



**Paul Horn**  
1909 Huntington Dr.  
Cape Girardeau, MO 63701

# Fax Cover Sheet

Date 12/30/10

Number of pages 2 (including cover page)

To:

From:

Name Trike Larson

Name Paul c Horn

Company Div. of Environmental  
Quality

Company Fruitland Props. LLC

Telephone \_\_\_\_\_

Telephone (573) 334-7607

Fax (573) 751-0534

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: Mike Larson, Staff Director

From: Paul C Horn (Fruitland Properties, LLC)

Concerning: Request for a hearing on both the Heartland Materials and Strack Excavating proposals for open pit mining operations at the Fruitland, Missouri sites.

Location: North East Corner of I-55 and Highway 61 at the Fruitland interchange consisting of approximately 35 acres owned by Fruitland Properties, LLC; Paul C Horn, managing member.

Reasons for opposition:

- (1) Toxic gas released from explosives used in a populated area. See website: "Blasting Fumes Health Effects."
- (2) Inappropriate location for an open pit mine in a populated area with school and traffic safety considerations.
- (3) Limestone dust accumulation on highway surfaces producing slick pavement road conditions when wet.
- (4) Possible drop in water table causing a need to haul in water for everyday use. This was the case in Maybee, Michigan.
- (5) Devaluation of property in the area as a result of shock waves from blasting which cause cracks in foundations and basements.

## Zeaman, Bill

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**From:** Larsen, Mike  
**Sent:** Thursday, December 30, 2010 2:31 PM  
**To:** Zeaman, Bill  
**Subject:** FW: Request hearing regarding Strack Excavating, LLC permit

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

-----Original Message-----

From: Todd Petzoldt [mailto:tlpetzoldt@yahoo.com]  
Sent: Thursday, December 30, 2010 2:20 PM  
To: Larsen, Mike  
Subject: Request hearing regarding Strack Excavating, LLC permit

December 30, 2010

Land Reclamation Board  
P.O. Box 176  
Jefferson, MO 65102

Land Reclamation Board,

I'm writing concerning the quarry Strack Excavating, LLC is currently applying for a permit to operate right next to the campus of Saxony Lutheran High School. My daughter and son are both students at Saxony, and that is why this situation affects me directly. I am concerned for several reasons:

1. Since quarries are industrial sites, I am concerned about the health of my students and all the other students at the school. I know from personal experience that quarries generate a lot of dust. Our school sits directly adjacent to where this quarry is proposed to be located. Both of my children have respiratory problems, and any additional degradation to the air quality would have a detrimental effect on their health as well as other students and visitors.
2. I am concerned about my students' safety. Industrial traffic generated by the proposed quarry combined with our inexperienced teenage drivers seems like a worst-case scenario. It seems that this situation should warrant a study relative to the potential for accidents that will exist, given these unique circumstances.
3. I feel that the livelihood of the school may be jeopardized. My church and the other 24 association member churches have a multi-million dollar investment in the school, which just last year went through another one million dollar addition. Having a quarry so close to our school grounds certainly does not bode well for a new school which was built long before any quarry was proposed. This quarry may very well deter future students from attending Saxony, making our considerable investment a prisoner to our location.

I respectfully ask that Saxony Lutheran High School be granted a hearing to discuss these and other matters regarding this proposed quarry adjacent to the school grounds. Currently, there are just too many unanswered questions and concerns to go any further without one.

Thank you for your consideration.

Sincerely,

Todd L. Petzoldt  
919 PCR 414  
Frohna, MO 63748

**Zeaman, Bill**

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**From:** Larsen, Mike  
**Sent:** Thursday, December 30, 2010 1:02 PM  
**To:** Zeaman, Bill  
**Subject:** FW: Strack Excavating, LLC

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

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**From:** Rachel Leadbetter [mailto:ericdelkofan\_1@hotmail.com]  
**Sent:** Thursday, December 30, 2010 12:47 PM  
**To:** Larsen, Mike  
**Subject:** Strack Excavating, LLC

To Whom it may concern,

My name is Rachel Leadbetter and I live at 177 Oak Lane Lot 26 in Jackson, Missouri. When i heard about the possible quarries to be built in the Fruitland area i was completely shocked. Fruitland is a semi small community and in my opinion we would be just fine here without two quarries. I am a previous graduate of Saxony Lutheran High School and will always be a proud graduate. When i heard that the quarry was to be built by saxony i was completely shocked. Saxony is a place of learning and even better it is a Lutheran High School. where the students can go and not be afraid to worship God. I'm afraid if the two quarries do make it in by Saxony it will have numerous negative effects on the school and the kids attending school there. Its always been said that the children are our future so lets help them in giving them a nice Lutheran environment to grow in, i'm not sure how they will be able to learn with all the extra noise. If this quarry were to come here to fruitland it would not only be affecting Saxony, but also many homes and businesses. Most importantly lets think about the safety of all the people who will live by or close to the quarry. I'm sure there will be times when the water supply would be contaminated, foundations of homes would have to be repaired due to cracks that were made by the blasting. Our health is one of the only things people can control any more and i think it is up to us to try and keep our water, and air clean so we have a good environment to go to school in, and live in and work in. Another thing that would be harder to maintain is the safety of the people of the Fruitland community. we all know that this time of business can be dangerous to the people around it. rocks could fly and hurt people, kids from the high school could be curious and wonder over to one of the quarries and get hurt. when thinking about the health and safety of our community i think we can all agree on one thing that this quarry idea is in fact a bad idea. I think it would be for the good of the town and the community of Fruitland if this matter were taken to court and fought. Both in an Informal Public Hearing, and a formal courtroom hearing. Lets do what we can to keep our community the safest we can.

Proud Graduate of Saxony,  
Rachel Leadbetter

12/30/2010

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**Zeaman, Bill**

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**From:** Larsen, Mike  
**Sent:** Thursday, December 30, 2010 2:04 PM  
**To:** Zeaman, Bill  
**Subject:** FW: Strack Excavating opposing quarry  
**Attachments:** fruitland map of concern.pdf; Fruitland letter final.pdf

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

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**From:** Braden, Indi S [mailto:isbraden@semo.edu]  
**Sent:** Thursday, December 30, 2010 1:36 PM  
**To:** Larsen, Mike  
**Cc:** Braden, Indi S  
**Subject:** Strack Excavating opposing quarry

Please consider my letter of concern for the Strack Excavating application for a quarry near Fruitland, Missouri. There are two items attached to this email. Please let me know if you do not receive them.

Thank you,

Indi S. Braden, PhD  
Department of Agriculture  
Southeast Missouri State University  
One University Plaza MS6100  
Cape Girardeau, Missouri 63701  
isbraden@semo.edu  
573/651-2793

Director, Land Reclamation Program  
Department of Natural Resources  
P.O. Box 176 Jefferson City, MO 65102-0176

Thursday, December 30, 2010

Dear Director of the Land Reclamation Board,

I'm writing to voice my opposition to the *Strack Excavating* quarry application for a permit to operate in the Fruitland community. I *live, work, and drive through the area everyday*; and this situation affects me directly. I have many concerns regarding this permit.

*Increased traffic:*

- 1) With any addition of quarry industry, there would be increased traffic, noise, dust and potential for pollution to the air, water, and soil in the area. Additional industrial traffic generated by the proposed quarry combined with our current traffic will result in the traffic and pollution similar to that of a small city. It seems that this situation should warrant a study relative to the potential for accidents that will exist given these unique circumstances of 2 schools and daycares within a very close distance. Additionally, with dust in the air, I'm concerned about how this affects the future health of these young people. I believe our children have a right to a safe, clean, environment.

Air quality and health:

- 2) We have a person in our household with sensitive health issues that puts him at serious risk in this situation. Because I know that every dust particle cannot be completely controlled in every situation, I have grave concerns about how our air quality and our health will be affected. I am extremely concerned about this company due to complaints submitted by neighbors of another site operated by Strack in Cape Girardeau County. The neighboring communities have experienced problems with lack of dust control and noise.
- 3) We also have young children in a home day care situation. Our children will soon be attending the nearby elementary school. I am extremely concerned about the health and safety (for both traffic and air quality) of my children as well as those students in other schools in the area.

Water quality and health:

- 4) I live in Fruitland and depend on the Public Water Supply for my family. As a scientist, I am concerned about the water quality in our environment. I have taken much time and thought into choosing my home location to find a safe living space for my family. This included going to the public water supply district to request water quality reports before buying my home. Thousands of people depend on this water supply daily. There are already water quality concerns in the area, such as livestock operations, runoff of paved surfaces, etc. However, I feel that additional traffic and digging would expedite the potential for water pollution. There are several public and private wells within a close proximity to the proposed quarry location. I urge you to complete the proper studies to determine how this could possibly affect our water supply in the future, especially considering the geology, soil characteristics, and karst topography of the region.

General concerns:

- 5) I am also concerned by the blasting that occurs. The blasting that occurs at quarries can be disruptive to the peace and quiet of a family's living space. It also increases the chance for damage to a home and personal property with little or no recourse for the excavation company. This potential damage, increased traffic, dust, noise, can and have also decreased property values (sometimes 10-20% less) for many landowners near incoming excavation locations.

Evidence of my concern can be found on a small sampling of items of concern in the area. I have included a map (created on the Center for Applied Research and Environmental Systems website <http://www.cares.missouri.edu/>). I have selected just a few items of concern in the area for location of this quarry. Some of these items include proximity to schools, communities, karst potential, locations of faults (modifications of which can affect personal property and water quality), soil characteristics, hydrologic watersheds, sinkholes, water supplies, and much more. The map that I have attached to this letter is only a small sample of items of concern in the area. Please consider a detailed look into the area while considering the Strack Excavating permit.

As a citizen with a right to protect my family's health and safety, I adamantly oppose this quarry. I respectfully ask that an informal public hearing take place to discuss these issues. I also request that a formal courtroom hearing be granted so that further evidence could be presented to the Land Reclamation Board. Thank you for your time and consideration. If you would like to contact me with any questions or concerns (or want a more detailed map), please feel free to do so (home: 573/204-1773).

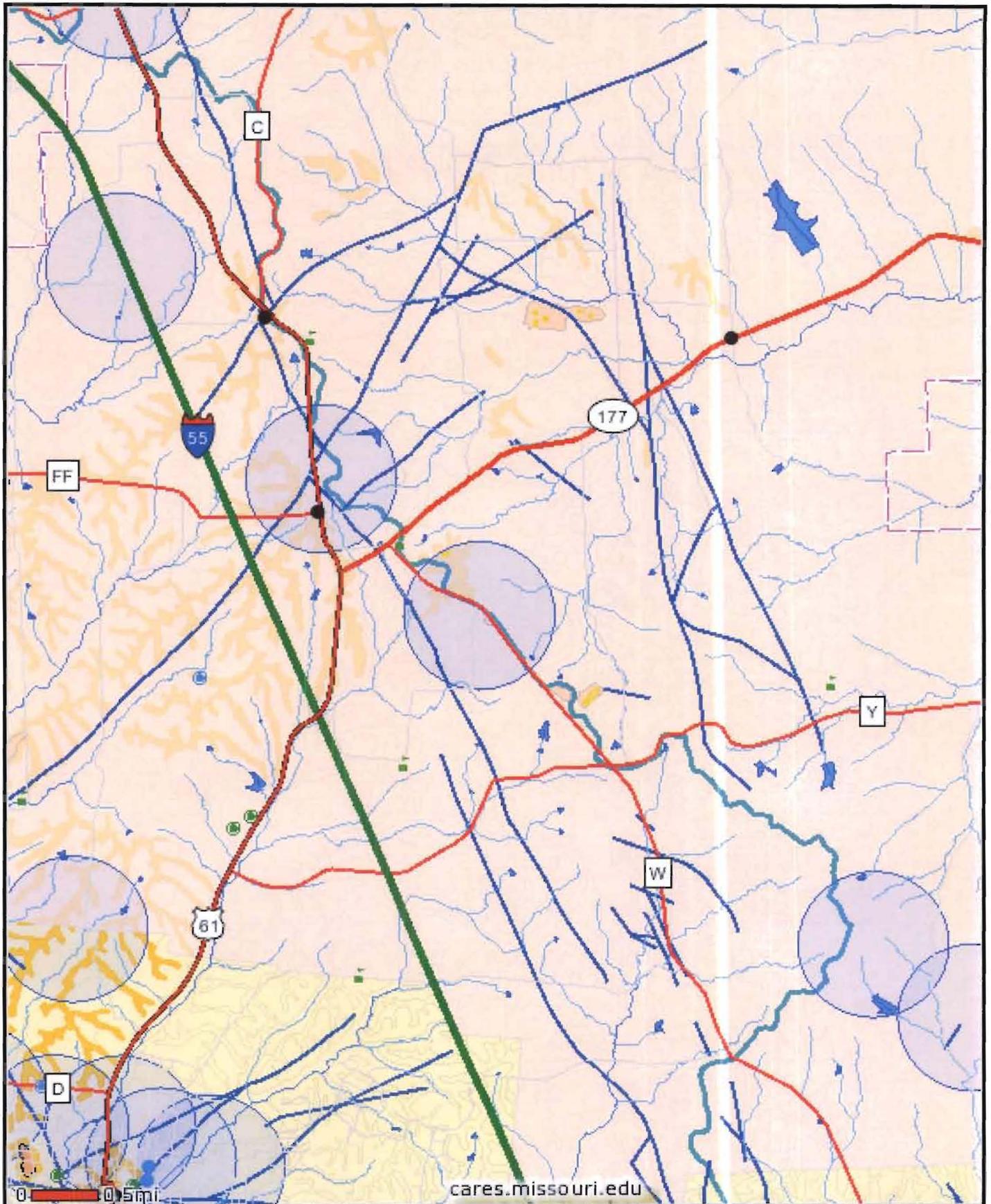
Sincerely,



Indi Braden  
349 Melissa's Drive  
Jackson, Missouri 63755

Enc: map of Fruitland area with items of concern

# Map



## Legend

- Communities (Other), 2008
- Schools (GNIS)
- Springs, 2006
- Licensed Child Care Family Homes
  
- Licensed Child Care Centers
- Nursing Facilities, 2008
- CAFOs by Facility Class, 2009
  - IA - More than 7,000 Animal Units
  - IB - 3,000 to 6,999 Animal Units
  - IC - 1,000 to 2,999 Animal Units
  - II - 300 to 999 Animal Units
  - NP - AFO Non-Point Source
- Vulnerability Assessment Databases
  
- Sinkhole Areas, 2006
  
- USGS
- MoDNR Division of Geology and Land Survey
  
- Roads and Highways
  - Interstate
  - U.S. Highway
  - State Numbered Highway
  - State Lettered Highway
  - Principal Road
  - Road or Street
- School Districts - 2007
- 1:24,000 Rivers and Streams
  - Perennial Stream/River
  - Intermittent Stream/River
  - Artificial Path (Approx. Centerline)
  - Undifferentiated Stream/River
  - Canal or Ditch
  - Other Hydrologic Feature
- Surface Source Water Inventory Areas
  
- Ground Source Water Inventory

## Locator Map



- Areas
-  **Faults**
-  **8-Digit Hydrologic Unit**
-  **1:24,000 Water Bodies**
-  **Lake or Pond**
-  **Lake or Pond (Intermittent)**
-  **Reservoir**
-  **Stream or River**
-  **Swamp or Marsh**
-  **Canal or Ditch**
-  **Other Water Body**
-  **Public Drinking Water Supply Districts**
-  **District**
-  **District**
-  **District**
-  **District**
-  **District**
-  **District**
-  **Karst Prone Areas, 2008**
-  **Sewage Lagoons (2007)**
-  **Not Limited**
-  **Somewhat Limited**
-  **Very Limited**
-  **Not Rated**

Map prepared by:  
<http://cares.missouri.edu>,  
 12/30/2010

**Zeaman, Bill**

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**From:** Larsen, Mike  
**Sent:** Thursday, December 30, 2010 2:06 PM  
**To:** Zeaman, Bill  
**Subject:** FW: Comments - Strack Excavating Mining Application

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

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**From:** Abby Petzoldt [mailto:abby@abbyink.com]  
**Sent:** Thursday, December 30, 2010 1:36 PM  
**To:** Larsen, Mike  
**Subject:** Comments - Strack Excavating Mining Application

Larry P. Coen

Director, Land Reclamation Program

Department of Natural Resources

P.O. Box 176

Jefferson City, Mo 65102-0176

Re: Comments - Strack Excavating, LLC Permit Application

Dear Mr. Coen,

I have very serious concerns regarding the location of the quarry proposed by Strack Excavating, LLC. I live in extremely close proximity (less than 1/4 mile), and have a 3 year old child with Asthma. She takes an inhaler daily as a preventative measure to control her respiratory problems, takes in-home breathing treatments as needed for bad days, and has been hospitalized for pneumonia several times. I understand there are laws governing the amount and size of the particulate matter that is emitted, however since it is impossible to control all fugitive dust, and combined with pollution from excess diesel and trucks that will be frequenting the site, my daughter's quality of life will most certainly be devastated. We play outside often, and with a quarry in close proximity this simple act will put her health at serious risk. My son also suffers from allergy problems on a lesser scale, and takes breathing treatments at home as needed.

12/30/2010

In the past several months, I have extensively researched how fugitive dust may affect the health of my children. I have read numerous studies with the same basic conclusion: proximity to the source of dust pollution was associated with increased prevalence of excess cough, breathlessness, school absence due to respiratory ill health, and doctor-diagnosed asthma. Additionally, although the average person can adequately expend particulate matter that is inhaled, those with pre-existing conditions such as asthma (particularly children), cannot process it the same way. We have the right to maintain our safe home environment. We chose this location to live long ago, and invested money in this homesite because of its beauty and also because our children would have room to safely play outside. A quarry would take that right away from us.

I am especially concerned about the Strack application since there is a history of air quality violations with this company. I find it extraordinarily disturbing that any company with such a history would be considered for a mining permit in such close proximity to so many families and a school. His application should be rejected solely on the basis of past non-compliance.

I have a concern for Saxony High School. As a member of a nearby Lutheran Church, our children are potential future students. Even with safety precautions in place, a quarry deals with explosives that can be unpredictable. Although rare, consciously exposing students to these risks are unacceptable. I recently read an article from Pennsylvania (<http://www.wpxi.com/news/24741228/detail.html>) where blasting caused an 82 pound chunk of stone to travel 1/4 mile and through the roof of a nearby homeowner. This was obviously unintended. How can the safety of students be insured when they are within an extremely close proximity such as this? It is an unacceptable risk to these students, and I believe it is your duty to deny the application in order to ensure that these young developing minds can safely learn without interruption due to dust, noise, etc.

I have a concern as a small business owner. My business location is within a close proximity to the quarry site. I believe my employees are able to concentrate and perform their jobs in great part due to the comfortable environment they are in. I also have clients visit my place of business often. Excessive noise would significantly alter this environment and put my livelihood at risk.

Finally, I am concerned for our public water supply. Mining in Karst topography can be very unpredictable. My family, and literally thousands of others depend on this water supply. Is the risk to compromise this supply for thousands of residents less than the right of a company to start a business? I request an extensive risk assessment type of study be performed to explore how our water supply may be affected at the expense of those who plan to put the rest of us in danger.

I urge you to recommend rejection of the application that Strack Excavating has submitted. It is simply too close to a residential community, thriving schools, and businesses. I am not in any way opposed the necessary quarry industry, but in this unique situation, the proximity to hundreds of students and thousands of residents who were here first supersede the right of these business owners who want to bring unnecessary risk to our populated community. Should this application continue, I would like to request a formal courtroom hearing to decide this issue.

If the reasons stated above, and also the reasons put forth to you in the hundreds of letters received do not show adequately the threat to **safety, health, and livelihood**, and provide you enough authority under the law to deny this permit...then the law has not been written to protect the citizens on any level.

12/30/2010

Respectfully,

Abby Petzoldt

413 Eli Drive

Jackson, MO 63755

[abby@abbyink.com](mailto:abby@abbyink.com)

## Zeaman, Bill

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**From:** Larsen, Mike  
**Sent:** Thursday, December 30, 2010 2:08 PM  
**To:** Zeaman, Bill  
**Subject:** FW: Letter regarding the Fruitland quarry- Strack

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

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**From:** Tamera Petzoldt [mailto:tamjpetzoldt@yahoo.com]  
**Sent:** Thursday, December 30, 2010 2:07 PM  
**To:** Larsen, Mike  
**Subject:** Letter regarding the Fruitland quarry- Strack

December 30, 2010

Land Reclamation Board  
P.O. Box 176  
Jefferson , MO 65102

Land Reclamation Board,

I am writing to express my concern regarding the quarry that Strack is currently applying for a permit to operate right next to the site of Saxony Lutheran High School. I currently have two children attending Saxony, with a younger sibling to follow, which is why this situation affects me directly. My concerns are for the following reasons:

1. Since quarries are industrial sites, I am concerned about the health of my children, as well as that of the other students. Naturally, a quarry will generate dust. Since our school is located on a hill, the wind is always blowing, and there would be no way to prevent quarry dust from blowing toward the school. My children participate in sports, which are played outside – making inhalation of this dust – directly, inevitable.

12/30/2010

Moreover, both of my children now attending Saxony have respiratory problems, and being exposed to the dust generated by this quarry, both outside AND inside the school building, would have a detrimental effect on their health, as well as the health of other students and visitors.

2. As a mother, I am very concerned about my children's safety. Due to the broad base from which Saxony's students are drawn, busing is not an option, and the majority of our students drive themselves to school – including my children. Industrial traffic generated by the proposed quarry, combined with newly licensed teenage drivers, seems like a recipe for disaster. It seems that this situation should warrant a study relative to the potential for accidents that are bound to occur, given these particular circumstances.

3. The livelihood of our school may be jeopardized due to the location of the proposed quarry. My church, along with twenty-four other association member churches, has a multi-million dollar investment in the school. In addition, the school very recently took on another one- million dollar addition. Having a quarry so close to our school grounds certainly does not bode well for a new school, which was built long before any quarry was proposed. This quarry may very well dissuade potential students from attending Saxony ...making our considerable investment a prisoner to our location.

I vehemently oppose the location of this quarry, and respectfully ask that Saxony Lutheran High School be granted a hearing to discuss these and other matters regarding this proposed quarry right next to our school grounds. Currently, there are just too many unanswered questions and concerns to proceed without one.

Thank you for your consideration.

Sincerely,

Tamera J. Petzoldt

919 PCR 414

Frohna , MO 63748

DEC 30 2010

To the Land Reclamation Board

I'm writing to voice my opposition to the Strack Excavating Quarry that has applied for a permit to operate in the Fruitland community. I live in the area and this situation affects me directly. I have concerns regarding this permit.

I live in the Fruitland area and depend on the Public Water Supply for my family. Fruitland is a very populated area, and thousands depend on this water supply daily. There are several public wells within a close proximity to the proposed quarry location. I urge you to complete the proper studies to determine how this could possibly effect our water supply in the future, especially considering the unpredictable Karst topography we live in.

The students and employees could be directly affected by this quarry in regard to the noise, air and water quality. This is the only Lutheran high school in the area. Please take the children into consideration.

This quarry will affect the fruitland areas (and it's population's) Safety, Health, and Livelihood. Please give strong consideration to the wide-ranging negative effects to the area.

Sincerely,

Deena A. Esler  
414 Quail Ridge Rd  
Jackson, Mo 63755

To the Land Reclamation Board, DEC 30 2010

I'm writing to voice my opposition to the Strack Excavating quarry that has applied for a permit to operate in the Fruitland Community. I live in this area and this situation affects me directly. I have concerns regarding this permit

I live in the Fruitland area and depend on the Public Water Supply for my family. Fruitland is a very populated area, and thousands depend on this supply daily. There are several public wells within a close proximity to the proposed quarry location. I urge you to complete the proper studies to determine how this could possibly effect our water supply in the future, especially considering the unpredictable Karst topography we live in.

I am also very concerned for the students and employees of Saxony Lutheran Church. The welfare of

I am also very concerned for the students and employees of Saxony Lutheran Church. The welfare of these individuals could be directly affected by this quarry in regard to the noise, air and water quality. This is the only Lutheran High School in this area. Please take the children into consideration.

This quarry will affect the Fruitland area (and its population's) safety, health, and livelihood. Please give strong consideration to the wide-ranging negative affects to the area.

Sincerely,  
Tim Efr

44 Quail Ridge Rd  
Jackson, Mo 63735

NOV 18 2010

Dear Sir:

It has come to my attention that "Strock's Excavating or Heartland Materials" has applied for a permit to operate a quarry very close to the campus of Saxon Lutheran High School. I am writing because I am most concerned about this situation and the impact a quarry would have on the ongoing livelihood of the school. I am a member of Zion Lutheran Church at Peabontons, Mo., one of the 25 churches who together form the ownership association for Saxon. My concern is about the future livelihood of the school, should a quarry be granted a permit to operate so close to our grounds.

My congregation, and all congregation in the Association, have a multi-million dollar investment in this school investment that was made for current and future students. However, I fear that the future of our school may be

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DEC 27 2010

WATER PROTECTION PROGRAM

DEC 30 2010

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irreparably harmed by this proposed development. Right now we are a growing vibrant school, but the but the perception of a school so close to a dusty, noisy industrial sight like this one will most likely keep many students from choosing to attend Saxony. Once this happens, the growth stops and the long term likelihood looks more bleak, as each year passes and the quarry gets bigger and bigger.

Our school <sup>has been</sup> located here long before this permit was applied for and so I believe we should have a chance to explain our case more fully before any decisions are final. I respectfully ask that you give Saxony Lutheran High school a hearing about this permit so that all areas of its potential impact can be discussed in a public forum openly and honestly.

Sincerely

Mr. & Mrs. Dillman Starzinger

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MO. LAND RECLAMATION COMM.

DEC 30 2010

KATHY HEISE

RECEIVED  
MO. LAND RECLAMATION COMM.

NOV 12 2010

November 8, 2010

Land Reclamation Board  
P.O. Box 176  
Jefferson City, MO 65102

Land Reclamation Board,

It has come to my attention that (Strack Excavating or Heartland Materials) has applied for a permit to operate a quarry very close to the campus of Saxony Lutheran High School. I am writing because I am most concerned about this situation and the impact a quarry would have on the ongoing livelihood of the school.

I am a member of Trinity Lutheran Church, one of the 25 churches who together form the ownership association for Saxony. My concern is about the future livelihood of the school should a quarry be granted a permit to operate so close to our grounds.

My congregation, and all congregations in the association, have a multi-million dollar investment in this school, an investment that was made for current and future students. However, I fear that the future of our school may be irreparably harmed by the proposed development. Right now we are a growing, vibrant school, but the perception of a school so close to a dusty, noisy industrial site like this one will most likely keep many students from choosing to attend Saxony. Once this happens, the growth stops and the long-term livelihood looks more bleak as each year passes and the quarry gets bigger and bigger.

Our school was located here long before this permit was applied for and so I believe we should have a chance to explain our case more fully before and decisions are final. I respectfully ask that you give Saxony Lutheran High School a hearing about this permit so that all areas of its potential impact can be discussed in a public forum, openly and honestly.

Sincerely,



Kathy Heise

LAURIE HEISE

RECEIVED  
MO. LAND RECLAMATION COMM.

November 8, 2010

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MO. LAND RECLAMATION COMM.

Land Reclamation Board  
P.O. Box 176  
Jefferson City, MO 65102

DEC 30 2010

Land Reclamation Board,

It has come to my attention that (Strack Excavating or Heartland Materials) has applied for a permit to operate a quarry very close to the campus of Saxony Lutheran High School. I am writing because I am most concerned about this situation and the impact a quarry would have on the ongoing livelihood of the school.

I am a member of Trinity Lutheran Church, one of the 25 churches who together form the ownership association for Saxony. My concern is about the future livelihood of the school should a quarry be granted a permit to operate so close to our grounds.

My congregation, and all congregations in the association, have a multi-million dollar investment in this school, an investment that was made for current and future students. However, I fear that the future of our school may be irreparably harmed by the proposed development. Right now we are a growing, vibrant school, but the perception of a school so close to a dusty, noisy industrial site like this one will most likely keep many students from choosing to attend Saxony. Once this happens, the growth stops and the long-term livelihood looks more bleak as each year passes and the quarry gets bigger and bigger.

Our school was located here long before this permit was applied for and so I believe we should have a chance to explain our case more fully before and decisions are final. I respectfully ask that you give Saxony Lutheran High School a hearing about this permit so that all areas of its potential impact can be discussed in a public forum, openly and honestly.

Sincerely,

  
LaurieHeise

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

**Harold Kent and Rebecca Witherby**  
**260 Jeffery Drive**  
**Jackson, MO 63755**  
**573-270-4579**

December 27, 2010

Director, Land Reclamation Program  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

To the Land Reclamation Board:

We are writing to voice our opposition to the quarry that Strack Excavating LLC has applied for a permit to operate in the Fruitland community. We live in the area and this situation affects us directly. We have several concerns regarding the permit.

We live in Fruitland and depend on the Public Water Supply for our home. Fruitland is a very populated area and thousands depend on the supply daily. There are several public wells within a close proximity to the proposed quarry location. I urge you to complete the proper studies to determine how this could possibly affect our water supply in the future, especially considering the unpredictable Karst typography we live in.

We are also extremely concerned about the possible effects on the property values in the areas close to the proposed quarry. We have the bulk of our retirement funds tied up in the equity of our home. Depreciation of our property could greatly affect our ability to sell our home and recover our funds for retirement.

As citizens with a right to protect our health and livelihood, we adamantly oppose this quarry. We respectfully ask that a formal public hearing take place to discuss these issues. We also request that a formal courtroom hearing be granted so that further evidence can be presented to the Land Reclamation Board.

Thank you for your consideration.

Very sincerely,





# CHARLES WAYNE HEISE

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

RECEIVED  
MO. LAND RECLAMATION COMM.

NOV 12 2010

November 8, 2010

Land Reclamation Board  
P.O. Box 176  
Jefferson City, MO 65102

Land Reclamation Board,

It has come to my attention that (Strack Excavating or Heartland Materials) has applied for a permit to operate a quarry very close to the campus of Saxony Lutheran High School. I am writing because I am most concerned about this situation and the impact a quarry would have on the ongoing livelihood of the school.

I am a member of Trinity Lutheran Church, one of the 25 churches who together form the ownership association for Saxony. My concern is about the future livelihood of the school should a quarry be granted a permit to operate so close to our grounds.

My congregation, and all congregations in the association, have a multi-million dollar investment in this school, an investment that was made for current and future students. However, I fear that the future of our school may be irreparably harmed by the proposed development. Right now we are a growing, vibrant school, but the perception of a school so close to a dusty, noisy industrial site like this one will most likely keep many students from choosing to attend Saxony. Once this happens, the growth stops and the long-term livelihood looks more bleak as each year passes and the quarry gets bigger and bigger.

Our school was located here long before this permit was applied for and so I believe we should have a chance to explain our case more fully before decisions are final. I respectfully ask that you give Saxony Lutheran High School a hearing about this permit so that all areas of its potential impact can be discussed in a public forum, openly and honestly.

Sincerely,



Charles Wayne Heise

DEC 30 2010

12/27/10

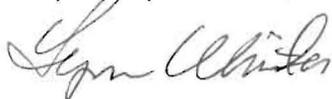
Land Reclamation Board,

I am writing out of concern, regarding the quarry permit application submitted by Strack Excavating, for a proposed quarry that would be next to the campus of Saxony Lutheran High School. I have been involved with Saxony Lutheran High School since it's inception and currently have a student enrolled there. My concerns about a quarry next to the school's property are numerous, but include:

1. Heavy industrial developments, like a quarry, and schools are not a good mix, in my opinion. Potential damage and injury to property and people from blasting (shaking of the ground and rogue flying rock) would be one initial concern regarding property damage and safety. Potential for traffic accidents could increase near the already busy intersection of I-55/US61 and the entrance/exit of the County Road where the school is located, by combining additional heavy truck traffic with relatively new drivers, especially before and after school hours and events.
2. As I understand it, quarry operations, and the associated heavy equipment and truck traffic of moving, processing and loading rock, can create quite a lot of dust. Since the quarry proposed is on the property next to Saxony Lutheran High School, it's not hard to imagine that there will be times when dust will be blown toward the school's property. The dust could have a negative effect on Saxony's activities, many of which are outdoor sporting events held on athletic fields that are most near the property line. Negative health effects from potential dust may be a concern too, especially for individuals with respiratory health issues.
3. Saxony Lutheran High School's perception as a good, safe place to send a student could be damaged by a quarry so close. Saxony is the joint effort of 24 association member churches, and represents a multi-million dollar investment by thousands of contributors and supporters. Saxony has enjoyed growth since it's construction and recent addition to the school. Parents may look negatively at a school that is located near an industrial operation. I doubt the school would have been built on it's current site if a quarry was already in place, and feel that permitting a quarry now would be an undue burden on the school's future and long-term potential.

I respectfully urge the Board to hold a public hearing regarding the proposed quarry to weigh the potentially negative effects of the proposed quarry to Saxony Lutheran High School, as well as other properties and individuals in the area.

Respectfully submitted,



Lynn Winter  
776 Highway A  
Uniontown, MO 63783

DEC 30 2010

DAVID A. SHORR  
DIRECT LINE: (573) 761-5005  
EMAIL: DSHORR@LATHROPGAGE.COM  
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314 EAST HIGH STREET  
JEFFERSON CITY, MISSOURI 65101  
PHONE: (573) 893-4336  
FAX: (573) 893-5398

December 30, 2010

## VIA HAND DELIVERY

Mike Larsen, Staff Director  
Land Reclamation Program  
Department of Natural Resources  
1101 Riverside Drive  
PO Box 176  
Jefferson City, MO 65102-0176

**Re: Comments - Strack Excavating, LLC Permit Application for Industrial Mineral Mines, Permit Expansion - Open Pit Operation— Strack Quarry Site #2, 20, Land grant 2192, 32N, 13E, Cape Girardeau County, Missouri**

Dear Mr. Larsen:

This firm represents Saxony Lutheran High School located at 2004 Saxony Drive, Jackson, Missouri and Save Our Children's Health, Inc., a citizen advocacy group located in Cape Girardeau County, Missouri.

Saxony Lutheran High School is a thriving regional high school supported by 25 separate associated churches in Ste. Genevieve, Perry, Scott, and Cape Girardeau Counties. Built in 2004 at a cost of \$6 million and expanded due to growth in 2009 at an additional cost of \$1 million, Saxony Lutheran provides secondary education to 187 students. The high school provides a typical daily schedule commencing around 6:00 a.m. through well in to the evening hours. In addition to outdoor physical education classes, the school provides a full range of Missouri State High School Athletic Association varsity sports including outdoor sports such as soccer, baseball, softball, cross-country and track. Because students make use of the property for such an extended period of time every day, there is ample opportunity for students to be exposed to ambient air and noise of a quarry while on school property during and after classroom hours, as well as ample opportunity for the students to be exposed to heavy machinery and large equipment traffic while traveling to and from school during heavy traffic flow hours.

DEC 30 2010

The properties surrounding Saxony Lutheran High School have been of great interest to the limestone quarry industry this past year. On July 29, 2010, the Missouri Department of Natural Resources (the "Department") received a construction permit application for a proposed rock crushing plant in Jackson, Missouri by Strack Excavating ("Strack"), which was approved on December 27, 2010. On October 4, 2010, the Department received a 161-acre (long-term mine plan boundary) limestone open pit mining application by Heartland Materials, LLC ("Heartland") for the property immediately south of Saxony Lutheran (the "Heartland application"). Just two weeks later, on October 19, 2010, the Department received a 76-acre (long-term mine plan boundary) limestone open pit mining permit expansion application from Strack for the property north of Saxony (the "Strack application").<sup>1</sup> Attached hereto as Exhibit 1 is a map and graphic showing the location of the proposed Heartland and Strack sites adjacent to Saxony. The two permit applications are working through the same administrative processes at the same time, raising the same issues for Saxony Lutheran and for the Department. Because the two proposed sites are so similarly situated, and because the Department cannot realistically determine the burden that these proposed quarries will have on the health, safety, and livelihood of the Saxony students, administrators and teachers by assessing them separately, we believe that the effects of the two permit applications should be assessed comprehensively and in tandem.<sup>2</sup>

### GENERAL COMMENTS AND ISSUES

The unique circumstances surrounding the Strack application to construct a limestone quarry to the immediate north of a thriving high school, which is bordered immediately to the south by the site of the proposed Heartland limestone quarry, requires a review of the comprehensive effect of the two proposed quarries on the health, safety, and livelihood of Saxony Lutheran High School, its students and families, as well as the administrators and teachers on its campus. We believe there is sufficient scientific and factual evidence to create issues of fact that the proposed permitted activity will unduly impair the health, safety, and livelihood of the students, teachers, administrators, and families at Saxony Lutheran High School to require a formal hearing by the Land Reclamation Commission. *See Lake Ozark/Osage Beach Joint Sewer Bd. v. Missouri Dep't of Natural Resources Land Reclamation Comm'n*, 2010 WL 3394730 \*1, \*6 (Mo. Ct. App. W.D. Aug. 31, 2010) (overturning the Land Reclamation Commission's decision and holding that the petitioners only bear the burden of producing sufficient scientific evidence to establish an issue of fact that the permitted quarrying operations

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<sup>1</sup> November 29, 2010, the Department posted the Strack application to the Web, and the public comment period began running on November 26, 2010.

<sup>2</sup> As noted in our comment letter to the Heartland application, a review of either application in isolation is an incomplete review and cannot accurately assess whether the proposed permitted activities will unduly impair the health, safety or livelihood of the Saxony students, teachers, and administrators.

DEC 30 2010

Mike Larsen, Staff Director  
December 30, 2010  
Page 3

would impact their health, safety, or livelihood). Because there are many issues of fact that the health, safety, and livelihood of the Saxony students, teachers, and administrators will be unduly burdened by the proposed permitted activity, the Land Reclamation Commission should grant a hearing on these issues where the burden of persuasion will be on Strack to prove, by comprehensive and substantial scientific evidence, that the health, safety, or livelihood of the students, teachers, and administrators would not be unduly impaired by the impact from the permitted activity. *Id.*

In addition, Strack and its organizer, J.W. Strack, along with his affiliated companies, have a history of noncompliance with state environmental statutes and regulations, including a pattern of noncompliance at other locations in Missouri within the last five years that suggests a reasonable likelihood of future acts of noncompliance. *See* Documentation attached hereto as Exhibit 2. Based on Strack's history of noncompliance alone, the Strack application can and should be denied. R.S.Mo. §444.773.4.

Finally, there are serious deficiencies, and even misrepresentations, in the Strack application submitted on October 19, 2010, despite the additional supplements and revisions supplied by Strack on November 4<sup>th</sup> and 12<sup>th</sup>. Because of these deficiencies, we believe the Strack application does not meet the statutory or regulatory requirements for an open mine permit under Missouri law, and should therefore be denied. *See generally* R.S.Mo. § 444.772 *et seq.*; 10 CSR 40-10.010 *et seq.*

**1. Strack and its associated companies have a history of noncompliance with environmental statutes and regulations.**

As listed in the Strack Application, J.W. Strack, the organizer of Strack Excavating, LLC and owner of the property of Strack's proposed quarry expansion, has two additional permits: Permit 0832, issued to Jo Wayne Strack for Strack Excavating, LLC and Permit 0993, issued to Jo Wayne Strack for Strack Stone- Lodi LLC. In addition to these permits, Strack and its associated companies have operations on several other properties in Missouri, which have historically, and even into 2010, been operated in noncompliance with Missouri state environmental statutes and regulations.

Though outside the five-year statutory window, on March 23, 2004, Strack received a notice of violation from the Department related to fugitive particulate matter emitted from his property beyond the property boundaries, failure to submit an operating permit application, and failure to conduct performance testing. This violation was considered a high priority violation by the Department. With no response, on April 16, 2004, the Department wrote to Strack Excavating to inform J.W. Strack that this notice of violation would be referred to the Missouri Attorney General's office. Again in August of 2009, Strack received a letter of warning from the Department concerning fugitive emissions crossing his property boundary in violation of 10 C.S.R.10-6.170. The letter to

DEC 30 2010

Strack included photographic documentation of the fugitive emissions leaving his property. Even in 2010, the same year he is requesting a permit expansion, Strack continues to disregard Missouri state environmental laws and regulations. On May 27, 2010, Strack Excavating received a letter of warning from the Department concerning fugitive emissions crossing his property boundary in violation of 10 C.S.R. 10-6.170 (Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin). This is only a list of the Department's formal actions against Strack for noncompliance with state environmental statutes and regulations, and does not include informal complaints to the Department or issues not formally addressed by the Department regarding Strack's dust issue. *See Exhibit 3.*

Based on citizen complaints regarding Strack's original mine at this location, Strack Mine #1, *see Exhibit 4* for correspondence, as well as the letters received from citizens complaining of fugitive emissions and property damage from blasting on other permitted properties, *see Exhibit 5* for correspondence, there are many citizens that have personally experienced the effects of Strack's operations and raised complaints with the Department. There have been multiple complaints regarding Strack's failure to comply with Missouri air regulations, and Strack continues to permit particulate matter to migrate off his property and to blast in a manner that causes property damage to nearby residences.

This history of noncompliance in the past, within the past five years, and into the present indicates a reasonable likelihood of future acts of noncompliance, as Mr. Strack has failed to adequately respond to the Department's warnings or to address complaints of continued fugitive emissions by neighboring landowners. This particular type of noncompliance has resulted and continues to result in harm to the environment, as well as impairment of the health, safety and livelihood of persons surrounding his properties. R.S. Mo. § 444.773.4. In fact, migration of particulate matter on to the Saxony Lutheran School property is one of the School's greatest concerns regarding the Strack Application, as discussed below.

Based on Strack's recent history of noncompliance, which has endangered, and continues to endanger, the health and safety of neighboring landowners on several Strack properties, as well as endangering the environment, the Strack Application should be denied.

2. **A comprehensive review of the proposed Strack application and Heartland application reveals that the two quarries will exceed the national ambient air quality standards, as well as the maximum allowable particulate matter emissions increase, putting the health of the students, teachers and administrators at risk.**

DEC 30 2010

Mike Larsen, Staff Director  
December 30, 2010  
Page 5

Both Strack Excavating and Heartland Materials have filed applications for MDNR air pollution control program construction permits under 10 CSR 10-6.060 sections (5) and (6), and, based upon an online review of the applications we believe that both quarries, when operational, will have  $PM_{10}$  ambient impacts in excess of  $126 \mu g/m^3$ . 10 CSR 10-6.060(5), (6) (2009). In addition to the close connectedness of these two quarries, the fact that a high school with a sensitive population is located between them, provides an additional basis for a comprehensive review of these two applications in tandem based upon the criteria set forth in 10 CSR 10-6.060(6)(A)2-3, which provides that a permit shall only be issued under section (6)(A)2. if the proposed source operation does not interfere with the attainment or maintenance of ambient air quality standards; and section (6)(A)3, that the proposed source operation not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A). 10 CSR 10-6.060(11)(A) (2009) ("Table 1").

As outlined in our November 23, 2010 letter to Jim Kavanaugh of the Air Pollution Control Program, attached hereto as Exhibit 6, we have great concerns that when the ambient impact of the nominally separated quarries are viewed together, there will not only be an exceedance of the national ambient air quality standards for  $PM_{10}$ , but also the combined particulate matter emissions will exceed the maximum allowable increase authorized in Table 1.

In addition, while limestone itself is not generally listed as a carcinogen, because limestone dust contains crystalline silica, which is classified as a known human carcinogen by IARC, NIOSH, and NTP, and regulated by California's Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986), exposure to dust at this level by a sensitive population is cause for great concern. We urge the Department to require that Strack and Heartland perform comprehensive dispersion modeling to verify that the ambient concentration of  $PM_{10}$  in the vicinity of the school will not exceed the ambient air quality standard and place this sensitive population at ongoing pulmonary risk.

**3. The proposed quarry by Strack is only nominally separate from the proposed quarry by Heartland, as the two quarries are proposed for permitting to the north and south of Saxony Lutheran High School and have associated landowners to the east and west of the School.**

The current proposed mine plan, as outlined in the Strack Application, lists Strack's own parcel of land located at "Site #2," Land grant 2192, Section 32 N, Township 13E, in Cape Girardeau, Missouri as the proposed location. This proposed site is to the north of the Saxony Lutheran High School property. The proposed site is listed in the Strack Application as a 76-acre site, with 20 acres permitted for mining. However, the proposed site is located to the northeast and northwest of property owned by Hoffmeister Real Estate, LLC and Hoffmeister Farms, two parties that are associated

DEC 30 2010

Mike Larsen, Staff Director  
December 30, 2010  
Page 6

with the parcel that is the site of the proposed Heartland quarry mine.<sup>3</sup> Recalling that the Heartland application was based solely on a verbal contract with Hoffmeister to mine the land, we believe there is sufficient basis to allege that Heartland plans to expand the quarry mine from the current 161-acre proposed mine plan immediately south of Saxony Lutheran High School, as shown in Exhibit 1, to also include the parcels located to the immediate east and west of the High School—which are owned by Hoffmeister Stake and Handle and Joe Hoffmeister Farms, respectively. Should Heartland succeed in permitting these additional parcels, this would make the Strack and Heartland sites only nominally separate, and would turn Saxony Lutheran High School in to an island surrounded on all sides by quarry operations. The potential for expansion of the current proposed mine plan to effectively surround Saxony Lutheran High School should give the Department pause as to whether or not the Strack and Heartland operations are in fact separate, and as to whether or not these first permits should be granted.

Further, the potential to expand the Heartland proposed mine plan to both the east and the west of Saxony Lutheran High School and reach the Strack proposed mine property is an additional basis for reviewing the Strack and Heartland applications in tandem and assessing the effects of the proposed permitted activities on Saxony students, faculty and staff comprehensively.

**4. Because there are public and private water supply wells in the immediate vicinity of the Strack mine plan boundaries that may be compromised by the blasting and mining activities, the health of the Saxony Lutheran students, faculty, and administrators, as well as other landowners in the facility is unduly impaired.**

Nowhere in the Strack application does Strack address the fact that there are public and private water supply wells in the vicinity of the mine plan boundary. The proposed quarry site and surrounding area are part of a karst topography, as evidenced by sinkholes, a year-round spring within 600 feet of the quarry site, and a “losing stream” within 500 feet of the quarry site. There are many documented negative impacts of quarrying in a karst geological area on aquifer-supplied water sources, including ground water level lowering, flow alteration, and turbidity increases. Because this area is a karst geography, we have great concerns that the public and private water supply, including the aquifers and any existing or future wells, will be compromised due to the proposed permitted activity. In Strack’s mine plan, part of the Strack Application, he indicates that

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<sup>3</sup> The Joe Hoffmeister Farms parcel to the west of Saxony Lutheran High School (and the southwest of the proposed Strack quarry expansion) is part of the same parcel that is already proposed for permitting, and is just across County Road 601 from the Joe Hoffmeister Farms parcel that is the site of the proposed Heartland quarry mine. The Hoffmeister Stake and Handle parcel to the east of Saxony Lutheran (to the southeast of the proposed Strack quarry) is owned by Hoffmeister Stake and Handle LLC, which was incorporated by Lloyd Hoffmeister in 2005. Lloyd Hoffmeister is the same person who owns the Hoffmeister Real Estate parcel that is currently part of the Heartland application directly south of Hoffmeister Stake and Handle.

DEC 30 2010

the intent of the operation is to operate a 'high wall' quarry, which will result in an excavation with a flat floor below the existing water table. In a karst geography, such excavation will undoubtedly affect the water table, and endanger public and private drinking water supplies in the area.

In addition, based on Strack's proposed mine reclamation plan, the final pit to the mine "will be allowed to fill with water and could be a recreation lake stocked with fish." While this may appear to be a good use of reclaimed land, nowhere in Strack's application has Strack indicated the effect of excavating to such a depth below the water table that the final pit will have to remain as a pond. Such excavation will have serious consequences for the water resources in the area and may even affect the water district's infrastructure.

Because the Strack application has not adequately demonstrated that the public and private water supply in the area will not be impacted, nor has the application even addressed the impacts the proposed permitted activity would have on the local water supply, the Strack application should be denied. At the very least, we request that the Department require Strack to demonstrate that their activities, in a karst geography, will not impact the public and private water supply, and therefore, the health of the Saxony students, faculty, and administrators and landowners in the vicinity of the proposed mine plan boundary.

**5. The Strack Application contains substantial mistakes or misrepresentations of pertinent information.**

In Strack's application, the only mention of a waterline is found in its mine plan. Regarding pit information, Strack indicates that "no excavations will occur within the waterline easement along the North and East of the property line." In fact, records at the Cape County Recorder's Office indicate that no recorded easement exists in that location, but instead that the public water supply easement runs south along the west side of the property, then along the south side just south of the upper portion of the property, then directly across the center of the property just to the south of the first proposed excavation area. Such an oversight jeopardizes the mine plan as outlined in the Strack Application, and indicates either a lack of concern on the part of Strack Excavating with the exact location of water district infrastructure or an intent to mislead the Commission regarding the effects the proposed mine will have on public and private water supplies. Such an oversight makes the Strack Application deficient, and the application should be denied.

**6. Based on the application materials, and despite the reclamation plan, the proposed bonding will not match the level of financial assurance required to reclaim the land.**

The current Strack application indicates a total bonding requirement of \$10,000 for the 20 acres of the site that are being permitted to be used in the next twelve months.

DEC 30 2010

However, as discussed in subsection 3, above, there is reason to believe that the Strack and Heartland Parcels, along with the parcels currently owned by Joe Hoffmeister Family Farms (to the west of the High School) and the Hoffmeister Stake and Handle (to the east of the High School) will in the future become the sites of mine expansions. Because the current proposed permitted parcels for Heartland and these two potential future parcels have the same ownership, and because there is no real distinction between the parcels, we request that the Land Reclamation Commission require bonding for more than the 20 acres as listed in the Strack Application. We request that the Commission require additional bonding of additional acreage if Strack plans to apply for additional acreage on the current mining plan or on parcels that Strack plans to mine in the future that are adjacent to the current mine plan property.

7. **While the profits of the proposed quarries will go to Strack and Heartland, the economic costs of the quarries will be born by the Saxony Lutheran students, the community that will lose its investment in the School, and the faculty and administrators at Saxony Lutheran whose livelihood is unduly impaired.**

Saxony Lutheran High School built its current facility in 2004 at a cost of \$6 million. Funds were raised by the 25 association churches that support Saxony Lutheran throughout Ste. Genevieve, Perry, Scott, and Cape Girardeau Counties. In 2009, Saxony Lutheran completed construction of a \$1 million expansion of the northwest and northeast wings to accommodate growth of the student body. Saxony Lutheran is home to 187 current students and has the capacity to grow to a student body of 300. In addition, Saxony Lutheran High School supports 13 full-time and 3 part-time faculty members, 3 administrators, and 7 staff members.

If the Strack quarry is permitted as described in the Strack application, it is likely that enrollment at Saxony Lutheran will not continue to grow, and may even drop during the years the quarry is permitted to continue its open mining activities. A drop in enrollment could require significant cuts to the faculty or administration of the High School. This would significantly impair the livelihood of the faculty, administrators, and staff at Saxony Lutheran High School. In addition, as enrollment at the School drops, the value of the investment of the communities surrounding Saxony drops, as well, including property value and intrinsic value of the education received by students at this location.

8. **Blasting so close to school property will undoubtedly impair the health and learning environment for Saxony students, faculty and staff.**

Based on the detailed map submitted with the Strack's application, the property boundary is within 600 feet of the Saxony Lutheran High School property. While the permitted mining area is within the mine plan boundary, any limited barrier that Strack

DEC 30 2010

Mike Larsen, Staff Director  
December 30, 2010  
Page 9

proposes to place between the mined area and the property line will have no effect on the level of noise from the blasting on the Saxony Lutheran students, faculty and administrators. Blasting during school hours will seriously impair the Saxony Lutheran students' ability to learn, and will unduly impair the value of their education. Based on this, we request that Strack agree to follow the federal regulations for blasting parameters related to coal mining activities administered by the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement. *See* 30 C.F.R. §§ 816.61-68, 850.10-15 (2010). However, even if Strack were willing to restrict blasting the federal regulatory parameters (e.g., setting up a blasting schedule to blast only during to non-classroom hours, restricting the amount of noise created by the blasts, etc.), because of the extended use of school property both before and after class for athletics and extracurricular activities, blasting will seriously impair the students ability to participate in these activities on their facility.

In addition to noise from blasting, the use of explosives on site so close to the High School property will unduly impair the safety of the students, faculty, and administrators at Saxony Lutheran, as the vibrations caused by such blasting could weaken the structural integrity of the High School facility, placing the students in further danger. Because of this danger alone, the Strack application should be denied. At the very least, we request that Strack conduct a blasting survey on the Saxony Lutheran High School facility, and any other structures in similar proximity to the mine plan boundary, to determine the effects of blasting on those structures and take any additional measures necessary to protect the students' safety. Further we request that Strack be required to engage an independent blasting consultant to set up a seismograph to monitor the vibrations on the Saxony Lutheran property and any properties in similar proximity to the mine plan boundary to determine the effect of any blasting on these properties.

**9. Based on the volume of mined materials outlined in the Strack application, the volume of heavy duty traffic on the same roads as the Saxony students will impair the students' safety.**

The Strack application provides for at least 20 acres of permitted mining area in the next twelve-month period. Based on this large permitted acreage, and depending on the extent of the mineral reserves, there will be an overly burdensome increase in the volume of heavy equipment and heavy truck traffic on the same roads and highways traveled by students, on both ingress and egress during peak school traffic hours (before class begins and after classroom hours). This increase in traffic, particularly with heavy equipment and truck traffic, will unduly impair the safety of these young drivers on the roads they must travel to get to and from school. Further, the possibility of trucks and heavy equipment carrying rocks and other debris that are improperly packed and could fall on other vehicles is greatly increased. Because of this undue impairment of student safety, we believe the Strack application should be denied. At the very least, we request that the Department require a full transportation analysis, including points of ingress and

DEC 30 2010

Mike Larsen, Staff Director  
December 30, 2010  
Page 10

egress, material safety data sheets for materials being hauled, and estimates on the number and size of loads to be hauled.

### CONCLUSION

Because there are many questions of fact and law indicating that the issuance of the Strack Excavating, LLC permit will unduly impair the health, safety, and livelihood of Saxony Lutheran High School and its students, faculty, and administrators, we request an informal public meeting with Strack Excavating, LLC to discuss the permit application. If Strack Excavating refuses to hold such a meeting, or if there is no resolution of these concerns at that meeting, we request a formal hearing with the Land Reclamation Commission to discuss these concerns. In addition, we request that you, as the Director of the Land Reclamation Program, make a formal recommendation to the Land Reclamation Commission that it deny the Strack Excavating Permit for Industrial Mineral Mines – Permit Expansion— Open Pit Operation—Strack Quarry Site #2, 20, Land grant 2192, 32N, 13E, Cape Girardeau County, Missouri

Very truly yours,

LATHROP & GAGE LLP

By: 

David A. Shorr

DAS/jf

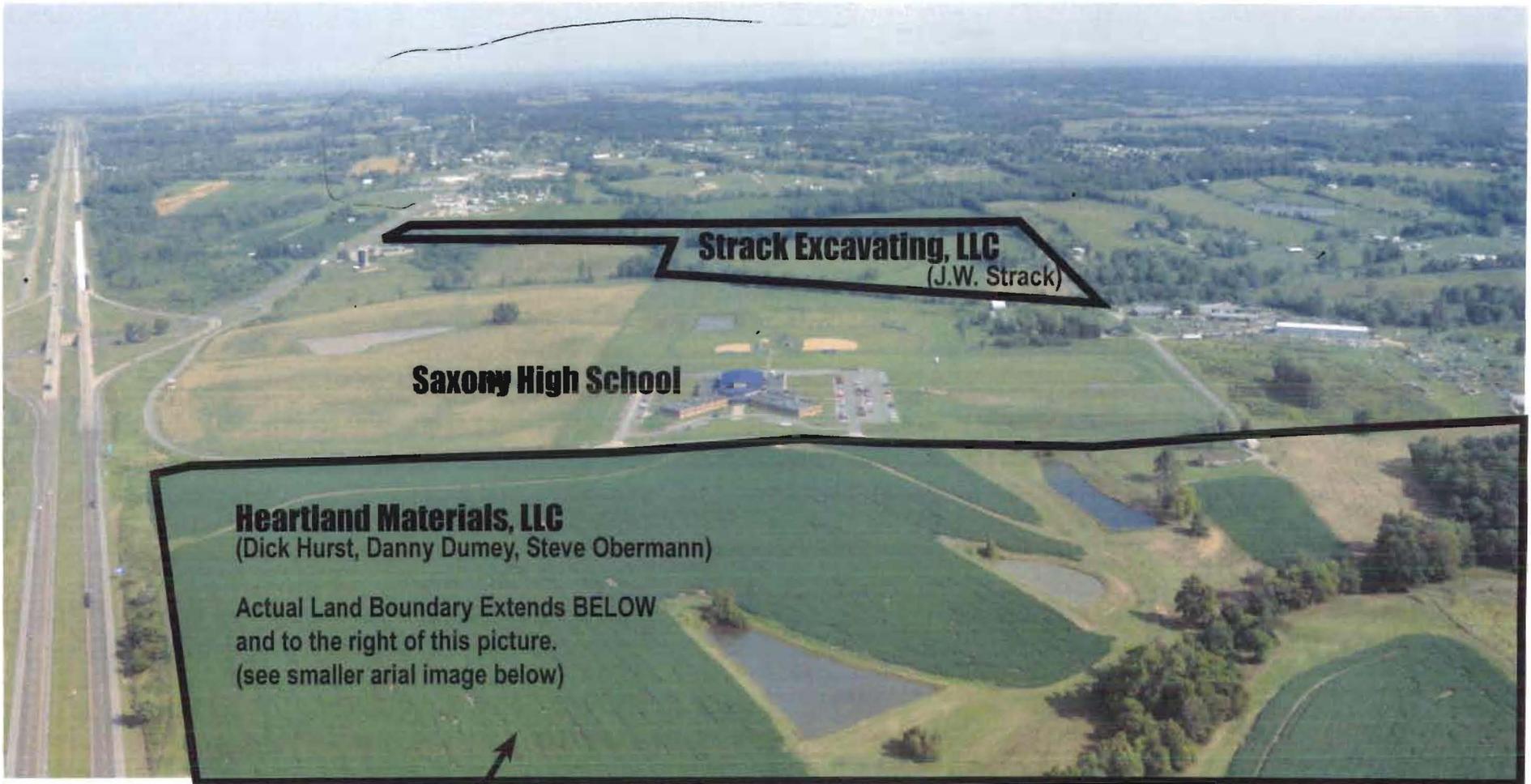
Attachments

cc: Leanne Tippett Mosby, MDNR, DEQ  
Mark Smith, USEPA Region 7, APCO  
Senator Jason Crowell, District 27  
Representative Donna Lichtenegger, District 157  
Craig Ernstmeyer, Saxony Lutheran High School  
Abby Petzoldt, Save Our Children's Health, Inc.

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

# EXHIBIT 1



On Oct. 4, 2010 the Missouri Department of Natural Resources' Land Reclamation Program received an **161-acre** (long term mine plan boundary) limestone open pit mining application from **Heartland Materials, LLC**.

On Oct. 19, 2010 the Missouri Department of Natural Resources' Land Reclamation Program received a **76-acre** (long term mine plan boundary) limestone open pit mining application from **Strack Excavating, LLC**.

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

# EXHIBIT 2

DEC 30 2010



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

RECEIVED

2010 MAY 27 PM 12:36

www.dnr.mo.gov

AIR POLLUTION  
CONTROL PGM

May 25, 2010

Mr. J.W. Strack  
Strack Excavating  
5420 State Highway 74  
Cape Girardeau, MO 63701

### LETTER OF WARNING

Dear Mr. Strack:

This letter is in response to complaints received concerning fugitive emissions crossing your property boundary. Fugitive emissions must remain on your own property, if these emissions cross the property boundary it is a violation of *10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*.

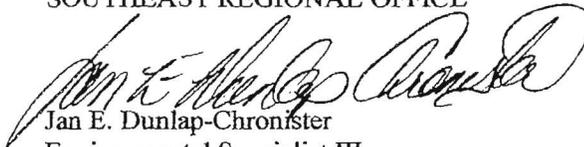
On May 6, 2010 I observed particulate matter leaving your property. I am sorry to inform you that this is a violation of the Federal and State Air Quality Laws and Regulations. This Letter of Warning is intended to officially notify you of these issues and persuade you to take action to avoid future violations.

A written response conveying your intent to comply with the regulation should be received at this office by June 18, 2010. The response should be mailed to Missouri Department of Natural Resources, Attn: Jan Dunlap-Chronister, 2155 North Westwood Blvd., Poplar Bluff, MO 63901. Failure to respond to this office by the above date will require us to issue a Notice of Violation (NOV) and further enforcement action will be at the discretion of the Department's Air Pollution Control Program (APCP).

Thank you for your time and cooperation during the investigation. Should you have any questions concerning this matter or other questions that may occur, please contact me by U.S. Postal Service at the above address, by telephone at (573) 840-9750 or through electronic mail at [jan.chronister@dnr.mo.gov](mailto:jan.chronister@dnr.mo.gov).

Sincerely,

SOUTHEAST REGIONAL OFFICE

  
Jan E. Dunlap-Chronister  
Environmental Specialist III

JEDC:lm

Enclosure

c: Air Pollution Control Program

RECEIVED  
MO. LAND RECLAMATION COMM.

File: 0310104  
Cape Girardeau County

DEC 30 2010



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

# DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

August 20, 2009

CERTIFIED MAIL # 7008 1830 0002 6799 1463  
RETURN RECEIPT REQUESTED

Mr. J.W. Strack  
Strack Excavating  
5420 State Highway 74  
Cape Girardeau, MO 63701

RECEIVED  
2009 AUG 31 PM 12:58  
AIR POLLUTION  
CONTROL PGM

## LETTER OF WARNING

Dear Mr. Strack:

This letter is in response to complaints received concerning fugitive emissions crossing your property boundary during quarry blasts. Fugitive emissions must remain on your own property, if these emissions cross the property boundary it is a violation of *10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*.

On July 24, 2009 I observed particulate matter leaving your property following the blast. I am sorry to inform you that this is a violation of the Federal and State Air Quality Laws and Regulations. This Letter of Warning is intended to officially notify you of these issues and persuade you to take action to avoid future violations.

A written response conveying your intent to comply with the regulation should be received at this office by September 30, 2009. The response should be mailed to Missouri Department of Natural Resources, Attn: Jan Dunlap-Chronister, 2155 North Westwood Blvd., Poplar Bluff, MO 63901. Failure to respond to this office by the above date will require us to issue a Notice of Violation (NOV) and further enforcement action will be at the discretion of the Department's Air Pollution Control Program (APCP).

Thank you for your time and cooperation during the investigation. Should you have any questions concerning this matter or other questions that may occur, please contact me by U.S. Postal Service at the above address, by telephone at (573) 840-9750 or through electronic mail at [jan.chronister@dnr.mo.gov](mailto:jan.chronister@dnr.mo.gov).

Sincerely,

SOUTHEAST REGIONAL OFFICE

Jan E. Dunlap-Chronister  
Environmental Specialist III

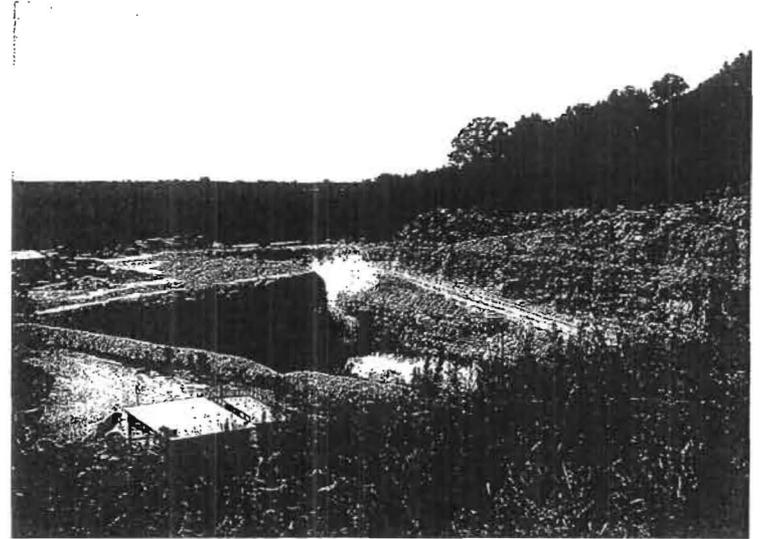
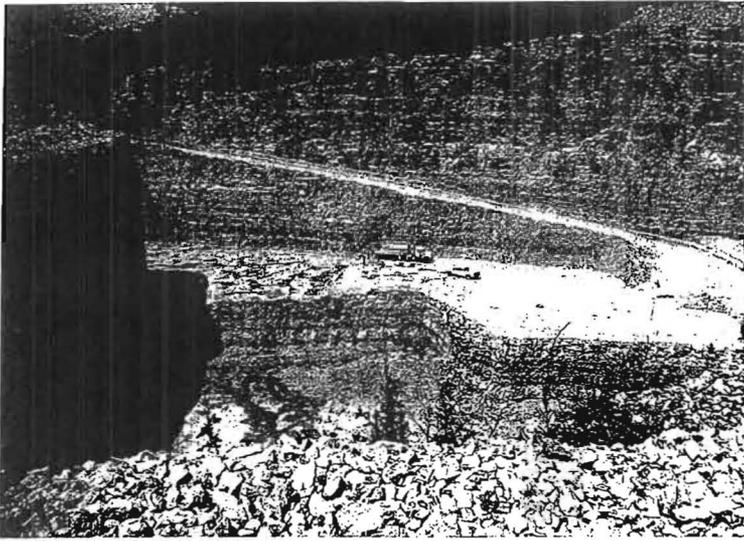
JEDC:lm

Enclosure  
c: Air Pollution Control Program



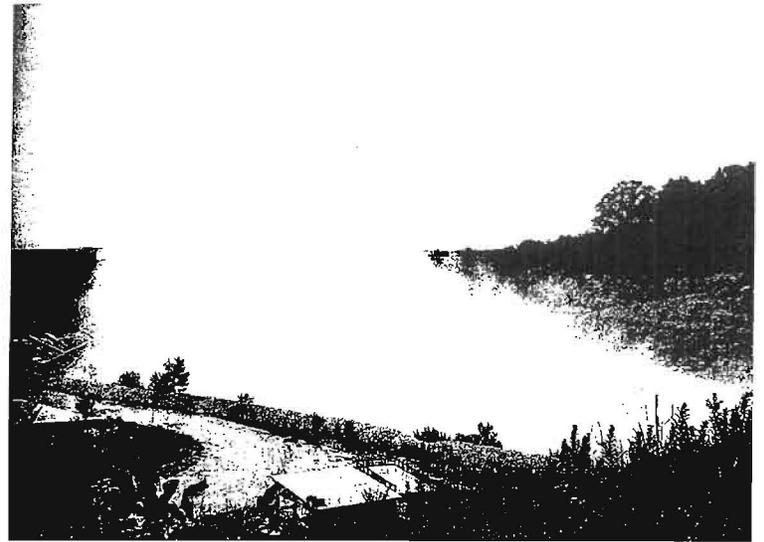
DEC 30 2010

**Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast**



DEC 30 2010

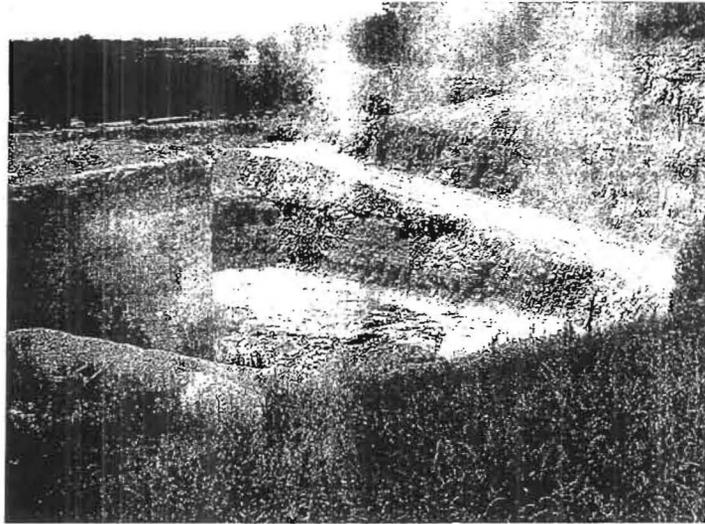
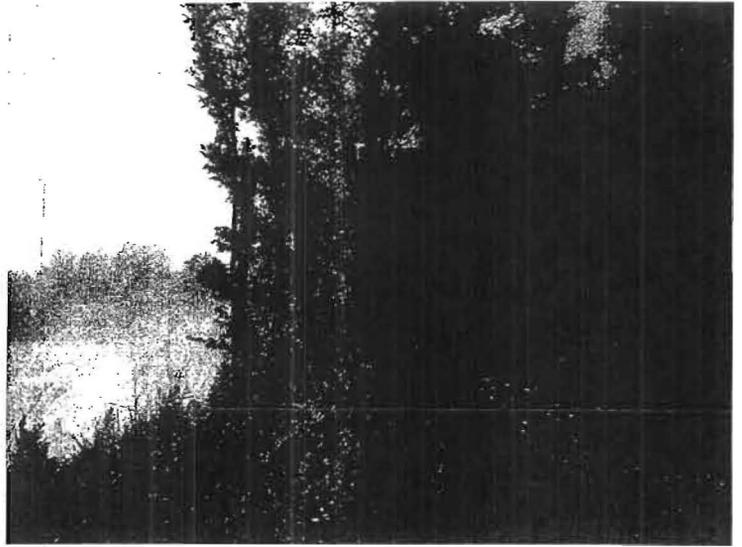
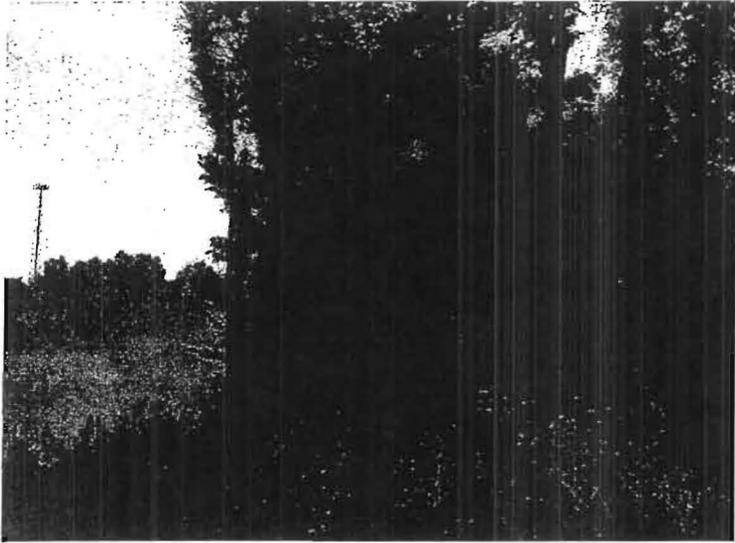
Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast  
Page 2



Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast  
Page 3

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DEC 30 2010



DEC 30 2010



Bob Holden, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

APR 16 2004

**CERTIFIED MAIL: 7002 0860 0007 6965 1025**  
**RETURN RECEIPT REQUESTED**

Mr. J.W. Strack  
Strack Excavating, LLC  
5420 State Highway 74  
Cape Girardeau, MO 63701

RE: Resolution of Notice of Violation (NOV) #3104SE

Dear Mr. Strack:

I am writing to inform you that the Air Pollution Control Program (APCP) may pursue referral of Strack Excavating to the Attorney General's Office (AGO) for the initiation of civil action for violations of the Missouri Air Conservation Law, Chapter 643, RSMo. This proposed enforcement action is the result of failure to prevent fugitive particulate matter emissions from traveling across property boundaries, failure to submit an operating permit application and failure to conduct performance testing. These activities are violations of Strack Excavating's construction permit #062001-014 and Missouri State Air Regulations 10 CSR 10-6.170, "Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin," 10 CSR 10-6.060, "Construction Permits Required," 10 CSR 10-6.065, "Operating Permits," and 10 CSR 10-6.070, "New Source Performance Regulations," incorporating by reference Code of Federal Regulations 40 CFR part 60 subpart OOO, "New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants". The department issued the above noted NOV to your facility on March 23, 2004.

I am writing this letter to notify you of your situation and to provide an opportunity for an out-of-court settlement prior to referral. This offer of settlement is in accordance with Section 643.151, RSMo., and the department bases the offer upon civil penalty amounts established therein. Accordingly, the APCP proposes that Strack Excavating pay an out-of-court settlement of \$8,000 to the Cape Girardeau County School Fund. If we can negotiate an agreement, the AGO will draft an appropriate settlement agreement.

If you wish to resolve this matter, you must submit a compliance plan that addresses each item listed in NOV #3104SE. Please submit the compliance plan by May 14, 2004.

*Integrity and excellence in all we do*



DEC 30 2010

Mr. J.W. Strack  
Page Two

You must also do one of the following:

1. Agree to the settlement offered in this letter ;
2. Negotiate a reasonable settlement prior to May 14, 2004; or
3. Schedule to meet in this office prior to May 14, 2004, to negotiate an appropriate penalty.

If the proposed settlement is unacceptable, I strongly encourage you to schedule a meeting.

If we are unable to reach an agreement or schedule a meeting by May 14, 2004, negotiations will cease and we will place this matter on the agenda of the Missouri Air Conservation Commission. At that meeting the APCP will request authorization to refer the outstanding violations to the AGO for appropriate legal action.

Thank you in advance for your prompt attention to this matter. Please contact me at the APCP, P.O. Box 176, Jefferson City, MO 65102-0176, or by telephone at (573) 751-4817 so we may discuss a resolution.

Sincerely,

AIR POLLUTION CONTROL PROGRAM



Bob Randolph  
Environmental Engineer

BR:cmj

c: Ms. Jan Dunlap-Chronister, Southeast Regional Office  
Source file 031 0104

DEC 30 2010

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <b>9-21-08</b></p>
<p>1. Article Addressed to:</p> <div data-bbox="276 514 763 724" style="border: 1px solid black; padding: 5px;"><p>Mr J W Strack Strack Excavating LLC 5420 State Highway 74 Cape Girardeau MO 63701</p></div>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><b>7002 0860 0007 6965 1025</b></p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540</p>	

DEC 30 2010

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

www.dnr.state.mo.us

HIGH PRIORITY VIOLATION

April 2, 2004

Mr. J.W. Strack  
Strack Excavating, LLC.  
5420 State Highway 74  
Cape Girardeau, MO 63701

CERTIFIED MAIL #: 7003 1010 0000 5582 6648  
RETURN RECEIPT REQUESTED

Re: Notice of Violation # 3104 SE

Dear Mr. Strack:

On March 23, 2004, Ms. Jan Dunlap-Chronister representing the Southeast Regional Office of the Missouri Department of Natural Resources observed particulate matter in the ambient air beyond the property boundary of Strack Excavating, Inc. This is a violation of 10 CSR 10-6.170 *Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*, and Construction Permit Number 062001-014. During the file review violations of 10 CSR 10-6.065 Operating Permits Required and 10 CSR 10-6.070, Subpart "OOO" was also discovered. The enclosed Notice of Violation Number 3104SE is intended to officially notify you of these violations and persuade you to take action to avoid future violations. Further action on this matter will be at the discretion of the department's Air Pollution Control Program (APCP). You may contact the APCP at (573) 751-4817.

Should you have any questions regarding this letter, please contact Ms. Jan Dunlap-Chronister at (573) 840-9750 or by mail at 2155 North Westwood Boulevard, Poplar Bluff, MO 63901.

Sincerely,

SOUTHEAST REGIONAL OFFICE

Gary L. Gaines, P.E.  
Regional Director

Enclosure

GAG/jedcm

c: APCP Enforcement  
Source Code: 031-0104

*Integrity and excellence in all we do*



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2004 APR -7 PM 2:04  
SOUTHEAST REGIONAL OFFICE

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

RECEIVED

2004 APR -7 PM 2:04

AIR POLLUTION  
CONTROL PG1



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
NOTICE OF VIOLATION/EXCESS EMISSIONS

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER:  
**3104 SE**

<input checked="" type="checkbox"/> <b>Notice of Violation</b>	<input type="checkbox"/> <b>Notice of Excess Emissions</b>	<b>Date and Time:</b> March 23, 2004 2.30 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
--	--	---

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)		<b>HIGH PRIORITY VIOLATION</b>
Strack Excavating, LLC	031-0104	
5120 State Highway 74 Cape Girardeau, Missouri 63701		

MAILING ADDRESS	CITY	STATE	ZIP
5120 State Highway 74	Cape Girardeau	MO	63701

NAME OF OWNER OR MANAGER	TITLE OF OWNER OR MANAGER
J.W. Strack	Owner/Manager

LAW, REGULATION OR PERMIT VIOLATED
Missouri Air Conservation Commission Regulation
<ul style="list-style-type: none"> <li>• 10 CSR 10-6.060 <i>Construction Permits</i> and Construction Permit 062001-014</li> <li>• 10 CSR 10-6.065 <i>Operating Permits</i></li> <li>• 10 CSR 10-6.070, Subpart "OOO"</li> </ul>

N  
E  
A

NATURE OF VIOLATION	DATE(S): 03-23-04	TIME(S): 2:30 PM
<ul style="list-style-type: none"> <li>• Failure to prevent visible emissions in the ambient air beyond the property line of origin</li> <li>• Failure to apply and/or obtain a operating permit as required in Construction Permit 062001-014.</li> <li>• Failure to execute Performance Testing as required in 10 CSR 10-6.070, Subpart "OOO".</li> </ul>		

SIGNATURE (PERSON RECEIVING NOTICE)	SIGNATURE (PERSON ISSUING NOTICE)
Sent Certified Mail #: 7003 1010 0000 5582 6648	<i>Jan Dunlap-Chronister</i> Jan Dunlap-Chronister

TITLE OR POSITION	TITLE OR POSITION/DNR REGION
	Environmental Specialist Southeast Regional Office

MO 780-0068 (10-93)

DISTRIBUTION: WHITE/AIR POLLUTION CONTROL PROGRAM

CANARY/REGIONAL OFFICE

PINK/SOURCE

**Strack Excavating, Inc.**  
**031-0104**  
**March 23, 2004**  
**Notice of Violation # 3104 SE**  
**Photographs by: Jan E. Dunlap-Chronister**

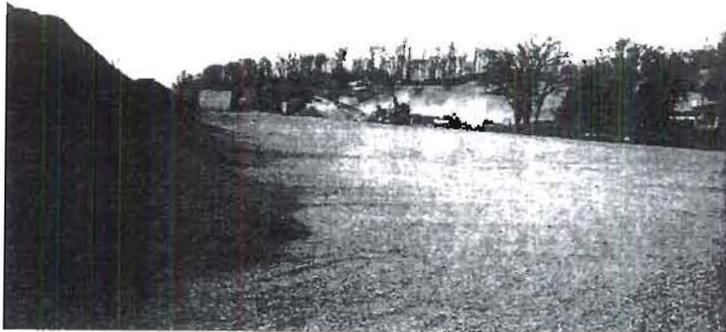
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2001 FEB -7 10:00 AM '04

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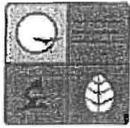
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# EXHIBIT 3

DEC 30 2010

Re: Strack excavating 2004-08-093 - Tim Hines/APCP/DEQ/MODNR



Jan Chronister

09/13/2004 11:03 AM

To: Tim Hines/APCP/DEQ/MODNR@MODNR

cc:

Subject: Re: Strack excavating 2004-08-093

Tim,

I don't see a need for a rush on this project. Mr. Jo Strack is impatient. He was really short with me during the site survey and not very helpful with information about the project.

Strack Excavating apparently has a dust issue. This is often reported to me through other employees from the office. I have stopped and talked with him many times and/or issued NOV's about the dust. I would prefer you take your time and make sure you feel comfortable with the project than to rush through it for no real apparent reason.

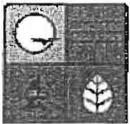
Good Luck!!

If I can be of any help let me know.

Have a great Monday.

Jan

Tim Hines



Tim Hines

09/13/2004 10:41  
AM

To: Jan Chronister/SERO/DEQ/MODNR@MODNR

cc:

Subject: Strack excavating 2004-08-093

Jan,

I am getting quite a bit of pressure from Strack Excavating to issue their permit. I was wondering, if you are aware of any reasons for the urgency?

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# EXHIBIT 4

DEC 30 2010

To: Director, Land Reclamation Program, Missouri Department of Natural Resources

In regards to Strack Excavating LLC, 5120 State Hwy 74 Cape Girardeau, Mo. 63701, I would like to request a meeting to be informed of anything this operation is doing. I have lived at this location for longer than this operation and have been very patient with Mr. Strack but recently he has been non-compliant in regards to his dust issues. In April of this year I contacted Mr. Strack about the amount of dust that came into my home on one day from 9.00 am till 2.30 pm. I asked Mr. Strack if he was doing something different with his operation, but his response was, DNR does not require him to control dust when wind is at 20mph, I contacted DNR and filed a complaint about this and found that there have been many others that have complained, based on what DNR has explained to me, he is not allowed to let dust leave his property, and definitely should not have that much dust coming into my home. Mr. Strack is currently placing his storage piles 150ft away from my home which doesn't let dust settle down before it reaches my property, he's dumping rip rap there and it is cracking my basement walls and floors, this spring I had the basement floor crack like stepping stones and water was coming up from floor (which has never happened before) This past year I had a water softener installed because the water turned rusty, and very hard also, this is the first time I have ever complained in all the years he has been operating, I am concerned about the damage he is doing to my home. I have been in touch with the Fire Marshall also, please keep me informed of ANYTHING this operation is doing and I will attend a meeting to discuss this permit, thank you for your help with this matter and would like to hear from you.

Thank you;  
Jason Seyer  
Cell 573-579-8977  
E-mail jjseyer@att.net

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DEC 30 2010

# EXHIBIT 5

DEC 30 2010

Blasting Complaint 6/4/01 - Brett Geger/LRP/DEQ/MODNR



**Andrew Reed**

06/04/2001 11:14 AM

To: Brett Geger/LRP/DEQ/MODNR@MODNR, Mike  
Larsen/LRP/DEQ/MODNR@MODNR

cc:

Subject: Blasting Complaint 6/4/01

Brett,

I received a call this morning from a citizen by the name of Ken Lindsay, complaining about blasting at Strack Excavating L.L.C. in Cape Girardeau County. Mr. Lindsay said a blast that occurred this morning(6/4/01), threw flyrock onto HWY. 74, Knocking out power in the area, and also leaving large pieces of rock in nearby corn fields. I explained to him that we do not regulate blasting, but I did give him the numbers for MSHA (Rolla field office), and the Missouri Limestone Producers Association. I also suggested that he contact his local commissioner and or board of commissioners with his concerns.

Thanks,

Andy

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# EXHIBIT 6

# LATHROP & GAGE<sup>LLP</sup>

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MO. LAND RECLAMATION COMM.

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DAVID A. SHORR  
DIRECT LINE: 573.761.5005  
EMAIL: DSHORR@LATHROPGAGE.COM  
WWW.LATHROPGAGE.COM

314 E. HIGH STREET  
JEFFERSON CITY, MISSOURI 65101  
PHONE: 573.893.4336  
FAX: 573.893.5398

November 23, 2010

***VIA E-MAIL AND U.S. MAIL***

James Kavanaugh, Director  
Air Pollution Control Program  
Missouri Department of Natural Resources  
PO Box 176  
Jefferson City, MO 65102-0176

**Re: Heartland Quarry and Strack Quarry -- Jackson, Missouri**

Dear Mr. Kavanaugh:

This firm represents Saxony Lutheran High School located at 2004 Saxony Drive, Jackson, Missouri and Save Our Children's Health, Inc., a citizen advocacy group located in Cape Girardeau County, Missouri. Enclosed as Exhibit A is a map and a graphic showing the location of the Strack Excavating and Heartland Materials proposed quarries in reference to Saxony Lutheran High School.

Saxony Lutheran High School provides secondary education to 187 students. Built in 2004 at a cost of \$7 million and expanded due to growth in 2009, Saxony Lutheran is a regional high school owned and funded by over 25 separate associated churches in Ste. Genevieve, Perry, Scott, and Cape Girardeau Counties. The high school provides a typical daily schedule commencing around 6:00 a.m. through well into the evening hours, thereby providing ample opportunity for students to be exposed to ambient air while on school property. In addition to outdoor physical education classes, the school provides a full range of Missouri State High School Athletic Association varsity sports including outdoor sports such as soccer, baseball, softball, cross-country and track. Enclosed as Exhibit B is a brochure on the high school outlining its programs. The population of this school can be considered "sensitive" based on the age of the students attending.

As seen in Exhibit A, the two quarries are currently proposed for siting immediately adjacent to the north and south of Saxony Lutheran High School through application to the Missouri Department of Natural Resources' Land Reclamation Program. Both Strack Excavating and Heartland Materials have filed applications for MDNR air pollution control program construction permits under 10 CSR 10-6.060

CALIFORNIA

COLORADO

ILLINOIS

KANSAS

MISSOURI

NEW YORK

DEC 30 2010

Mr. James Kavanaugh, Director  
November 23, 2010  
Page 2

sections (5) and (6), and based upon an online review of the applications we believe that both quarries, when operational, will have  $PM_{10}$  ambient impacts in excess of  $126 \mu g/m^3$ . 10 CSR 10-6.060(5), (6) (2009). Because of the close connectedness of these two quarries and the fact that a high school with a sensitive population is located between them, we are requesting that the Department comprehensively review these two applications in tandem based upon the criteria set forth in 10 CSR 10-6.060(6)(A)2-3, which provides that a permit shall only be issued under section (6)(A)2 if the proposed source operation does not interfere with the attainment or maintenance of ambient air quality standards; and section (6)(A)3 that the proposed source operation not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A). 10 CSR 10-6.060(11)(A) (2009) (“Table 1”).

We have concerns that when the ambient impact of the nominally separated quarries are viewed in tandem, there will not only be an exceedance of the national ambient air quality standards for  $PM_{10}$ , but also the combined particulate matter emissions will exceed the maximum allowable increase authorized in Table 1. We urge the Department to require, before issuance of either construction permit, that Strack and Heartland perform comprehensive dispersion modeling to verify that the ambient concentration of  $PM_{10}$  in the vicinity of the school will not exceed the ambient air quality standard and place this sensitive population at ongoing pulmonary risk.

We note that at least one of the two applicants, Strack Excavating, has a history of noncompliance with conditions of its construction permits for the exact type of violations that concern us about its future operations—failure to prevent fugitive particulate matter emissions from traveling across its property boundaries—as evidenced in the notice of violation and letters of warning attached as Exhibit C. As a result of this history of noncompliance, a review of these permits and the effects of the proposed operations on this sensitive population require further scrutiny.

Because both the Strack and Heatland quarries will extensively utilize diesel powered earth moving equipment, we are also concerned about the effects of diesel particulate matter on the children attending Saxony Lutheran. We are aware of a reference Concentration (“RFC”) that is used as a health benchmark protective of chronic noncarcinogenic health effects, but it is for diesel exhaust and not specifically set for diesel particulate matter, which is what was modeled in EPA’s 2002 National Scale Air Toxics Assessment. The RFC for diesel exhaust, which includes diesel particulate matter, is  $5 \mu g/m^3$  based on specific noncancer effects found in several animal studies that showed adverse changes in lungs such as inflammation and lesions.

The 2002 Air Toxics assessment revealed evidence for exacerbation of existing allergies and asthma symptoms due to diesel particulate matter. The 2002 Air Toxics

DEC 30 2010

Mr. James Kavanaugh, Director  
November 23, 2010  
Page 3

assessment recognizes that diesel exhaust emissions, as a mixture of many constituents, also contribute to ambient concentrations of several criteria air pollutants including nitrogen oxides and fine particles, as well as other air toxics. Based upon the results of this comprehensive study by EPA, our concerns about the welfare of this sensitive student population being exposed to these diesel emissions are only magnified. We therefore strongly believe that the impact of diesel particulate matter emissions must be fully evaluated as part of the dispersion modeling that we urge the Department require of the permit applicants, including the transportation impacts of diesel particulate from I-55 at the interchange of I-55 and Highway 61.

Should the dispersion modeling reveal that particulate matter emissions are approaching the national ambient air quality standard threshold and that diesel particulate matter emission concentrations will threaten the well being of the students, then we expect that the Department will deny these permits as detrimental to the public interest.

I look forward to your response and should you have any questions on my letter please do not hesitate to contact me.

Very truly yours,

LATHROP & GAGE LLP

By:

  
David A. Shorr

DAS/jf

Enclosures

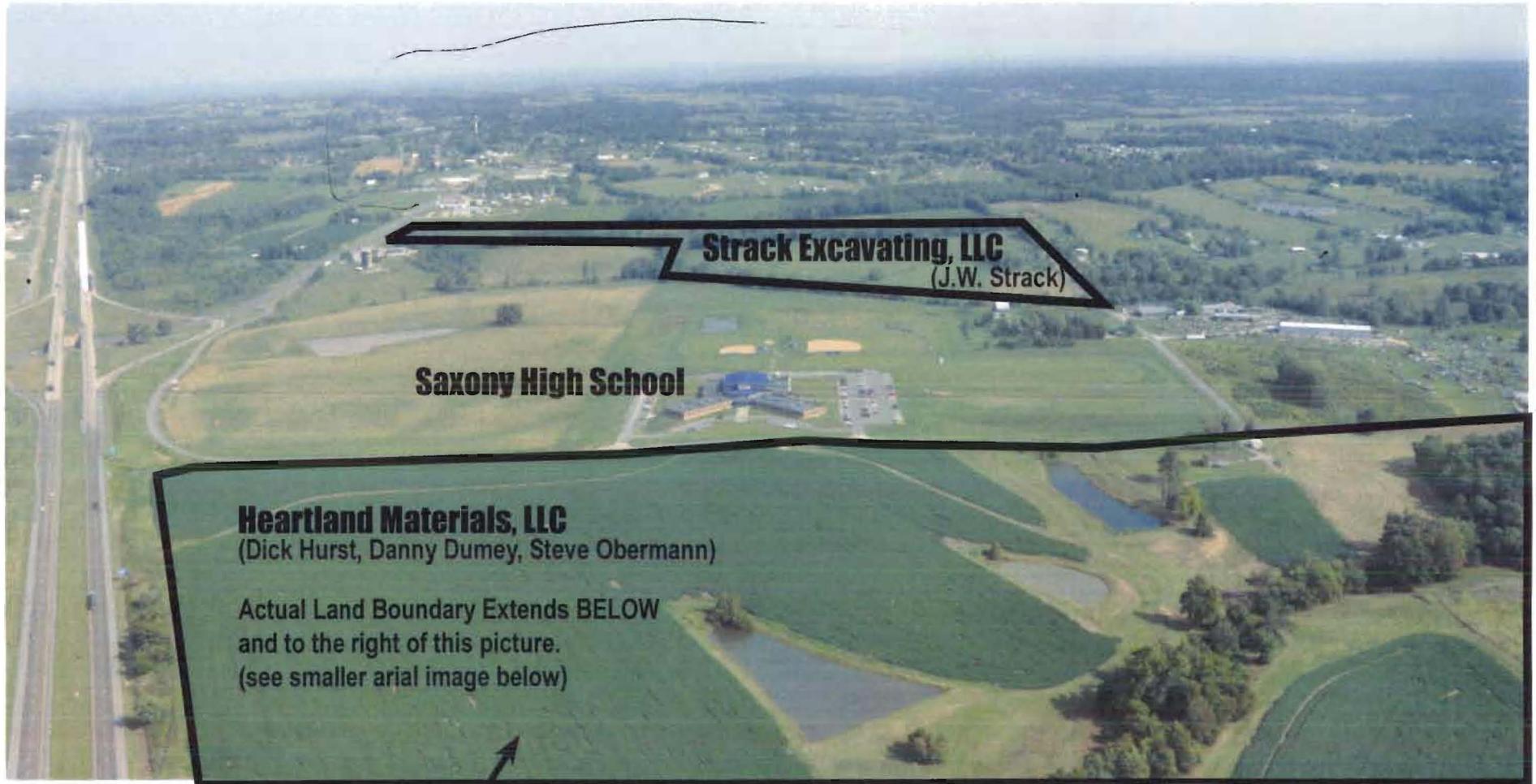
cc w/enclosures via U. S. Mail:

Leanne Tippett Mosby, MDNR, DEQ  
Mark Smith, U.S. EPA Region 7, APCO  
Senator Jason Crowell, District 27  
Representative Scott Lipke, District 157  
Representative-Elect Donna Lichtenegger, District 157  
Craig Ernstmeyer, Saxony Lutheran High School  
Abby Petzoldt, Save Our Children's Health, Inc.

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# Exhibit A



On Oct. 4, 2010 the Missouri Department of Natural Resources' Land Reclamation Program received an **161-acre** (long term mine plan boundary) limestone open pit mining application from **Heartland Materials, LLC**.

On Oct. 19, 2010 the Missouri Department of Natural Resources' Land Reclamation Program received a **76-acre** (long term mine plan boundary) limestone open pit mining application from **Strack Excavating, LLC**.

DEC 30 2010

# Exhibit B

DEC 30 2010

## Mission Statement

Saxony Lutheran High School exists to center students on Christ and God's Word, to strive for excellence in all phases of education, and to prepare students for a life of Christian discipleship using God's Word as their Guide.

### ASSOCIATION CHURCHES:

The following 25 Lutheran churches have pledged their financial and prayer support to Saxony Lutheran High School:

Christ, Gordonville	St. Andrew, Cape Girardeau
Concordia, Frohna	St. Paul, Chaffee
Concordia, Sikeston	St. Paul, Jackson
Eisleben, Scott City	Trinity, Altenburg
Good Shepherd, Cape Girardeau	Trinity, Cape Girardeau
Grace, Uniontown	Trinity, Egypt Mills
Hanover, Cape Girardeau	Trinity, Friedheim
Holy Cross, Ste. Genevieve	Trinity, Shawneetown
Immanuel, Altenburg	Zion, Crosstown
Immanuel, New Wells	Zion, Gordonville
Immanuel, Perryville	Zion, Longtown
Immanuel, Tilsit	Zion, Pochahontas
Salem, Farrar	

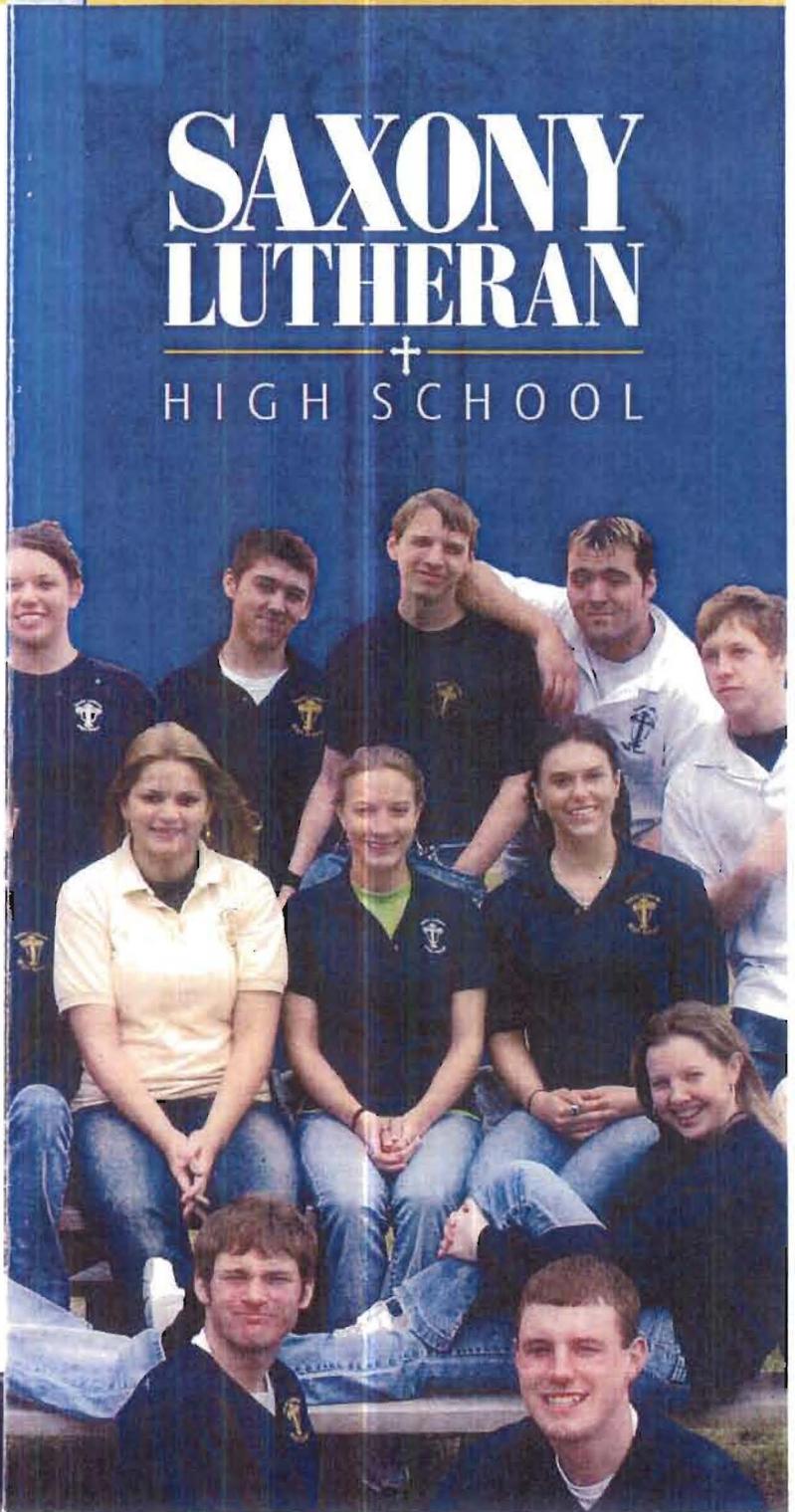
### LOCATION:

Saxony Lutheran High School is at the 1-55 and Hwy. 61 interchange near Fruitland, Missouri. Our central location is easily accessible to students from the surrounding area.

### Contact Us:

Saxony Lutheran High School  
2004 Saxony Drive  
Jackson, Missouri 63755  
573-204-7555  
saxonylutheranhigh.org

Principal:  
Craig Ernstmeyer  
cernstmeyer@saxonylutheranhigh.org  
or office@saxonylutheranhigh.org



## Academic Excellence

Saxony Lutheran High School strives to promote the academic and spiritual well-being of every student by offering challenging courses in academic subjects teamed with a strong theological foundation.

### HIGHER EDUCATION PREPARATION:

**77%** of graduates have enrolled in four-year universities

**18%** of graduates have enrolled in two-year colleges or technical schools

**5%** of students have entered military service



### DUAL CREDIT OFFERINGS:

Over 20 college credit hours are offered through our dual enrollment program.

**Math:** College Algebra, Trigonometry, Calculus

**Science:** Advanced Biology, Physics

**English:** Composition 101

**Art:** Art Appreciation



## Faith in Action

SLHS provides purposeful opportunities for students to practice and show their Christian character and share their gifts with others. There is regular encouragement and motivation for students to use their gifts to the fullest and to the glory of God.

Each school day starts with 15 minutes of devotion time to center our day on Christ.



### DEVOTION TIME ACTIVITIES INCLUDE:

**Traditional Chapel** – A short uplifting message is given by a faculty member or a pastor of one of our member congregations.

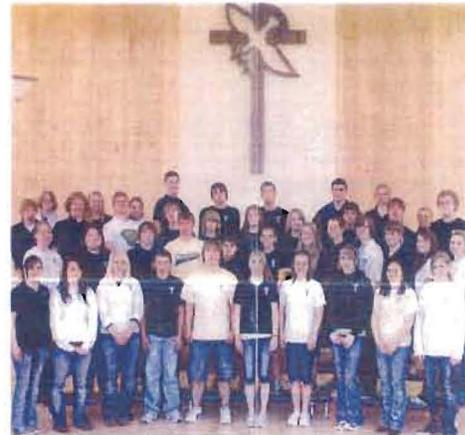
**Small Group Ministry** – Student-led devotions integrate different grade levels and personalities.

**Drama Ministry** – This creative approach allows students to share their faith in an entertaining and engaging way with peers, adults and occasionally with students at area Lutheran elementary schools.



All students are enrolled in **THEOLOGY COURSES** each semester of attendance.

Each student is required to perform over **60 HOURS OF SERVICE** to the community in order to graduate.



## Extracurricular Activities

Saxony offers a wide variety of sports, music, drama and academic teams and activities in which students can participate. Over 85% of our student body is involved in at least one of these activities.

### EXTRACURRICULAR ACTS AT SAXONY INCLUDE:

- Academic Team
- Art Competitions
- Basketball
- Basketball (Boys & Girls)
- Cheerleading
- Cross Country (Boys & Girls)
- Drama Club
- Music Competitions
- National Honor Society
- Soccer (Boys & Girls)
- Softball
- Student Council
- Track (Boys & Girls)
- Volleyball (Girls)
- Yearbook/Newspaper



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## Saxony Facts:

### ACCREDITATION:

SLHS is accredited by the Missouri Non-Public Schools Accreditation Committee and by the National Lutheran Schools Accreditation Commission.

### FACULTY:

A group of seasoned professionals, of whom over half hold master's degrees, our faculty is comprised of ten full-time and six part-time members.

Student/Teacher Ratio: **14:1**  
Average Class Size: **18**

### ENROLLMENT:

2008 - 2009: **172**  
2009 - 2010: **195**

### GRADUATION REQUIREMENTS:

- English – 4.0 Credits
- Mathematics – 3.0 Credits
- Science – 3.0 Credits
- Social Studies – 3.0 Credits
- Fine Arts – 1.0 Credit
- Physical Education – 1.0 Credit
- Practical Arts – 1.0 Credit
- Health – 0.5 Credit
- Electives – 6.5 Credits

### TUITION FOR 2009/2010:

Actual cost for a year at Saxony.....	\$5,850
Mission discount extended to every student who attends Saxony.....	\$925
Base tuition .....	\$4,925
Tuition for members of our 25 association churches .....	\$3,575

## Core Values

The cornerstone of Saxony Lutheran High School is a firm belief in Jesus Christ as our Lord and Resurrected Savior. This belief establishes for Saxony Lutheran these core values:

**CHRISTIAN CHARACTER**

**DISCIPLESHIP**

**ACADEMIC EXCELLENCE**

**COMMUNITY INVOLVEMENT**



**Saxony Lutheran High School is grounded in the teachings of the Lutheran Church Missouri Synod, but students of all faiths are welcome.**

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# Exhibit C

DEC 30 2010

051-0104



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

## DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

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2010 MAY 27 PM 12:36

AIR POLLUTION  
CONTROL PGM

May 25, 2010

Mr. J.W. Strack  
Strack Excavating  
5420 State Highway 74  
Cape Girardeau, MO 63701

### LETTER OF WARNING

Dear Mr. Strack:

This letter is in response to complaints received concerning fugitive emissions crossing your property boundary. Fugitive emissions must remain on your own property, if these emissions cross the property boundary it is a violation of *10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*.

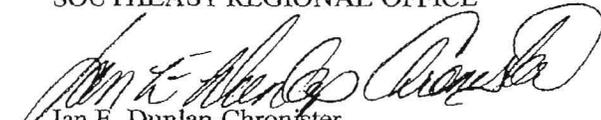
On May 6, 2010 I observed particulate matter leaving your property. I am sorry to inform you that this is a violation of the Federal and State Air Quality Laws and Regulations. This Letter of Warning is intended to officially notify you of these issues and persuade you to take action to avoid future violations.

A written response conveying your intent to comply with the regulation should be received at this office by June 18, 2010. The response should be mailed to Missouri Department of Natural Resources, Attn: Jan Dunlap-Chronister, 2155 North Westwood Blvd., Poplar Bluff, MO 63901. Failure to respond to this office by the above date will require us to issue a Notice of Violation (NOV) and further enforcement action will be at the discretion of the Department's Air Pollution Control Program (APCP).

Thank you for your time and cooperation during the investigation. Should you have any questions concerning this matter or other questions that may occur, please contact me by U.S. Postal Service at the above address, by telephone at (573) 840-9750 or through electronic mail at [jan.chronister@dnr.mo.gov](mailto:jan.chronister@dnr.mo.gov).

Sincerely,

SOUTHEAST REGIONAL OFFICE

  
Jan E. Dunlap-Chronister  
Environmental Specialist III

JEDC:lm

Enclosure

c: Air Pollution Control Program

File: 0310104  
Cape Girardeau County

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Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

# DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

August 20, 2009

CERTIFIED MAIL # 7008 1830 0002 6799 1463  
RETURN RECEIPT REQUESTED

Mr. J.W. Strack  
Strack Excavating  
5420 State Highway 74  
Cape Girardeau, MO 63701

RECEIVED  
2009 AUG 31 PM 12:58  
AIR POLLUTION  
CONTROL PGM

## LETTER OF WARNING

Dear Mr. Strack:

This letter is in response to complaints received concerning fugitive emissions crossing your property boundary during quarry blasts. Fugitive emissions must remain on your own property, if these emissions cross the property boundary it is a violation of *10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*.

On July 24, 2009 I observed particulate matter leaving your property following the blast. I am sorry to inform you that this is a violation of the Federal and State Air Quality Laws and Regulations. This Letter of Warning is intended to officially notify you of these issues and persuade you to take action to avoid future violations.

A written response conveying your intent to comply with the regulation should be received at this office by September 30, 2009. The response should be mailed to Missouri Department of Natural Resources, Attn: Jan Dunlap-Chronister, 2155 North Westwood Blvd., Poplar Bluff, MO 63901. Failure to respond to this office by the above date will require us to issue a Notice of Violation (NOV) and further enforcement action will be at the discretion of the Department's Air Pollution Control Program (APCP).

Thank you for your time and cooperation during the investigation. Should you have any questions concerning this matter or other questions that may occur, please contact me by U.S. Postal Service at the above address, by telephone at (573) 840-9750 or through electronic mail at [jan.chronister@dnr.mo.gov](mailto:jan.chronister@dnr.mo.gov).

Sincerely,

SOUTHEAST REGIONAL OFFICE

Jan E. Dunlap-Chronister  
Environmental Specialist III

JEDC:lm

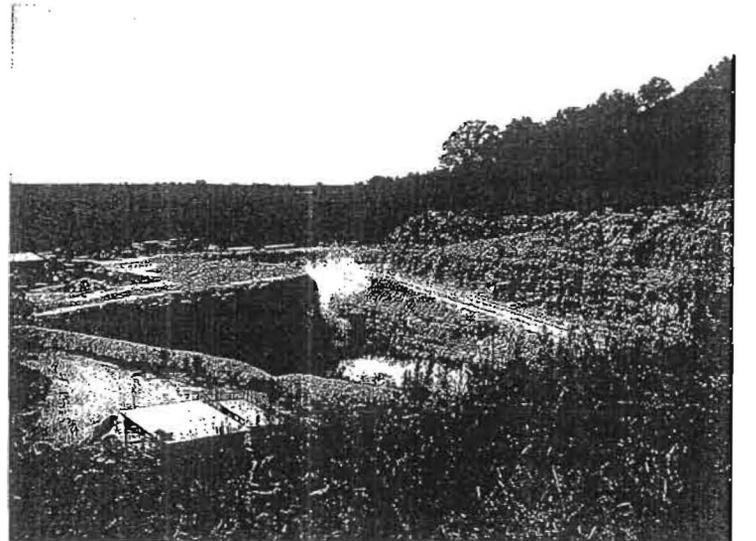
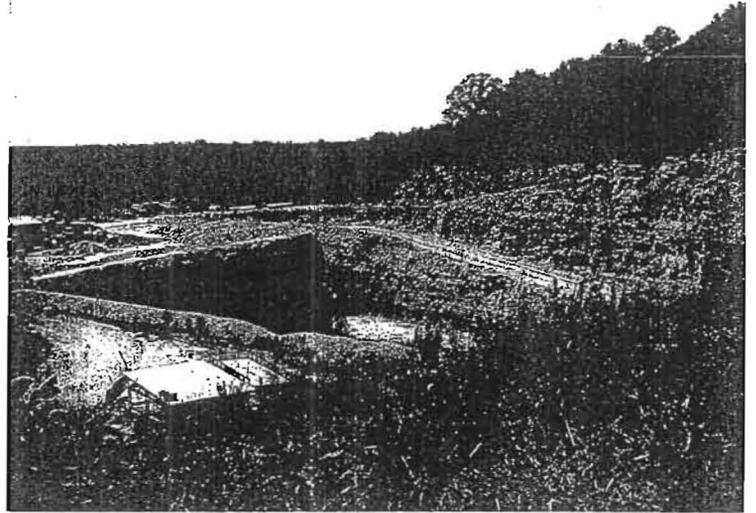
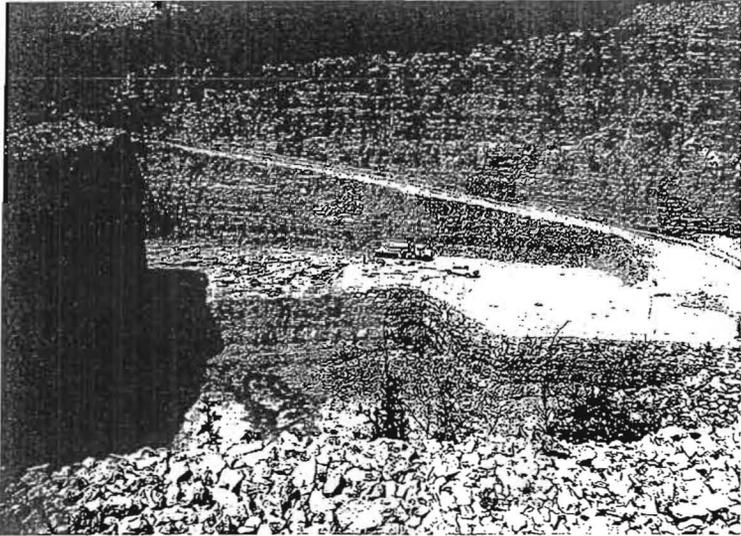
Enclosure  
c: Air Pollution Control Program



**Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast**

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MO. LAND RECLAMATION COMM.

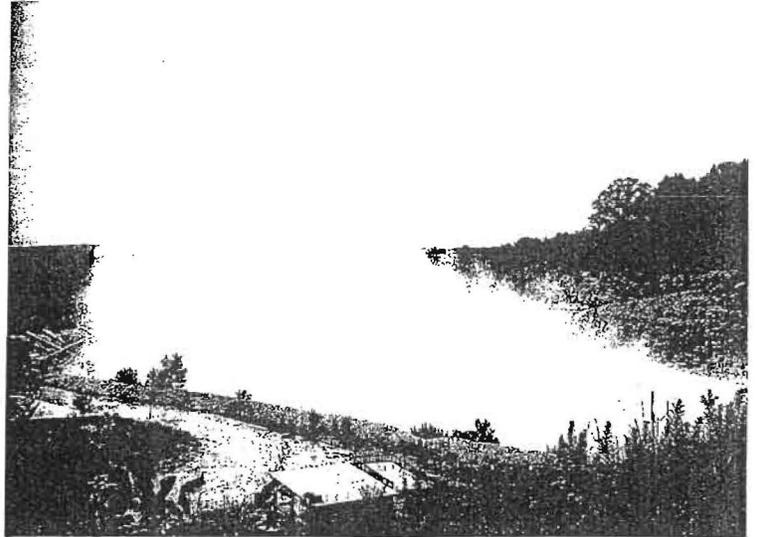
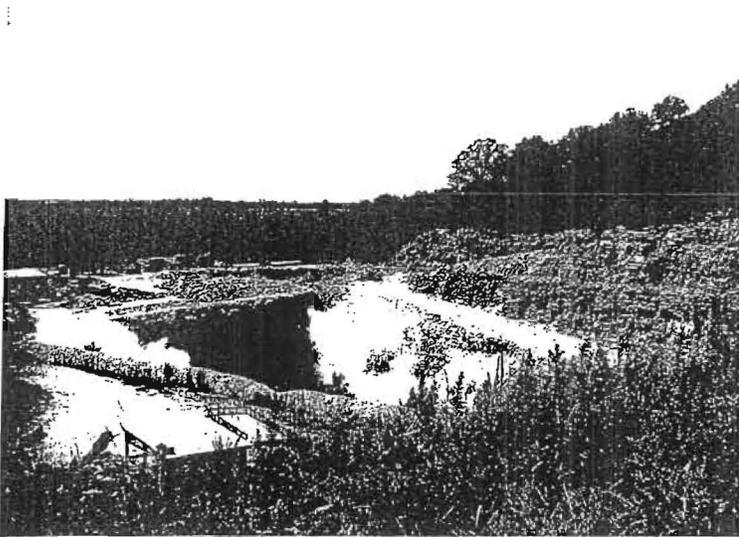
DEC 30 2010



Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast  
Page 2

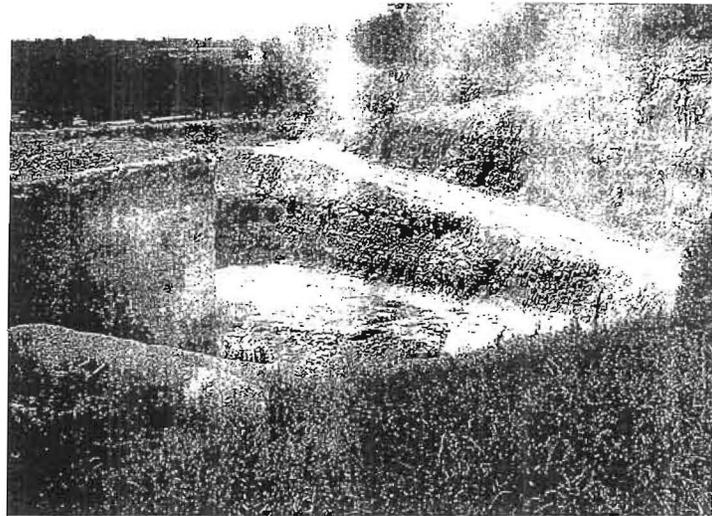
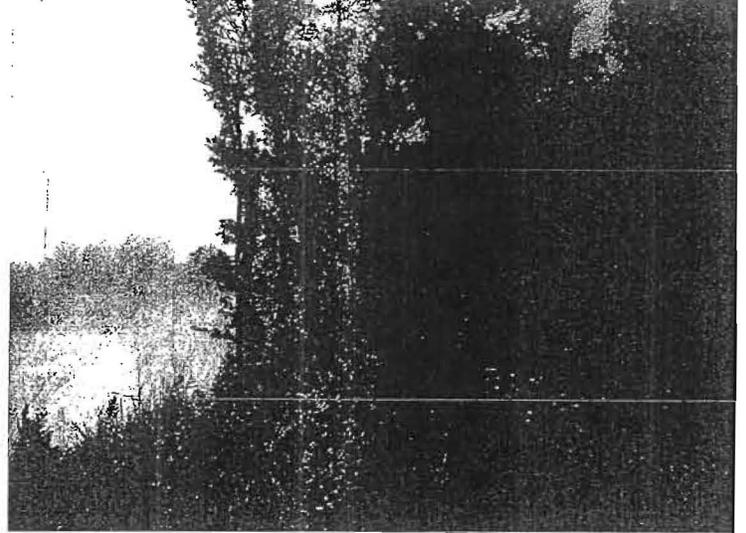
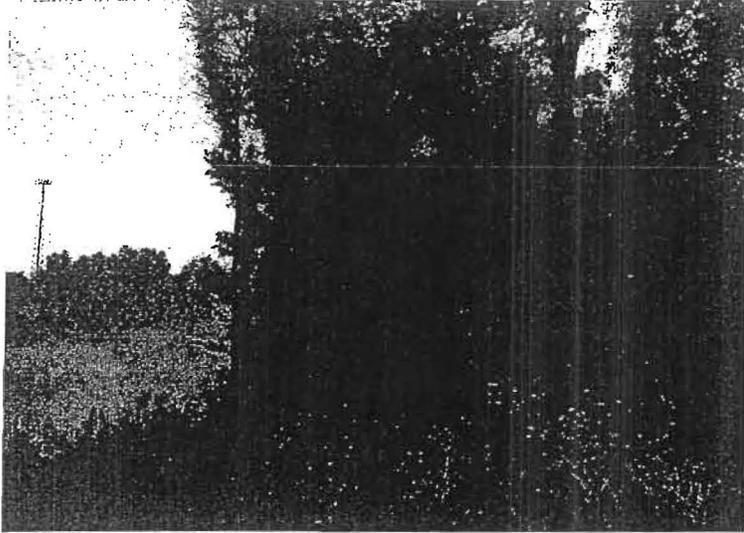
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MO. LAND RECLAMATION COMM.

DEC 30 2010



DEC 30 2010

Strack Excavating  
5420 State Hwy 74  
Cape Girardeau, MO 63701  
031-0104  
July 24, 2009  
Quarry Blast  
Page 3



DEC 30 2010

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Bob Holden, Governor • Stephen M. Mahfood, Director

www.dnr.state.mo.us

APR 16 2004

**CERTIFIED MAIL: 7002 0860 0007 6965 1025**  
**RETURN RECEIPT REQUESTED**

Mr. J.W. Strack  
Strack Excavating, LLC  
5420 State Highway 74  
Cape Girardeau, MO 63701

RE: Resolution of Notice of Violation (NOV) #3104SE

Dear Mr. Strack:

I am writing to inform you that the Air Pollution Control Program (APCP) may pursue referral of Strack Excavating to the Attorney General's Office (AGO) for the initiation of civil action for violations of the Missouri Air Conservation Law, Chapter 643, RSMo. This proposed enforcement action is the result of failure to prevent fugitive particulate matter emissions from traveling across property boundaries, failure to submit an operating permit application and failure to conduct performance testing. These activities are violations of Strack Excavating's construction permit #062001-014 and Missouri State Air Regulations 10 CSR 10-6.170, "Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin," 10 CSR 10-6.060, "Construction Permits Required," 10 CSR 10-6.065, "Operating Permits," and 10 CSR 10-6.070, "New Source Performance Regulations," incorporating by reference Code of Federal Regulations 40 CFR part 60 subpart OOO, "New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants". The department issued the above noted NOV to your facility on March 23, 2004.

I am writing this letter to notify you of your situation and to provide an opportunity for an out-of-court settlement prior to referral. This offer of settlement is in accordance with Section 643.151, RSMo., and the department bases the offer upon civil penalty amounts established therein. Accordingly, the APCP proposes that Strack Excavating pay an out-of-court settlement of \$8,000 to the Cape Girardeau County School Fund. If we can negotiate an agreement, the AGO will draft an appropriate settlement agreement.

If you wish to resolve this matter, you must submit a compliance plan that addresses each item listed in NOV #3104SE. Please submit the compliance plan by May 14, 2004.

*Integrity and excellence in all we do*



DEC 30 2010

Mr. J.W. Strack  
Page Two

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You must also do one of the following:

1. Agree to the settlement offered in this letter ;
2. Negotiate a reasonable settlement prior to May 14, 2004; or
3. Schedule to meet in this office prior to May 14, 2004, to negotiate an appropriate penalty.

If the proposed settlement is unacceptable, I strongly encourage you to schedule a meeting.

If we are unable to reach an agreement or schedule a meeting by May 14, 2004, negotiations will cease and we will place this matter on the agenda of the Missouri Air Conservation Commission. At that meeting the APCP will request authorization to refer the outstanding violations to the AGO for appropriate legal action.

Thank you in advance for your prompt attention to this matter. Please contact me at the APCP, P.O. Box 176, Jefferson City, MO 65102-0176, or by telephone at (573) 751-4817 so we may discuss a resolution.

Sincerely,

AIR POLLUTION CONTROL PROGRAM



Bob Randolph  
Environmental Engineer

BR:cmj

c: Ms. Jan Dunlap-Chronister, Southeast Regional Office  
Source file 031 0104

DEC 30 2010

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to	B. Received by (Printed Name)	C. Date of Delivery 4-21-08
<div style="border: 1px solid black; padding: 5px; width: fit-content;">Mr J W Strack Strack Excavating LLC 5420 State Highway 74 Cape Girardeau MO 63701</div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7002 0860 0007 6965 1025	
PS Form 3811, August 2001	Domestic Return Receipt	102595-02-M-1540

DEC 30 2010

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

www.dnr.state.mo.us

HIGH PRIORITY VIOLATION

April 2, 2004

Mr. J.W. Strack  
Strack Excavating, LLC.  
5420 State Highway 74  
Cape Girardeau, MO 63701

CERTIFIED MAIL #: 7003 1010 0000 5582 6648  
RETURN RECEIPT REQUESTED

Re: Notice of Violation # 3104 SE

Dear Mr. Strack:

On March 23, 2004, Ms. Jan Dunlap-Chronister representing the Southeast Regional Office of the Missouri Department of Natural Resources observed particulate matter in the ambient air beyond the property boundary of Strack Excavating, Inc. This is a violation of 10 CSR 10-6.170 *Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*, and Construction Permit Number 062001-014. During the file review violations of 10 CSR 10-6.065 Operating Permits Required and 10 CSR 10-6.070, Subpart "OOO" was also discovered. The enclosed Notice of Violation Number 3104SE is intended to officially notify you of these violations and persuade you to take action to avoid future violations. Further action on this matter will be at the discretion of the department's Air Pollution Control Program (APCP). You may contact the APCP at (573) 751-4817.

Should you have any questions regarding this letter, please contact Ms. Jan Dunlap-Chronister at (573) 840-9750 or by mail at 2155 North Westwood Boulevard, Poplar Bluff, MO 63901.

Sincerely,

SOUTHEAST REGIONAL OFFICE



Gary L. Gaines, P.E.  
Regional Director

Enclosure

GAG/jedcm

c: APCP Enforcement  
Source Code: 031-0104

*Integrity and excellence in all we do*



2004 APR -7 PM 2:04  
RECEIVED  
SOUTHEAST REGIONAL OFFICE

RECEIVED  
MO. LAND RECLAMATION COMM.

DEC 30 2010

RECEIVED

2010/PP-7 PM 2:04

AIR POLLUTION  
CONTROL PGH



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
NOTICE OF VIOLATION/EXCESS EMISSIONS

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER:  
**3104 SE**

**Notice of Violation**     **Notice of Excess Emissions**    **Date and Time:** March 23, 2004    2.30  
 AM     PM

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)  
Strack Excavating, LLC                      031-0104                      **HIGH PRIORITY VIOLATION**  
5120 State Highway 74  
Cape Girardeau, Missouri 63701

MAILING ADDRESS	CITY	STATE	ZIP
5120 State Highway 74	Cape Girardeau	MO	63701

NAME OF OWNER OR MANAGER	TITLE OF OWNER OR MANAGER
J.W. Strack	Owner/Manager

LAW, REGULATION OR PERMIT VIOLATED  
Missouri Air Conservation Commission Regulation

- 10 CSR 10-6.060 *Construction Permits* and Construction Permit 062001-014
- 10 CSR 10-6.065 *Operating Permits*
- 10 CSR 10-6.070, Subpart "OOO"

N  
E  
A

NATURE OF VIOLATION	DATE(S): 03-23-04	TIME(S): 2:30 PM
• Failure to prevent visible emissions in the ambient air beyond the property line of origin		
• Failure to apply and/or obtain a operating permit as required in Construction Permit 062001-014.		
• Failure to execute Performance Testing as required in 10 CSR 10-6.070, Subpart "OOO".		

SIGNATURE (PERSON RECEIVING NOTICE)	SIGNATURE (PERSON ISSUING NOTICE)
Sent Certified Mail #: 7003 1010 0000 5582 6648	 Jan Dunlap-Chronister

TITLE OR POSITION	TITLE OR POSITION/DNR REGION
	Environmental Specialist Southeast Regional Office

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MO. LAND RECLAMATION COMM.

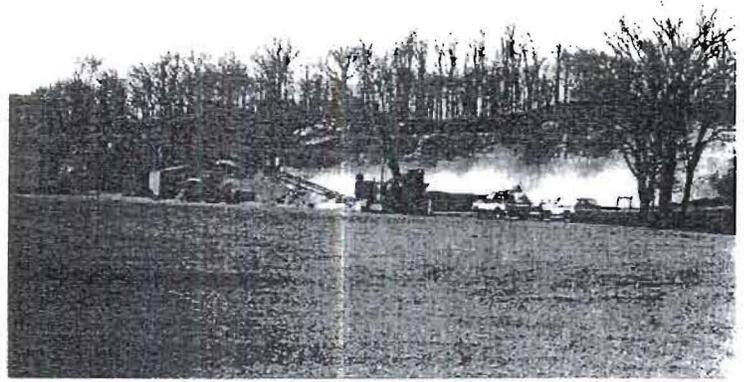
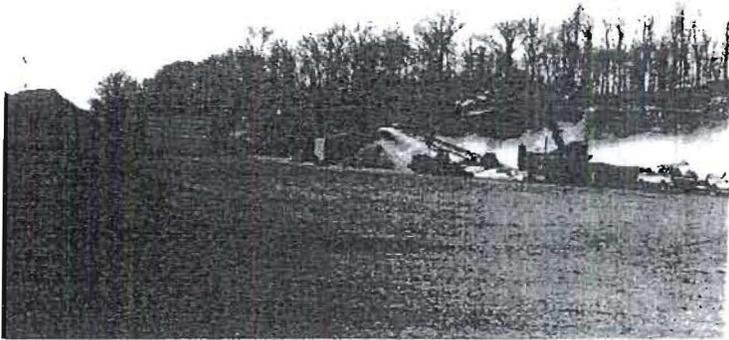
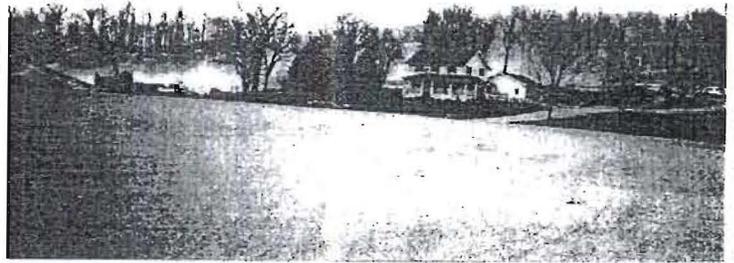
DEC 30 2010

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2004-03-23 10:04

MISSOURI DEPARTMENT OF REVENUE  
COLUMBIA, MISSOURI

**Strack Excavating, Inc.**  
**031-0104**  
**March 23, 2004**  
**Notice of Violation # 3104 SE**  
**Photographs by: Jan E. Dunlap-Chronister**



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MO. LAND RECLAMATION COMM.

DEC 30 2010

RECEIVED

2004-7-7 10:04

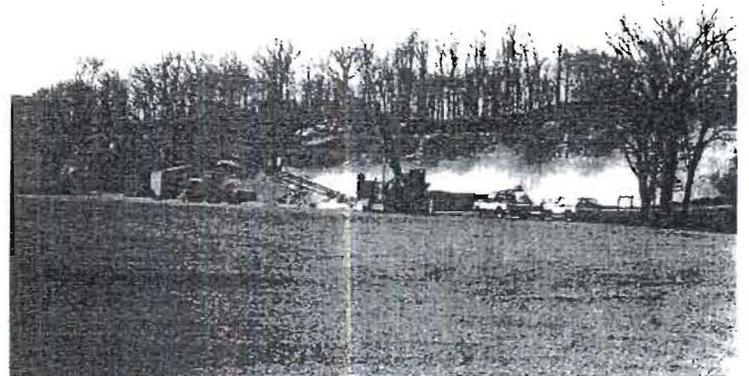
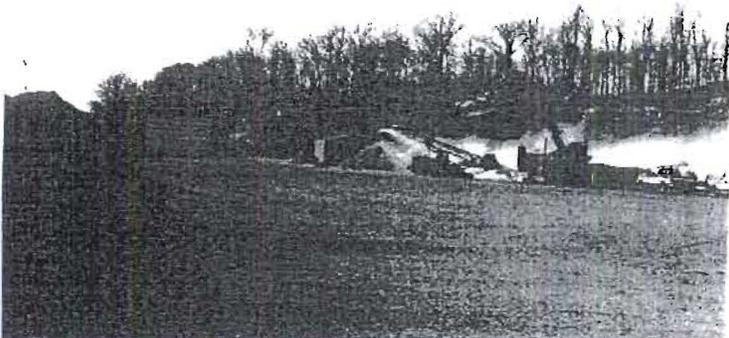
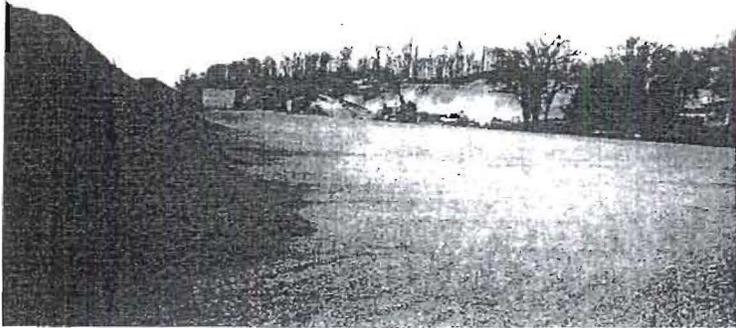
**Strack Excavating, Inc.**

**031-0104**

**March 23, 2004**

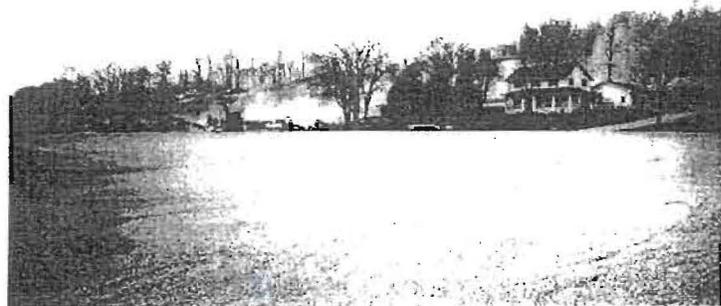
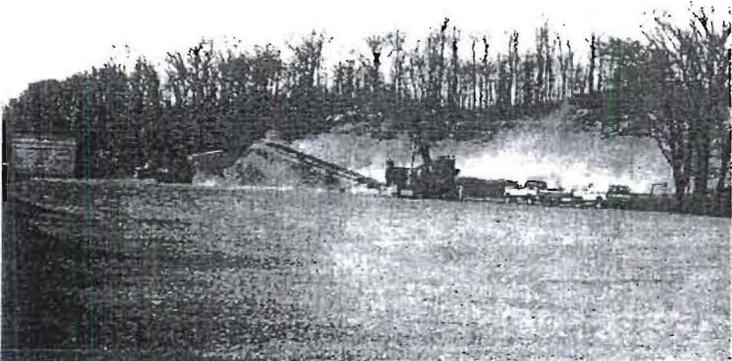
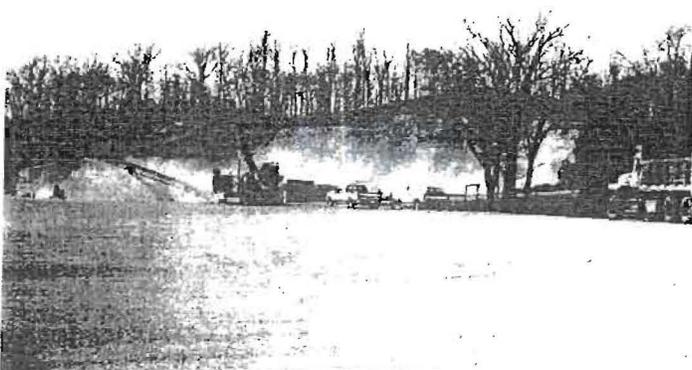
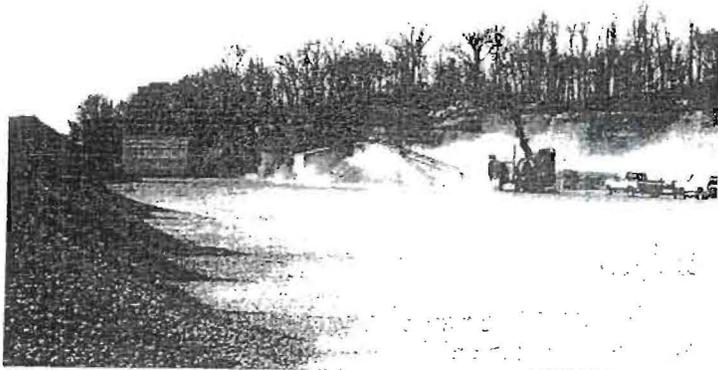
**Notice of Violation # 3104 SE**

**Photographs by: Jan E. Dunlap-Chronister**



Page 2  
Strack Excavating, Inc.  
031-0104  
March 23, 2004  
Notice of Violation # 3104 SE  
Photographs by: Jan E. Dunlap-Chronister

RECEIVED  
MO. LAND RECLAMATION COMM.  
DEC 30 2010



**Zeaman, Bill**

---

**From:** Larsen, Mike  
**Sent:** Monday, January 03, 2011 8:45 AM  
**To:** Zeaman, Bill  
**Subject:** FW: Strack quarry opposition

Mike Larsen, Staff Director  
Land Reclamation Program  
Division of Environmental Quality  
Missouri Department of Natural Resources  
(573) 751-4041  
mike.larsen@dnr.mo.gov

---

**From:** Donna Pry [mailto:donnapry@msn.com]  
**Sent:** Thursday, December 30, 2010 7:21 PM  
**To:** Larsen, Mike; donnapry@msn.com  
**Subject:** Strack quarry opposition

*To the Land Reclamation Board,*

*I'm writing to voice my opposition to the Strack quarry that has applied for a permit to operate in the Fruitland community. I live within 0.5 miles of the proposed quarry, and this situation affects my family and I directly. I have many concerns regarding this permit:*

*1) My two year-old daughter has a history of prematurity, RSV lung disease and associated factors that puts her at serious risk in this situation. Because I know that fugitive dust cannot be completely controlled in every situation, I have grave concerns about how her health will be affected. She has repeatedly been on steroid treatments since her birth to help her breathing.*

*2) I live in Fruitland and depend on the Public Water Supply for my family. Fruitland is a very populated area, and thousands depend on this supply daily. There are several public wells within a close proximity to the proposed quarry location. I urge you to complete the proper studies to determine how this could possibly effect our water supply in the future, especially considering the unpredictable Karst topography we live in.*

*3) I am concerned about structural damage to my home. I have learned what blasting from a quarry in such close proximity can do, including basement/foundation damage, radon leaks, septic tank damage, etc.*

*I adamantly oppose this quarry. I respectfully ask that a informal public hearing take place to discuss these issues. I also request that a formal courtroom hearing be granted so that further evidence could be presented to the Land Reclamation Board. Thank you for your consideration.*

*Sincerely,  
Donna J. Pry  
471 Eli Drive  
Jackson, MO 63755*