want people to sit out on their porch to enjoy their sweet tea. I want to enjoy our current way of life and I want my neighbors to enjoy it too. I really think if you keep giving companies like this foot holds we are going to lose all of that. I can probably guarantee that most people who work for Havin do not live within 600-feet of their works.

The road issues, River Bend Road is two layers of chip and seal for the most part. Residents gave up part of their land for the county to increase the road easement to chip and seal the road which will not hold up to truck traffic, because it is barely holding up to trash trucks and school buses. We were not notified of anything going on there. My kids go to school, they play out on River Bend Road, I own property on both sides of River Bend Road. My dog goes across the road. It will make it difficult to get out on the road with the additional truck traffic. It will be difficult for the school bus and a haul truck to pass one another.

I live on River Bend Road and I am also the school bus driver for River Bend Road. Where our house is, the road is only twenty-one feet wide, that is measured from outside of the white line to the other side outside of the white line. The speed limit on the road is 35 miles per hour. Most of the time I drive 25 miles per hour in the bus due to the winding road system to make sure that oncoming traffic does not hit me. The speed limit should be reduced and the gravel trucks should drive at a slower speed as compared to the speed limit. There are no scales at that location, to make sure they are not hauling out more weight than what is allowed for that vehicle. The weight of regular vehicles has worn out the road already. We bought the property to enjoy clean air and country settings. We did not want to not raise our kids in the city. Now there is going to be about twelve trucks driving by in an hour. We do raise animals and we are outside a lot. We do not

want to be breathing the exhaust from the dump trucks. I do not want to be breathing any of the particles that will be coming off the dump trucks from that site as well. There are wild deer and turkey in our fields and we like being out to enjoy them as well. I have heard that there may also be some logging that would occur to allow vehicles to get back to the mine site, how long will that last and when will it start? Encountering log trucks on River Bend Road will not be a moment to look forward to. The operation timeframe of 7:30 a.m. to 3:30 p.m., Monday through Friday is also a concern as there are a lot of school children trying to get ready for school in the morning at that time. The kids wait until the last minute to get out of the door. Kids are also getting home at about 3:30 p.m. Every Wednesday the schools get out at 1:30 p.m. which complicates the issue even more with the teenage drivers and the school busses. There are a lot of kids that have to get back to school at 3:30 p.m. for different types of practices and other activities. I really urge you to consider this permit and consider this as if it were in your own back yard. Would you want this in your own back yard?

I share the easement with Mr. Fred Jeffery on Ely Road. I attended the Franklin County Conditional Use permit meeting in February. I made statements against the mining project. A few days later Fred came to our house and mentioned that all the permits were approved and he was finalizing the contract with Havin Materials. I was asked if there were any stipulations that I would like to add. I felt like I did not have a leg to stand on. I was asked if I wanted a speed limit sign on Ely Road and then handed me a piece of paper and I signed it thinking that it was over and had no chance of fighting this. So I am still against this.

My wife and I have four children; one six year old and three eight year olds. They love playing outside and love riding their bikes down the road. Playing all over the place, that is why I bought this property to be out in the country and peaceful. Our daughter was recently hospitalized due to severe asthma about a week before the meeting for four days and it was life threatening for her. Her oxygen level was at thirty percent (30%). The doctor at the hospital said the severe attack was due to dust and debris from a home remodeling project during the time that she was staying at my ex-wife's house. Forty-two (42) trucks going by the front door of my house is going to stir up a lot of dust and sand particles. We have animals, free range chickens and a dog that we like to take for walks. We like seeing the deer, wild turkey and even the black snakes. My daughter's life will be threatened by this proposed project and I do not want to see my kid's life in danger. As an example we were driving down River Bend Road the other day and a big old dump truck was going by right in our lane. I had to stop and swerve over so we did not experience a head on hit. That was one dump truck, imagine 42.

We all have small cars and the edge of the roads will become worn making it more difficult to get out of the way of the dump trucks due to the narrow lanes. It will also be difficult to get mail out of the mail box because the mail box is close to River Bend Road.

One of my biggest concerns is that surface mining is hazardous to human health as found in a study from West Virginia University. There was peer review that linked mining to a high rate of birth defects, heart disease and cancer in communities. These health issues were a result of using millions of pounds of explosives and I understand that Meramec Aggregates will not be using explosives. There will still be dust and pulverized metals from mining. When flooding occurs pollution from the mine site will go directly into the Meramec River and floodplain. This in turn

will affect a large portion of the Franklin County community and anyone using the river. This presents a much more dangerous thing than what one could believe, it will affect our health. What will that do to the cost of our health care? We have a small hospital. What will that do to Franklin County? This will be a long-term effect. The mine may only last five years but the pollution generated will remain for decades, a millennia? How many thousands of people are going to die from this?

We have little get together moments with neighbors and I do not want trucks running up and down the road at all times. I just want everyone to be safe.

There are cars going over the speed limit and that is a problem.

The only traffic on Ely Road is me and my husband and Mr. Jeffery on occasion. With dump trucks using Ely Road, we will be forced to keep our children in during those days when the trucks are running, when the kids should be outdoors and having fun. There is a group of children who wait for the bus at the top of Ely Road. There is a blind spot right before you get to the bus stop. The bus shows up right at about 7:45a.m. then the bus returns about 3:50 or 4:00 p.m. I will not want my kids on the bus; I will have to drive them which will be much safer.

I have four children under the age of nine living at my home. We are located about 140 feet from the access point where they will be doing the mining. They will also be using my private gravel driveway for access to the mining site. My next door neighbor is leasing the land to them to mine the sand and gravel. The private gravel road/driveway travels only about ten feet from my front door. The children love being outside playing and riding their bikes. The trucks barreling through the area causes a huge safety concern. We also have family pets that are frequently outside and free range chickens. There is only our house and one other on Ely Road so traffic has never been a concern in the past. Now we will potentially have up to 42 huge dump trucks each day of operation barreling through our tiny gravel street.

I also have two children with severe lung problems. They both take several medications daily for their asthma, but the asthma is still not fully under control. I fear that my children's asthma will be extremely magnified with the dust, exhausts and sand particles from the trucks. Their primary care physician agrees with this concern and will be writing a letter regarding this to be shown at the hearing if we are able to do so.

I am the RCA (mail carrier sub) on the route that goes to River Bend and Mill Hill roads. River Bend and Mill Hill are very curvy roads. As a mail carrier I am concerned that I will be stopped at a box on a corner and a truck will come up and not see me until the last minute and cause an accident. Over 40-trucks a day increases the odds of that. I also have friends and family that live on those roads and they have kids, grandkids and pets. It's not fair to them to have to constantly worry about what could happen to their loved ones. A lot of the driveways out there are gravel and on corners. Loose gravel is on the roads at all times. I have seen how fast gravel trucks drive on back roads and loose gravel does not help with traction.

Not to mention the pollution everyone and everything in that area would breathe in. Please do not let them put the mines in this area! It hurts more people than it helps, and that should mean something.

**Response:** Concerns about particulates in the air are valid and associated with mining operations. There will be no blasting associated with this mining operation.

Current state air regulations do not limit the number of trucks on a road or at a site, which limits the department's ability to regulate the truck traffic at the site. State air regulation, 10 CSR 10-5.385, restricts heavy duty diesel idling in the St. Louis ozone nonattainment area. Franklin County is part of the St. Louis nonattainment area, which means the area is currently not meeting the air quality standard for ozone. If the dump trucks idle more than five (5) minutes in a sixty (60) minute period, they could be subject to penalty. However, the state regulation does not limit the amount of time the truck can drive.

There are air quality standards in place for particulate matter, nitrogen oxide and carbon monoxide, three pollutants associated with diesel and gasoline exhaust. Unless the air quality standards are not met, the department cannot require conditions on truck traffic, timing or amount. As a reference, the department operates a near-roadway ambient air quality monitor near Forest Park along Interstate 64, which is one of the busiest highway sections in the state. The monitors started operating in 2013, and measure ambient air concentrations of particulate matter, nitrogen dioxide, and carbon monoxide. The measured pollutant concentration levels at this location are below the health-based air quality standards established by US Environmental Protection Agency. The Missouri Department of Transportation estimates the annual average daily traffic count (AADT) for trucks on this road segment at about 26,000.

Some websites that have additional information on this topic:

1. The website AirNow (<https://www.airnow.gov/>) provides daily forecasts for outdoor air quality levels throughout the country.
2. The department operates an extensive ambient air quality monitoring network, and the measured pollution concentrations from each day can be found on the department's website: <http://dnr.mo.gov/env/apcp/airpollutants.htm>

The dump trucks leaving the site will be tarped in accordance with the law stated below.

**Missouri:** Missouri State Highway Patrol, Jefferson City, MO. 573-751-3313.

**“Section 307.010. Loads which might become dislodged to be secured--Failure, penalty.**

1. All motor vehicles, and every trailer and semi-trailer operating upon the public highways of this State and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

2. Operation of a motor vehicle, trailer or semi-trailer in violation of this section shall be a class C misdemeanor, and any person convicted thereof shall be punished as provided by law.”

Material placed in the beds of the haul trucks will be moist, tarped and should never escape the bed of the haul truck. If material is seen escaping the bed of the haul truck, it would be best to document and report material leaving the bed of the haul truck to Franklin County Sheriff’s Office and Meramec Aggregates. Trucks believed to be overweight can be reported to Franklin County Sheriff’s Office or Missouri State Highway Patrol.

There are medical records filed with the department. Medical records were taken into consideration.

There will be no logging operation associated with the removal of the sand and gravel for the proposed Jeffery Open Pit site. There is already an access road to the mine site. A few limbs may be trimmed back, but no logging operation will occur related to the removal of this gravel and sand. Cutting down a few trees on the proposed mine site between the dates of November 1 to March 30 is not considered a logging operation.

River Bend Road is maintained by the county. During the Franklin County Planning and Zoning Conditional Use Permit process, no additional maintenance concerns were identified by the county engineer involving additional truck traffic. If a county road requires repair efforts, please contact the Franklin County Highway Department at 400 E Locust, Room 003A, Union, MO. 63084 or by telephone at 636-583-6361, fax: 636-584-0902 or by e-mail: [hwdept@franklinmo.net](mailto:hwdept@franklinmo.net).

Meramec Aggregates will be utilizing their own haul truck operators who will become familiar with all of the curves and difficult to see approaches on the route. These drivers will hold a Commercial Driver’s License. The haul truck drivers are vested and accountable to Meramec Aggregates, Inc. If anyone identifies a Meramec Aggregates, Inc., haul truck operator driving in an inappropriate manner, please record the time, date and location along with any other truck identification and report that incident to Meramec Aggregates. If the situation warrants police involvement, do not hesitate to contact the Franklin County Sherriff’s Office.

The material hauled from this proposed mine site would be moist, limiting the amount of windblown sand. There will be a two-hundred-foot buffer to Meramec River. The proposed mine site is surrounded by trees that will also provide a visual screen to the mine site. The material will not be processed at the proposed mine site, rather hauled to the processing plant located on Highway 30/47. The department is not aware of any agency that regulates road dust conditions on public roadways. The "Land Reclamation Act" does not provide statutory authority concerning public or private road issues. The Missouri Department of Natural Resources does not have any jurisdiction to provide relief concerning dust along public roadway systems. The department is unable to resolve private road easements as part of the department’s regulatory process. The easement road will be maintained with river gravel which is durable and less likely to produce excessive dust as compared to crushed limestone. A reasonable speed limit will be maintained along the easement road to not create excessive dust or cause danger to people, pets or farm animals.

Environmental laws are designed to protect the environment that in-turn does protect your health, safety and livelihood. Laws that govern mining and reclamation of industrial mineral mine sites in Missouri, such as open pit mine sites, are stricter than the federal standards as there is no federal law regulating permitting and reclamation of industrial mineral mine sites. The state of Missouri has some of the strictest mine permitting and reclamation requirements compared to every state that neighbors Missouri.

Respectfully, there are numerous requests that the permit application not be issued. The statutes that regulate mining, Sections 444.760 to 444.790, RSMo, do provide an opportunity for the director to deny an application at 444.773.1 RSMo. The director also has the authority to issue conditions that are within the provisions of the Land Reclamation Act. 444.773.1 RSMo: "The director shall consider any public comments when making the decision to issue or deny the permit. In issuing a permit, the director may impose reasonable conditions consistent with the provisions of sections 444.760 to 444.790...." With that in mind there are no provisions within the Land Reclamation Act to apply conditions with respect to controlling vehicle emissions along public roadways. While staff in the department remains sympathetic to asthmatic people, the department cannot remove or prevent diesel trucks from traveling public or private roadways.

The nearest conservation area to this proposed mine site is River 'Round Conservation Area located a little over a mile away on the other side of the Meramec River compared to the location of the Jeffery Site. The Jeffery property is surrounded by private property.

The easement road will not be mined for sand and gravel as part of the proposed Jeffery Open Pit site. Maintenance and vehicles traveling on the conservation easement roadway is outside the jurisdiction of what the department can offer protection.

There is record that Deborah Fordyce was sent notification announcing the intent to operate a surface mine by Meramec Aggregates Inc., via registered mail number RB211179040US on April 15, 2016, at 12:30PM to an address in the Republic of Singapore. The mail was tracked leaving JFK International Airport on April 22, 2016. On May 23, 2016 the mail was sent back from Singapore and arrived in JFK International and finally delivered on June 6, 2016 at 9:46am. Certified mail cannot be sent to Republic of Singapore. There is no United States Postal Service record of what happened to the mail once it arrived in Republic of Singapore. Deborah Fordyce was at the public meeting and provided statements. The statements are taken into consideration.

The online petition containing over 650 signatures was reviewed and taken into consideration.

### **Noise Pollution**

**Concern:** I am really surprised that we are not talking about environment impact concerning the noise as much as we should be. In the previous hearing when there was discussion about Virginia Mines, there was a statement about the noise level being at 72 decibels at the property line. I realize that depending on where you are working on the property that the decibel level will vary. So let's just take 72 decibels because that is what their people brought up at the Virginia Mines hearing. When you say seventy-two (72) decibels, what in the world does that mean? The chart was presented in a hurried fashion. Human conversation is between 60 to 70 decibels, I am

probably a little louder than that. Cows mooing are about 85 to 87 decibels. Roosters crowing and dogs barking, about 90 decibels. Trains about a hundred (100) decibels. Those sound like life to me, I do not mind those sounds at all. So when I got the piece of mail, it said the Bruns mine would be about six-hundred feet away from my property line. I have heard the neighbor's cows which is about a quarter mile from me. I have also heard the neighbor's peacocks which are about a quarter mile from my house, I love them, but they sound like they are standing next to me. The noise from the proposed mine site will be about 600-feet away from me. I am four miles from the train at the warning junction, the other night it sounded like it was right there.

So when we are talking about noise we need to talk about the International Organization for Standards (ISO) for different equipment. ISO standards for Caterpillar equipment is about 111 decibels. The backup alarms range from 97 to 112 decibels. Dump trucks vary from 80 to 101 decibels, why does that vary? It depends on how well the vehicle was maintained and how good the tires are. All these things come into play including the weather.

So when we look at sound and noise, we need to think about what our government did with noise torture. Think about when they blared Metallica or what they did at Guantanamo Bay they played songs like "I Love You". But noise torture is not just those noises at those decibels; you have different types of noise torture such as repetitive, white and constant noise torture. All of those things come into play when you are talking about a facility of this magnitude.

When you look at the impact on the environment and the animals in that environment, the same impact on animals is going to be the same impact on us, because we are animals too. So when you look up wildlife stress and health issues online, you come up with a list of scientific papers as long as here to the moon. Granted that some research is bunk but there are also a lot of good scientific papers on this topic. At times the impact to animals does not depend on the decibel level, for instance the person sitting next to you clicking his or her pen, on a constant basis is not 97 decibels. What does this do to your physical health? Well, for animals it can change the way they forage, so it can push them from a place that they would normally forage to your neighbor's property or to your gardens. Their ability to recognize predators will change, so their numbers may decline because they do not see threats they would typically recognize. We know that with song birds, their songs change when they are subjected to repetitive noise. Reproductive success of animals also declines as a result of noise change in the environment. So whether you have your guineafowl or native song birds you can see the reproductive success drop. My bottom line is I moved out here for peace and quiet, people have lived out here for generations, I love that.

There will be constant noise. Noise at the mine site was addressed. However with trucks going by every seven to ten minutes, it will be nerve racking. We don't want the traffic, noise, pollution, but most of all we love the river and don't want to watch it to be destroyed. Please put a stop to this mine. Because I live close and I do not think a bunch of dump trucks running up and down the road is good; there will be too much noise and traffic.

I live on River Bend Road between Havin's Plant and Mr. Jeffery's. I can hear the gravel plant every day over operation. When Mr. Jeffery gets down and farms his fields, I can also hear farm equipment and the field beyond his. So I am going to hear them dig up every bit of gravel. I am going to hear them process every bit of gravel. I moved to the country for peace and quiet, I have

invested every last dime I have into the home I live in. This is where you are going to leave me, a retired man. I also could hear when the mine was being operated on the other side of the river. I could also hear the noise from the trucks running and also the backup alarms making a beep, beep, beep. The most noise will be from the back up alarm.

We live on River Bend Road. We have horses that we like to ride on the road and we already hear noise from the gravel plant. Dump trucks and the noise coming down River Bend Road will disturb our horses when we are riding on our own private property. We moved out here for the privacy and peacefulness. My garden is right on the road; I go out there to relax after a hard day's work and have to listen to dump trucks. You talk about off peak period; we live there 24 hours a day.

We are gravely concerned about this plan reducing our property value and/or possibly making it impossible to sell our property due to: noise pollution, dust, pollution from exhaust, unsightly appearance of the operation, impact to road conditions (River Bend, Bethel Church, etc.) used to access 44 and 30, negative perception by prospective buyers of the very visible (off Mill Hill) proposed operation and elimination of the current serene natural peaceful environment by this proposed nearby loud ugly obtrusive operation. When Mr. Norman did some maintenance on his pond I could hear the bulldozer as if it were in my front lawn. When there is a motor boat or Sea Doo on the river, I can hear it. There was a comparison of someone saying oh, what is that smell and the pig farm owner saying, that is the smell of money. Compare that to the open pit mine site that is being proposed on Mr. Jeffery's property. Meaning that Mr. Jeffery will be less tuned into the noise and maintenance of the roads as a result of being compensated for allowing Meramec Aggregates to mine gravel on his property.

**Response:** There was a presentation about perceived noise pollution in decibel levels produced at the mine site. The excavator will produce about 58.2 decibels at two-hundred feet, which would be the closest spot to people not associated with the mining at the river. What this means is the sound of the excavator will be about the noise level of typical speech at the river. The sound level of the excavator will produce fewer decibels as the distance increases away from the excavator. Trees that surround the pit and further distances will also help absorb noise produced by the excavator to further act as a muffling device. To put this in perspective, a canoeist going down the river at the closest point to the excavator may hear the excavator but would be able to talk above the noise. As the canoeist gets further away from the excavator the noise level will diminish. In contrast, a motor boat produces about the same amount of decibels as a tractor, about 100 decibels at full throttle at a distance of fifty feet (50'). Essentially the excavator will produce less noise at the river at a distance of two hundred feet away as compared to a motor boat using the river at full throttle.

There will be backup alarms on haul trucks and the excavator, which is required by Mine Safety and Health Administration to alert people of a vehicle backing up. The noise level of the backup alarm is required to be above the noise level in the immediate area of the operating machinery.

Meramec Aggregates will generate a variety of noise during its operation. If noise levels generated from the quarry operation become problematic, then that concern must be conveyed to Meramec Aggregates. The contact person with Meramec Aggregates is Lyn Havin Schulte, who

can be reached by telephone at (636) 583-4477 or you can contact her in writing at 527 East Independence, Union, Missouri 63084. Another option is to contact the Mine Safety and Health Administration (MSHA) at their field office in Rolla by telephone at (573) 364-8282 or in writing at 1404 Independence Road, Rolla, Missouri 65401. Although MSHA only regulates a miner's safety and well-being, most likely if people outside of the quarry area are experiencing problems with noise pollution from the mine site, possibly the mineworkers are too. Besides contacting the company, MSHA or filing a civil action to provide some relief from the noise, there is no other option we are aware of. The Land Reclamation Program staff has contacted sheriff offices around the state, and a similar response is that if that type of noise is consistent with the type of noise that would typically be generated at the site, then there are no noise nuisance laws that can be enforced. There are no environmental provisions that allow the Missouri Department of Natural Resources to administer to provide protection against noise pollution.

### **Disturbing the Meramec River and Meramec Slough**

**Statement:** I have known Meramec Aggregates to be a good steward of the Meramec River near St. Clair for over 60-years. I support their business practices.

**Concern:** There is past evidence of open pit sand and gravel mine sites operating too close to a river or stream where the river has captured the pit, thus permanently changing the course of the normal water flow. Flooding such as what occurred in December 2015 has caused stream banks to cave in. Over the course of years, the river could be affected by this proposed mine site. We believe the permitting authority is responsible if the Meramec River changes course due to this proposed mining operation cutting off access to properties.

**Response:** This proposed ten-acre sand and gravel open pit floodplain mine site is located 200-feet away from the Meramec River. The department is aware of open pit floodplain mining operations that have been captured by a river or stream. Stream and river banks that had no mining associated with them also caved in or changed course as a result of flooding events. Regulations controlling open pit floodplain mining operations are located at 10 CSR 40-10.050(13):

#### **“(13) Flood Plain.**

**(A) Mining conducted in flood plains of streams and rivers subject to periodic flooding may be exempt from grading requirements if it can be demonstrated to the commission that grading would be unsafe to pursue or ineffective in achieving proper reclamation.**

**(B) Areas that are in a flood plain, as defined in 10 CSR 40-10.100(8), and where reclamation operations are unsafe to pursue or ineffective in achieving reclamation as defined in subsection (13)(C), will be exempted automatically without demonstration to the commission if it can be demonstrated to the director.**

**(C) Reclamation operations shall be considered unsafe to pursue or ineffective in achieving reclamation if the land surface is affected severely in that inundation causes surface changes that makes reclamation ineffective and nonpermanent.”**

Obtaining a permit for a mining operation, the mining operator is responsible for consequences created by the excavation. The promulgated regulations lack setback requirements for open pit floodplain mine sites to the high bank of a watercourse. In some cases a 100-foot setback from the high bank is an adequate distance, and in other situations a 100-foot setback from the high bank may not be an adequate distance to prevent a pit from capturing a river or stream. There are ponds and lakes closer than the proposed Jeffery Open Pit to a river or stream, and some on the Meramec River downstream of the 30/47 bridge that has not been captured by the flow channel. Watercourses are dynamic in nature and the water flow has drifted back and forth in the floodplain over geologic time. Due to the dynamics of a river / stream environment, a standard setback distance for all cases is not practicable.

There was an information flyer from “THE URBAN WATERS FEDERAL PARTNERSHIP” that was taken into to consideration.

#### **Impact to Recreation Users of Meramec River**

**Concern:** There are people who boat, float and fish Meramec River who will be impacted by this mine site.

**Response:** The proposed mine site is located 200-feet away from the Meramec River. There are trees and an elevation difference that will serve as a visual barrier. There should be no mining machinery or haul trucks located much closer than 200-feet to the river. Meramec Aggregates will limit mine operation timeframes to Monday through Friday, 7:30 a.m. to 3:30 p.m., with no mining activities occurring during the weekend or recognized holidays. Most peak recreation such as float trips occurs on the weekend or on holidays.

The elevation difference of the river bank to the proposed mine site located two-hundred feet away along with the trees will act as a visual buffer, making it difficult for recreationists on the river to see the mine site.

There will be no constraints on people who use the Meramec River to fish, float or boat and these recreationists will be able to safely pass by this proposed mine site.

#### **Decrease in Property Values**

**Concern:** There was discussion at the meeting comparing this proposed ten-acre site to the Winter Brothers proposed 900-acre site which was being proposed in Eureka and St. Louis County Missouri. St. Louis County along with Eureka Planning and Zoning did not allow the rezoning to occur. Winter Brothers is now in a law suit to get the re-zoning changed. This basically proves that property values decrease by twenty percent (20%).

There was a slide presented showing the Winter Brothers proposed Eureka sand and gravel site illustrating: Sand and gravel mines reduce property values from 4.9% to 20%.

Parcels within 1,000' = 20%

Parcels within 1,000' to one mile = 14.5%

Parcels within one mile to three miles = 4.9%

The loss in our property values equals a direct loss of tax revenue to our schools and town.

People are refinancing and worrying that their property will not be worth as much. Lost Hills Lake Events claims that their operation increased property values because they bought property at or above market costs. There is a three mile radius that will affect property values around this proposed mine site. Everything will affect property values either negatively or positively. There will be a decrease in property values as a result of this mine site.

I own 49-acres on Mill Hill Road. Our property was listed for sale February 1, 2016. We have worked for years and invested in the property as part of our planned retirement income/investment. We are gravely concerned about this plan reducing our property value and/or possibly making it impossible to sell our property due to: noise pollution, dust, pollution from exhaust, unsightly appearance of the operation, impact to road conditions (River Bend, Bethel Church, etc.) used to access 44 and 30, negative perception by prospective buyers of the very visible (off Mill Hill) proposed operation and elimination of the current serene, natural, peaceful environment by this proposed nearby loud, ugly and obtrusive operation. It is difficult to see how the benefits of two parties will outweigh the loss of thousands and thousands of people by reducing the property values by hundreds of thousands of dollars. The timing is real unfortunate for us as we need to sell our property now. I think the Missouri Department of Natural Resources should bring a video in of a similar mine site so the audience can hear and see what people nearby the proposed site will experience on a day-to-day basis for eight to ten hours five days a week.

This will lower my property value and cause me to go further in debt so that Lyn Havin can get richer. We have worked really hard for everything we have. A realtor has already told us if we do decide to try and sell there will be a reduced price and we may not even be able to get what we owe just because we will have to tell prospective home buyers about the trucks and mining.

The property values will have to go down, especially people who own property close to River Bend Road. It is not just people who own property on River Bend Road but what group is going to be chained to this second mine? The dump trucks will not be able to go down Main Street, so they will have to go down River Bend; this will be in addition to the 42 trucks a day coming out of Ely Road. Bethel Hill has an extremely steep hill going down and an extremely steep hill going up. The trucks will be going down River Bend to Barton to Bethel Church to Mill Hill. Again, River Bend Road is going to be taking the brunt of all this extra truck traffic for the second mine too. I cannot imagine trying to show your house or property to build on and having trucks go by on a regular basis. People are going to ask: is this what it is like all the time? A response would be just during the week. I just have to think that this has got to affect property values. The county road system will be used. The county is going to be responsible for the maintenance and up keep of these roads that these trucks are going to be using. I just do not see where this will profit the area very much. I think it only profits the Havins. I just do not think this helps the county very much.

I have a friend who is looking to buy property in the area and looking at ten acres on River Bend Road and I told her about this proposed mine site. The prospective buyer was glad to be informed about the proposed mine and will not buy the property now. Right there is a property that will not have a house developed on it and that is taking place even before the mine goes in and loss of income for the county. So I do not understand how this proposed mine will not affect property values. Nobody wants to live next to this. That is why we all moved out this way so that we would not have to live next to this type of industry.

I live directly across the river from the proposed mine site. My family and I own Lost Hills Lake Events, a private outdoor wedding venue. This proposed mine will impact our business so much. This was my dream to work on my land with my family. It is a lot to go through the whole wedding ordeal. People come in from all over the country to have their wedding on our little slice of heaven with all of the people that they care about is just so special. This will also affect the local businesses, such as Budget Lodging, Jim's Country Catering, the café, T's Liquor Lane, Creations by Laura, there are just so many in the Franklin County area. I do not think that Havin addressed the surrounding property value at all. They did talk about the golf course but that is not a residential area.

I would like to talk about decreased property values. I have a friend who owns property directly across from the golf course. As a result of the dredge there is a wash away area on their property, the house is now about ten feet away from the wash away area. There is standing water, there are insect problems, there were all kinds of issues that this property has. Because of that, now they cannot sell the house for what they invested in it. They ended up losing their property because of the damage that mining has caused. So to sit here and say that it will not affect you, is not true. Yes it will affect you; people are going to look at this damage. People are going to ask, why would I buy this piece of property, it floods, it has bug problems. I do not know how much of my back yard is going to disappear. To say that nothing will happen, look at the golf course, well people come to the golf course, play a round of golf and leave. They do not have to put up with the smell, noise or road traffic. They do not live there. To compare the golf course to a residence is like comparing apples and oranges. The two just do not mix and definitely the property values will decrease as a result of the mine. That is also a concern for Franklin County, they are already trying to increase school property tax and other kinds of taxes because of the devaluing of properties the way it is now. If the two mines go in it will affect a much larger part of Franklin County, then revenue will go down even further, so that is a concern.

When they were talking about property values and comparing the distance to the golf course, no body lives on a golf course. We do not live on a golf course we live in our homes where we love it. We love the quietness, the country values.

There are a lot more people in opposition to this proposed site that could not join us here tonight. We would appreciate it if you take our issue in to consideration and help us out.

**Response:** The closest residence to the proposed mine site is located eight hundred feet away on the other side of Meramec River. Mining is a legal and heavily regulated activity.

At the meeting Meramec Aggregates presented: “How does this use impact other uses of property? An example is how the gravel plant impacts the golf course located just on the other side of Highway 30/47. Meramec Lakes Golf Course was opened in 1993. The scale house of Meramec Aggregates is located five hundred and eighty feet (580’) away from the entrance of Meramec Lakes Golf Course. The sand plant was established well before the golf course came in. Weekend use of the golf course reveals vehicles parked in the grass near the entrance of the golf course as the parking lot became full. Recreational use of the golf course has not been impacted as a result of the sand and gravel processing facility.”

The proposed Winter Brothers site in St. Louis County with some of the property located in Eureka city limits was going to process the material at the site. The size of the Winter Brothers property is about 900 acres, with mineral reserves that would last 40 years. An estimated twenty (20) to twenty-five (25) dump trucks per hour would be accessing the road system. The proposed Jeffery Open Pit will not have processing equipment at the mine site. The estimated number of trucks for the Jeffery Open Pit is forty-two (42) dump trucks per day.

The concern involving property devaluation is a real issue among residents who live near a mining operation. The mere presence of a mining operation may potentially cause concerns among prospective homebuyers.

It is however, not always true that mining causes property devaluation. The Land Reclamation Act does not provide guidance for property devaluation that neighbors a mine site.

### **Economic Impact Affecting Local Business**

**Concern:** Nick Norman owns Lost Hills Lake Events. Weddings are booked seven days a week 7:00 a.m. to 7:00 p.m. Other businesses in St. Clair also benefit from our venue from people shopping, staying overnight, along with eating out and other services. Brides will not book our venue with a mine site located right next to them. The sycamore tree that Mr. Jeffery plans to leave shows up on pictures taken during weddings at Lost Hills Lake Events. Fall is one of the heaviest event times, when the leaves are falling off, which will allow for visual sight to the mine and will cause significant economic impact along with completely destroying our business by trying to sell private, outdoor, country-like setting weddings. Weddings are expensive, it has been determined that the wedding venue generates about 1.5 million dollars’ worth of revenue per year for Franklin County. There are about ten jobs generated plus a few others with over a hundred (100) people attending per event with about twenty-five events per year. Brides come from out of state and want to come to St. Clair for their wedding. Lost Hills Lake Events brings over 4,000 people to St. Clair, which is now being threatened as a result of these mines along with the other businesses that are supported by these guests such as food, gas, liquor, caterings and overnight stays. These mines will directly affect the business and potentially destroy it.

By allowing this site to be permitted will create a few jobs for Meramec Aggregates. However the economic impact to Union and St. Clair as a result of allowing the proposed Jeffery Open Pit to operate over the next forty years will cause a loss of millions of dollars in lost business and less overall income for Franklin County. The community will be outraged and I am pretty upset.

There is more economic value by not mining this site and to leave it in a current undeveloped fashion as compared to the benefits of mining the site.

Dear Franklin County Planning and Zoning, I hope all is well with you. I know we have not talked in a while, but we share a common concern regarding the growth and health of tourism in Franklin County. While much of our time has been spent brainstorming ways in which we could get more people from outside our county to travel to our county, there is a family that has been successfully working very hard at building a business that has accomplished that very thing. Of course I'm speaking of Nick and Samantha Norman and the Lost Hill Lake Events. While I don't have all the facts surrounding the situation of concern, it's my understanding that a CUP is being sought that would allow mining on the land around their business.

I want to make sure the P & Z board and your office understand that anything that negatively impacts LHL is of serious concern to me, and would be of serious detriment to our county. The LHL business is bringing in over a couple thousand visitors a year from outside our county, who come only because of LHL and would not otherwise visit. These people are spending money over what is typically a two-three day period. We have added staff and continue to expand our services to accommodate the needs of these wedding groups. This is almost all NEW money, and not money that would just go somewhere else in the county. We must not jeopardize this growing business and the growth it has brought to other businesses who serve their customers (like my hotel, caterers, etc.)

I fully support the efforts of Nick Norman and Lost Hill Lake Events in their request to deny this CUP.

I don't have time to go into all the reasons I'm against this CUP, but there is plenty of factual evidence to support its denial. Please inform me as to how I can best persuade the commission to deny this request? As an Alderman in Sullivan, I have a council meeting at the same time as the P & Z meeting Tuesday, but I would be available during the day to visit with whomever I may.

I grew up on Lost Hill Lake and I would hate to see anything happen to all of the hard work the people that live there have put into it and their Wedding Venue. My dad works there. If there is no wedding venue, there is no job for my dad.

**Response:** The wedding venue pavilion is located about one-thousand one hundred feet (1,100') away from the proposed mine site. Mining will cease operations at 3:30 p.m. and not operate during the weekend or recognized holidays. The peak use of the wedding venue will be weekends, similar to the Meramec Lakes Golf Course, when no mining would occur. The distance along with rows of cedar trees bordering the mine site will not allow sight from the wedding venue pavilion to the mineral extraction area. Mr. Jeffery at this time wants the sycamore tree to remain. The sycamore tree of concern will either live out its life expectancy or succumb to disease or other natural misfortunes such as a lightning strike or wind damage. The Missouri Department of Natural Resources cannot tell a property owner what to do with a tree on their property.

Mining has been part of Franklin County before inception of the Land Reclamation Act. Mining for lead, copper and iron are well documented in 1800s and most likely earlier by indigenous people of the area. Currently the Missouri Department of Natural Resources' Land Reclamation Program has 281 permitted acres with thirteen (13) active mines in Franklin County. The mineral commodities currently being mined are clay, sand and gravel, and limestone. With an understanding of the long term history of mining since the 1800s, Franklin County has only grown, so it is difficult to associate the possible economic loss to the immediate area concerning a ten-acre open pit mine that will not conduct blasting. It is documented that the Lost Hills Mine, which mined for lead, is on property owned by Lost Hills Lake Events.

### **History of Mining in the Area**

**Concern:** A year 1919 map was produced illustrating old lead mine sites in the area. Nick Norman owns the wedding venue located on the other side of the river of the proposed mine site. Nick Norman identified that his property is littered with old mining works and range from about ten to seventy feet deep. These old mine companies were inefficient with past mining, handling and processing activities which has left pieces of lead scattered throughout the area, and Nick brought in some lead that he has found. Lead is naturally-forming in the limestone and sandstone, so the sand in the river that has eroded from the sandstone formation is laced with lead. All of the sand and gravel in the proposed mine site is potentially laced with lead, we just do not know. Nick believes that further testing for lead should be conducted to determine if there are lead concentrations at the proposed mine site.

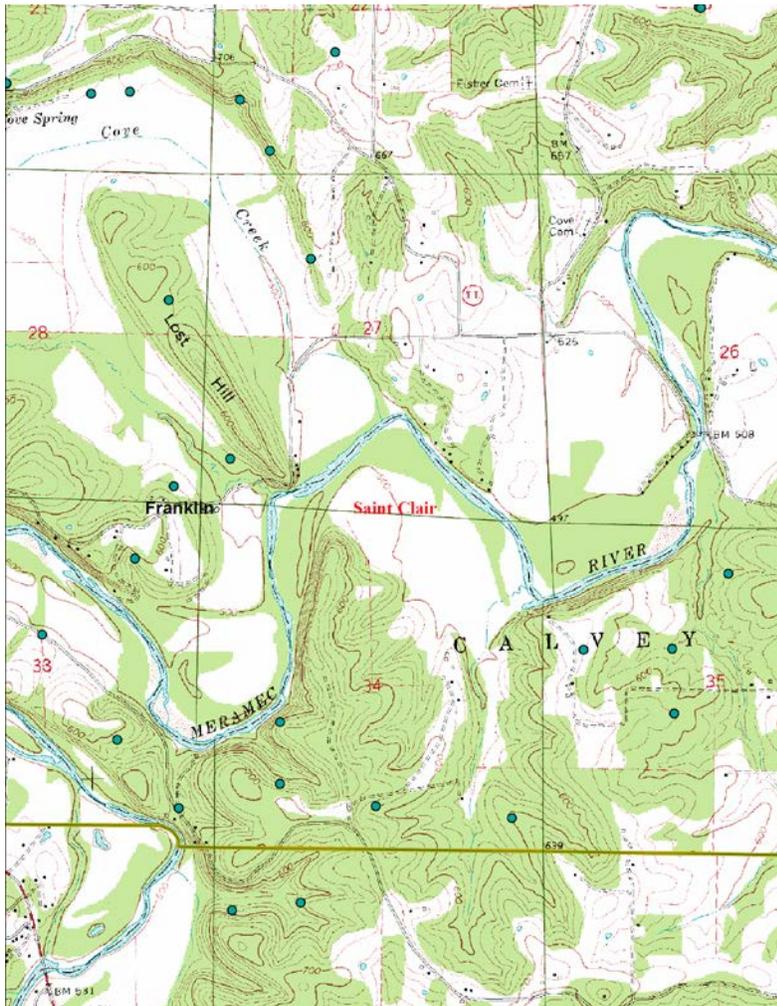
On the health issues, one thing that really needs to be looked at very carefully is that you could not pick a worse spot to place a mine. That area straight from there all the way to Mill Hill has been lead mined all over, there are tailings piles all the way from their plant all the way to Mill Hill and that issue really needs to be figured out. There are lead pits all across the area. If you are going to go digging, disturbing things, I will tell you that there is one place that has lead in their well right now. That could move stuff around that you would not want to have moved, who is going to take responsibility for increasing the lead poisoning in that area of Franklin County?

I know from the past history of the Meramec River in our community in the 1800s, this area in which I live was once a mining community. After thinking about the difference between then and now, I am happy to say our area has healed from those careless scars of the past leaving only tunnels where minerals were once mined from. We do not need the possibility of more scars today that could be worse. We live downstream from River Bend Road, and enjoy the natural environment. Any risk that could upset this due to greed, or otherwise, would cost our area more in the long run than the short term profits that could be made from the mine. Let it not be said, and said to our shame, all was beauty until mining came along.

I believe in the clean and coal free future of Missouri and its rivers! Stop destroying our lands and rivers digging for coal! Missouri needs to be free from coal and invest in solar and wind energy now!

**Response:** The Jeffery Open Pit 10-acre proposed mine site is between the 500' to 520' elevation contours. The Missouri Geological Survey was consulted for records of historical mines in the area of the proposed Jeffery Open Pit mine; these mines reported are a combination

of lead, zinc, or barite. The closest recorded historical mine is across the Meramec River from the proposed Jeffery site mine plan at an approximate distance of 1,750' (elevation: 520'). The next closest historical mine is also across the Meramec River at an approximate distance of 2,530' (elevation: 540'). The closest historical mine on the same side of the Meramec River as the proposed Jeffery site is 3,450' away (elevation: 600'), with the next closest being 3,900' away (elevation: 640'). The proposed Jeffery Open Pit is in the Gasconade Dolomite formation, which is in the lower elevations near the Meramec River. The Roubidoux Formation is the next formation going up in elevation from the Gasconade Dolomite. In general, the historical mines of concern near the proposed Jeffery Open Pit are where Gasconade Dolomite and Roubidoux Formation shift. Further away from the Jeffery Open Pit there are historical mines that are either fully in the Gasconade Dolomite or Roubidoux Formation. Assessing the water flow near the historical mines on the same side of the Meramec River as the Jeffery Open Pit, there does not seem to be a concern of direct water flow from the mines to the proposed Jeffery pit. Any minerals eroding from the historical mines, following the elevation contours, would not be directly deposited within the proposed Jeffery Open pit mine plan. Below is a map illustrating old mines as dots in the area:



The Missouri Department of Natural Resources maintains records of domestic water wells that were drilled after November 1987. Construction depth of domestic water wells are public record in the online database in the Well Information Management System at: [dnr.mo.gov/mowells](http://dnr.mo.gov/mowells).

A search of the database in Sections 27 and 34, Township 42N, Range 01E reveals that construction of recorded domestic water wells ranges between the depths of 110 to 374 feet below ground surface. The recorded domestic wells are in different geologic formations such as limestone and sandstone that are millions of years old, as compared to the more recent formation of alluvium sand and gravel where the mine would be located. The depth of the proposed sand and gravel mine will be approximately 24 feet below ground surface. Groundwater that would be in the open pit is part of the same water that flows in the Meramec River. Water in the pit would seep back through the sand and gravel and flow to the river. Meramec River water is not potable unless it goes through a drinking water treatment system. Water in the pit does not recharge water in domestic wells located immediately surrounding the proposed ten-acre Jeffery Open Pit sand and gravel mine site.

Concerns about water wells becoming contaminated or a drop in the static ground water levels due to a nearby mining operation are understandable, although this does not happen often. Currently, the Missouri Department of Natural Resources does not regulate private water well supply issues, but there are steps that can be taken to determine whether or not a private water well is negatively impacted in the future. In order to legally document that there has been a change in the water quality of a private well, there will first need to be a water quality analysis that provides baseline data. A baseline water sample should be collected from a concerned individual's well. The baseline analysis is then used to compare future water analysis to see if there is a change in the water quality. If a future water sample identifies that there is a negative change from the baseline analysis then there is proof that the concerned individual's well water quality is affected, although this may not necessarily mean that the mining operation caused this change.

Franklin County Department of Health will test for bacteria but not for lead. If anyone elects to have their well water tested, we recommend that they use the services of a qualified individual who will follow accepted methods to sample the water and transport it to an accredited laboratory for analysis.

We have also spoken with staff representing the Missouri Department of Natural Resources' Water Protection Program to further understand what someone can do to protect their supply of water. From those conversations we learned that there are no laws in Missouri that provides protection for maintaining a viable groundwater supply to recharge a well.

The proposed ten-acre permit expansion application from Meramec Aggregates, Inc., is for mining sand and gravel, not coal.

### **Mine Safety and Health Administration**

**Concern:** During the meeting there was a statement that Mine Safety and Health Administration does not have record of Meramec Aggregates, Incorporated. Havin Material is registered with

Mine Safety and Health Administration, but they have no knowledge of Meramec Aggregates. The mine status of Havin Materials is recorded as intermittent as displayed on the Mine Safety and Health Administration's web site:

### Current Mine Information

**Mine ID:** 2301942  
**Operator:** Havin Material Service Inc Virginia Mine Div.  
**Opr. Begin Date:** 8/5/1997  
**Mine Name:** Havin Material Service Inc VA Mines  
**Current Controller:** Lyn Havin Schulte  
**Controller Start Date:** Unknown  
**Mine Status:** Intermittent  
**Status Date:** 11/18/2015  
**Mined Material:** Construction Sand and Gravel  
**Type of Mine:** Surface  
**Location:** Franklin County, MO  
**Address of Record:** 527 E. Independence Drive  
 Union, MO 63084

### Operator History for Mine ID: 2301942

<u>Operator Name</u>	<u>Begin Date</u>	<u>End Date</u>
Havin Material Service Inc Virginia Mine Div.	8/5/1997	
Virginia Mines Sand & Gravel	9/1/1985	8/4/1997

How do I use this information? [Click Here](#)

Mine Safety and Health Administration will be investigating this. There was a request to have the Mine Safety and Health Administration issue clarified.

### Response:

Meramec Aggregates does have one active in-stream mine site at the Bruns property permitted by the Missouri Department of Natural Resources' Land Reclamation Program. Site #3 that was permitted to dredge the Meramec River expired on December 30, 2015. The Bruns site is a bucket to truck operation similar to the proposed Jeffery Open Pit site. No processing of material occurs at the Bruns site as the sand and gravel is hauled to the processing facility on Highway 30/47 outside of St. Clair.

Staff did contact Mine Safety and Health Administration (MSHA). The question was asked: "I am aware that Meramec Aggregates also operates under Havin Materials in Franklin County and it looks like the last MSHA violation was dated, Nov 23, 2015 to Havin Materials. My guess is that MSHA is only regulating the processing plant? Does MSHA regulate the mine site if it is bucket to truck only? Of course the material would be taken to the processing facility on 30/47 just outside of St. Clair.

Would it matter which company name they operate under, such as Meramec Aggregates or Havin Materials?"

Reply from MSHA: "We should be inspecting the loader at the mine site also. I will discuss with the inspectors at our next staff meeting and make sure we are. It doesn't matter what company name they use, we will inspect it under the same mine identification number."

Mine Safety and Health Administration is a federal agency that is formed to prevent death, illness and injury from mining and promote safe and healthful works places for United States miners. More information about Mine Safety and Health Administration can be located on their web site at: <https://www.msha.gov/>

### **Franklin County Planning and Zoning**

**Comment:** Meramec Aggregates did go through Franklin County Planning and Zoning for the proposed Jeffery Open Pit site and previous sites as well. On May 17, 2016, Franklin County Commissioner Mark Vincent made an opinion for the Bruns proposed open pit mine site submitted by Meramec Aggregates, Inc., which will not be within the discernable banks that: “Franklin County Planning and Zoning has no authority to regulate the proposed activity by Conditional Use Permit or otherwise and that the hearing on this subject application should not be held.” So now the Franklin County Planning and Zoning rules are not enforceable such as time of operation and other conditions.

Transcripts from the 7:00 p.m., February 16, 2016, Franklin County Planning and Zoning Commission public meeting was provided to the Staff Director. The transcripts containing 123 pages are not copied into this document.

I attended the Franklin County Planning and Zoning meeting for the permit for the mining on Fred Jeffrey’s land where I made a statement that I was opposing the mining due to safety concerns for our children and the wildlife in the area. A few days after the meeting, Fred came to my home and said that the permits were approved and that it was for sure going to happen. He told me and my wife that he was finalizing his contract with Meramec Aggregates and that he wanted to know if we wanted to include any stipulations for the trucks going in and out of our driveway on their way to and from the mining site. We stated that we would like to have a speed limit set for the dump trucks and have a speed limit sign placed at the beginning of our driveway. He had me sign the document stating our wishes. Later I found out that he turned in a document stating that I was not opposing the mining which is not true. I am still opposing the mining and was manipulated into signing a letter that Fred has written himself before coming to my house. To my knowledge, I was only signing a paper stating that I wanted a speed limit sign on our driveway.

I would like for it to be on public record that I am indeed against the Mining off of Ely Road in St. Clair.

To Franklin County Planning and Zoning Commission: I own 269 acres of forested land in Franklin County, MO, bound by the Meramec River and Ely Road. I have placed a conservation easement on this property in 2010 because I believe strongly in preserving the beauty and character of this property, which was owned by my grandfather for many years before I purchased it in the 1980s.

The perpetual easement was prepared and is monitored by The Ozark Regional Land Trust, Inc., a Missouri not-for-profit corporation whose purpose is to preserve undeveloped land for conservation and open space, including open space as defined in Section 67.900 RSMo, in order to protect the aesthetic, recreational, cultural, educational, scientific, natural and scenic resources

of the state through non-regulatory means.

I have agreed to this conservancy easement in order to assure that the property will be permanently protected from the spread of urban development, retained forever in its natural, scenic, and forested condition, with the understanding that this may lower the value of the property should I or my decedents ever decide to sell the property.

Meramec Aggregates' request for a Conditional Use Permit (CUP) for mining at 1200 Ely Road Jeffery Open Pit Mine is in direct opposition to the objectives of the conservation of this land. I was not notified of the intentions of the mining company, and I would not agree to the company making use of any of the roads that define my property or disturbing the natural flow of the river or of the sediments deposited by the river.

Dear Franklin County Planning and Zoning Commission,

I am writing in regard to File 160098 – Meramec Aggregates' request for a Conditional Use Permit (CUP) for mining at 102/109 River Cabin Road. My husband and I own property nearby and we ask the Franklin County Planning and Zoning Commission to deny the request for the aforementioned CUP.

My husband has lifelong ties to Franklin County and the Meramec River. We spend much of our summer with family in St. Clair. Last year, we purchased land adjacent to his family's property as an investment in Franklin County. We want to see St. Clair thrive, and we want to be a part of continuing the tradition of families enjoying and respecting the Meramec River. Mining efforts along the Meramec River can only harm the ecosystem and the aesthetic qualities of the river. The community as a whole will benefit from your actions to protect the Meramec River and rural Franklin County.

Hello Franklin County Planning and Zoning Commissioners,

I am here today to request to deny the Meramec Aggregates INC Conditional Use Permit, Permit #160098. My family and I live and operate a business less than a quarter mile from the proposed dig site for the surface mine and our family's property is directly across Mill Hill Road from the proposed dig site. I am in opposition of the proposed mine for many reasons. I am concerned for the safety of my family and neighbors. The roads surrounding the proposed mining site are not suitable for the added traffic of countless industrial sized dump trucks to travel. Narrow bridges, culverts, and creeks in addition to blind turns and blind rolling hills make for dangerous conditions that will put the safety of our families, pets, wildlife, and others at increased risk. I am concerned for the health of my family and neighbors. Dust and sand particulates along with CO<sub>2</sub> pollution will impact the health of all living creatures in a negative way. Dust and sand will affect my history of pneumonia. Dust pneumonia is caused by excessive exposure to dust and dirt inhalation. I moved to this area to escape the dangers of pollutants caused by industry. We cannot thrive under such polluted circumstances. Please do not allow this to happen. Health and safety are two basic physical needs. No amount of money should put our health or safety in danger. I thank you for your time and pray that you will deny the permit for the Meramec Aggregates INC surface mine on Mill Hill Road.

There was a petition to Franklin County Planning and Zoning and the Missouri Department of Natural Resources titled “Citizens against Meramec Aggregates, Inc. Surface Mines” that has 37 signatures.

**Response:** The decisions and opinions of Franklin County remain with Franklin County. Meramec Aggregates is required to follow all applicable state, federal and local laws. Each regulating body of law has the power to enforce, make decisions and interpret their own laws and those interpretations, decisions and enforcement actions are generally subject to appeal.

### **Bruns In-stream Permitted Mine Site and the Proposed Jeffery Open Pit Mine Site**

**Comment:** There was a statement made at the meeting that Meramec Aggregates is permitted to mine at the Bruns In-stream mine site. There were time lapse photos shown at the meeting of the Bruns property being mined. During the December 2015 flood event, a significant amount of sand and gravel was deposited in the mined out area. The commenter is aware that floods replenish sand and gravel on the gravel bars that are mined out. Once the Jeffery Open Pit is mined out the landscape will be changed and never be the same. Removing the opportunity to dredge in the Meramec River has forced Meramec Aggregates to go outside of the banks of the river as illustrated by all of the open pit sites that were illustrated on the map. These open pit mine sites cannot be replenished with sand and gravel because they are located too far away from the river. Why can't Meramec Aggregates remain in the areas that are already permitted? When will enough be enough? These open pit sites become stagnant, swampy sites. The landscape will be altered and will create a huge environmental impact.

On three occasions Mr. Jeffery's cattle have swam across the river and ended up on my front lawn which is another problem within itself.

There was a certified letter that Lyn Havin mailed announcing the intent of the surface mine as required by the Land Reclamation Act. During the meeting there was mentioning of the mining only going on for five years; however the notice mentioned that mining will be going on until September 5, 2041 and I am a little confused about that.

**Response:** Dredging does create environmental impacts.

A historical mussel bed is located near the Hwy 30 bridge crossing. Studies were completed in the late 1970s to early 1980s, and again in 2000. The 2000 study indicated a decline in the mussel population.

The company is predicting that it will only take a period of five years to completely mine out the site. Due to the unforeseeable future, there is a school of thought that the river may redeposit gravel in the same location sometime after mining is complete. If additional gravel accumulates in the open pit following the initial completion of mining then Meramec Aggregates would be able to get back into the site until September 5, 2041, without being required to satisfy another public notification requirement. If no gravel is redeposited in the site after it is mined out, then there is no need for Meramec Aggregates to get back into the site.

### **Meramec Aggregates Virginia Mine**

**Comment:** The mining pit that was directly across from my house, they were supposed to stay fifty feet away from the shoreline. After flood events, the river has captured the pit and the old sand and gravel pit is open to the river in more than one place. They were supposed to maintain the shoreline and banks and stay fifty feet away from the river. The course of the river is being changed as a result of past mining practices and how can they go to a new site when they have not taken care of the old site? I would like an answer to that as it is close to my home.

Shortly after they shut down the mining there may have been some patch work, but the river is changing course in this area as a result of past mining. In my opinion this site was never maintained and it was released with the site being open to the river. You can take a boat into the open pit area and fish. They were supposed to stay back fifty feet of the river bank; you can check your records. It is possible that the river could cut a new channel and take peoples riverfront property, would that be fair for anyone? But you are responsible to regulate these types of permitting actions. I believe that Meramec Aggregates did stay back the required fifty-foot distance from the high bank when they conducted the mining. I am not saying that the mining company did anything wrong with the permit that they had. What I am saying is that the setback was not an adequate distance because when the river flooded, the river changed course for the worst as a result of the mining operation. I believe they followed the permit to the letter. So how can the department give out another permit without knowing if it will do the same kind of damage? The property left behind should be maintained one way or another unlike the way the Virginia Mines property is. I do not think a new permit should be issued under any circumstance unless they can maintain the property. If the river does change course the responsibility falls on whom? I would say the people giving out the permits.

It was mentioned that there are no regulations to prevent a mining operation from mining within feet of a river bank, does that not contradict what you just said about leaving a silty river channel that does not support mussel populations. So if they dig this pond to the river and I am not saying that they will, but there are no regulations to prevent it, won't that cause more silt to enter the river. It seems like there is an issue inside the Missouri Department of Natural Resources on what the regulations should be to help prevent silt from entering the river as a result of a mining operation being allowed to mine in a floodplain just feet from the river bank. Then somebody with no regulations can just dig right up to the river and cause excessive silt to go into the river. So the pond when it gets flooded is going to push more dirt out into the river.

It seems that the department does not have the capacity to police these types of operations. So it is our responsibility stop this before it happens. When the citizens have to keep a watch on these types of operations then the citizens have to take charge that these operations do not come into our neighborhoods and our back yards. If no one else is going to protect the river then we must do it. It is as if we have to police the government agency to make sure they are doing what they are supposed to do.

**Response:** The Virginia Mines Site #4 has not mined in over ten years. There is an entry recording that the site was released on April 4, 2011. A river capturing an open pit is a result of not leaving a large enough buffer. As mentioned earlier, there is no required setback for an open

pit floodplain mining operation, and these sites can be released if reclamation is ineffective and non-permanent. Once a mine site is released, there is no further responsibility for the company to maintain the property with the Missouri Department of Natural Resources, Land Reclamation Program. The mining company is responsible for the actions created by their mining methods. The United States Army Corps of Engineers has authority to take action for changing the course of a river or stream.

The proposed Jeffery Open Pit will leave a 200-foot buffer. There is no distance restriction on how close an open pit mine site can be placed to a river. There is new mapping technology with real time aerial photographs where distances can be measured in an office. At any time a complaint can be filed with the Missouri Department of Natural Resources and the department will investigate that complaint. There are regular inspections that occur about once every two years, when a site closes, or when someone calls in a complaint. The water level of the river will change, which in turn will change the distance the river is to the pit. The water level change makes it impossible to have a constant maintained set back distance of the pit from the river. A flood event will change the distance of the water level to the pit compared to a low flow water level.

One of the largest concerns with the proposed site is the possible capture of the open pit by Meramec River. While there has been very little change in this area of the river over time, there is a considerable floodplain constriction just upstream of the proposed pit mine location as illustrated below:

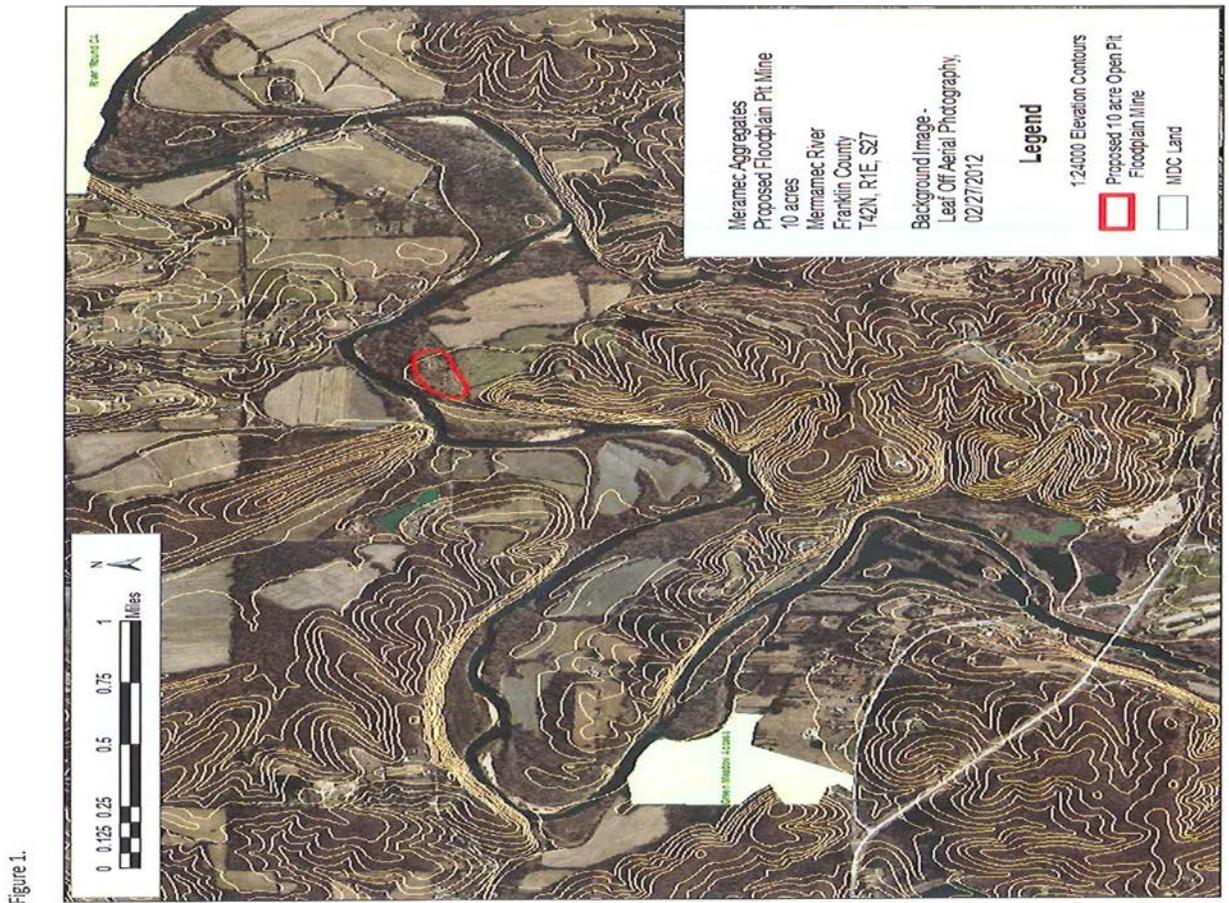


Figure 1.

Much of the area just upstream lacks forest cover. It would be best if the floodplain upstream of the proposed pit mine was forested. A forested floodplain upstream of the site is important due to the presence of a high flow channel just upstream of the proposed site, which could direct the flow of water along the upstream side of the proposed pit mine location. The top of the river bank also known as the high bank is at an approximate elevation level of 508 feet above sea level, which is also the primary floodplain and the elevation of the proposed open pit site starts at an approximate elevation of 516-feet above sea level which is the secondary floodplain. There have been about five flood events in the last thirty (30) years that have reached the secondary floodplain of the proposed open pit site.

### Dredging Operation

**Comment:** I have a letter to Ms. Havin from Kevin Mohammadi, in the letter dated early 2015 it was stated that the dredge would lose the variance to mine below the waterline. Are you familiar with why the dredge was closed down? Did they break any law?

When they put the dredge in the river they dug through a pond, it was one of their wash ponds, it was full of silt and fuel oil and they dug the bank out and shoved the dredge out into the river. I

watched for better than forty-eight hours silt, fuel oil and no telling what else flowed by my house in the river. When they put that dredge in the water and they cut through the bank and all the material went out of the sludge pond. Did they have a permit to put that in the river? The time frame is when the old grey bridge was out and the new red bridge was in. Ask them when the dredge was put in as well as if they dug through the pond to launch the dredge. The sludge came down the river right in front of my house.

**Response:** The main reason why the dredge was closed down was the impact to the mussels. Mussels require more of sand and gravel substrate to survive. The dredge removed the sand and gravel and left more of a muddy, silty substrate that was not conducive for mussel survival. The letter from Mr. Mohammadi said that he was not renewing the variance to mine below the waterline. The operator was provided an opportunity to appeal the decision to deny the variance but did not do so in the required timeframe. No violations from the Missouri Department of Natural Resources, Land Reclamation Program were issued to Meramec Aggregates as a result of the dredging operation.

Meramec Aggregates claims they did not breach a pond to launch the dredge. The observed discharge did not involve a pond to begin with. The observed discharge was a result of the river cutting into the bank and made a large cavity down river from the old bridge. Meramec Aggregates did slope one of the banks in the cavity and placed the dredge into the water at that location using a large crane from Gabrielle Crane Rental. Meramec Aggregates bought the dredge when the old dredge sunk during a rain event that produced over fifteen inches (15”) of rain during a May 2000 event. The Missouri Department of Natural Resources, Land Reclamation Program or Meramec Aggregates was not informed of any complaints or comments made about excessive sediments in the river. Prior to the year 2000, the US Army Corps of Engineers permitted the dredging activity. In early 2000, the Land Reclamation Program permitted the dredging activity, until December 30, 2015, when the variance to mine below the waterline was removed.

## **Past Violations**

**In accordance with section 444.773.2 RSMo:**

**“...The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined**

**by the United States Environmental Protection Agency as other than minor. If a hearing petitioner demonstrates or the administrative hearing commission finds either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years...”**

The Missouri Department of Natural Resources, Land Reclamation Program, does not have record of a violation issued to Meramec Aggregates, Inc., from April 1, 2011 to April 1, 2016.

## **Closing**

There are about 800 mine sites in Missouri. The department’s Land Reclamation Program conducts inspections at industrial mine sites about once every two years. If anyone has a concern with environmental aspects of any mining operation, they may contact the department’s Land Reclamation Program by telephone at (573) 751-4041. Department regional office staff, who may also investigate concerns with air and water quality, are located in St. Louis and are available by telephone at (314) 416-2960.

A copy of the mine plan and maps were provided as a handout at the public meeting along with a contact information sheet for other local, state and federal government officials.

From the date of this public meeting the Director of the Land Reclamation Program has six (6) weeks to make what is called a Director’s Decision. The decision will be either to issue the permit or to deny the permit. Those unduly impaired by the decision will have an opportunity to appeal the decision to the Administration Hearing Commission. If the Director denies this permit, then Meramec Aggregates can appeal the decision to the Administrative Hearing Commission, and likewise, if the Director issues the permit then affected parties have a right to appeal the decision to the Administrative Hearing Commission. Staff will remain in the meeting room for a while to answer further questions.