



**MINUTES OF THE  
LAND RECLAMATION COMMISSION MEETING  
BENNETT SPRINGS & ROARING RIVER CONFERENCE ROOM  
1730 E. ELM STREET  
JEFFERSON CITY, MISSOURI  
March 27, 2008**

Chairman, Jim DiPardo called the meeting to order at 10:06 a.m., at the Missouri Department of Natural Resources, Bennett Springs & Roaring River Conference Rooms, located at 1730 E. Elm Street, Jefferson City, Missouri.

**Commissioners Present:** Jim DiPardo; Dr. Gregory Haddock; Mimi Garstang; Ed Galbraith, Bob Ziehmer, Nick Matherly and Col. John Riffle.

**Staff Present:** Larry Coen, Staff Director; Bill Zeaman, Chris Thiltgen, Larry Slechta, Mitch Roberts, Mike Larsen, Andy Reed, Mike Mueller and Tina Stockman.

**Others Present:** Harry Bozoian, Attorney General's Office; Mike Carlson, Gredell Engineering; Stephen Preston, Office of Surface Mining; David Shorr, Lathrop Gage; Steve Rudloff, Missouri Limestone Producers Association; and Brian Bernskoetter, Missouri Industry Council.

**MINUTES OF THE JANUARY 24, 2008 MEETING**

Col. Riffle made a motion to approve the January 24, 2008 meeting minutes as written. Dr. Haddock seconded the motion. Mr. Galbraith abstained from the vote. Otherwise, the motion was carried unanimously.

**INDUSTRIAL MINERALS**

**Industrial Bond Release Requests Approved by Staff Director**

The Staff Director of the Land Reclamation Program has reviewed, evaluated, and approved the following Industrial Mineral bond release request. This summary was provided for the Commission's information.

<b>Company</b>	<b>Permit #</b>	<b>Mine</b>	<b>Land Use</b>	<b>Acres Released</b>	<b>Amount Released</b>
Winter Brothers Material Co.	0010	Allen Road Site J&I	Water	4	\$2,000.00
Lemons Landfill Corp.	0054	#1 LLP-BL	Waste/Disposal	2.6	\$1,300.00
Capital Quarries, Inc.	0234	St. Clair Quarry	Wildlife	16	\$8,000.00
Norris Asphalt and Paving Company	0818	Route C Quarry	Agriculture	12	\$6,000.00
Norris Asphalt and Paving	0818	Maitland Quarry	Agriculture/Water	24	\$12,000.00

Company					
Capital Sand Company	0248	Site #1 Floodplain Little Piney Creek	Wildlife/ Recreation	14	\$7,000.00

Staff presented the above request for bond release to the Staff Director. The Staff Director approved the releases noted above following review of the requests along with photographs taken during the bond release inspections. Confirmation of the approval has been sent to the company and bonding entities. Mr. Galbraith asked about coordination between the Land Reclamation Program and the Solid Waste Program on sites where the quarry is being converted to a land fill. Larry Slechta explained that we maintain the permit and bond until the facility posts the proper bond with the Solid Waste Program, once that has been done our Program releases the bond on those acres.

**Hearing Request Concerning the Mine Plan Expansion Application for Capital Quarries, Inc., Route B Quarry in Cole County – for a Total of 65- Acres.** Withdrawn

**COAL BOND FORFEITURE STATUS UPDATE**

Since the last update provided to the commission on January 24, 2008, staff have been working on several aspects of bond forfeiture including both coal and non-coal. Staff has prepared a plan of work and release presentation schedule for the coming calendar year. The plan identifies former coal mining sites that are proposed to be worked on this coming year in order to fix problems that were left by the coal mining companies. In addition, the plan identifies proposed dates that the mine sites will be presented to the commission for their release consideration. A copy of this proposed plan is attached to this memo for the commission’s information.

Staff have also been working with the landowner of a former coal mine site located in Putman County in north central Missouri. The staff have corresponded with the landowner in order to prepare the former mine site for a release presentation before the commission in a separate agenda item later in the meeting. This former mine site was operated by Missouri Mining, Inc. during the late 1970’s and early 1980’s and is known as Mine #5A and Mine #5B. If approved by the commission this 95 acre release area will finally remove an entire inspectable unit from this former very large mining operation.

Field work for a forfeiture situation involving a former clay mining company, National Refractories and Minerals Corporation has been delayed because of inclement weather during the month of February. Landowner contact has been maintained by the program in order to keep them informed of our intentions. It is hoped that the weather will improve in the coming weeks in order to allow this work to begin. Further updates on this particular forfeiture will be provided to the commission at the May, 2008 meeting. Mr. DiPardo asked about any endangered species in the bottom of sink hole and Mike Larsen explained that they coordinate these concerns with other Agencies.

**COAL BOND RELEASE REQUEST**

The Land Reclamation Program’s bond forfeiture staff has evaluated the following former coal mine site during the past two months and is presenting it to the commission for their release

consideration. This is a company which has undergone permit revocation and bond forfeiture by the commission in the past. The work of final reclamation and release now rests with the program to complete.

The below site has been reviewed jointly with the Office of Surface Mining and, in addition, all current landowners of record have been notified that this site is to be recommended for complete and final release at this meeting of the Land Reclamation Commission. As of the date of this memo, no comments or objections have been received.

<b><u>Company Name</u></b> <b>(Forfeiture site)</b>	<b><u>Mine</u></b>	<b><u>Permit #</u></b>	<b><u>Release Acres</u></b>
Missouri Mining, Inc.	Mines #5A and #5B	78-25	95.0 acres

It is the recommendation of the program's bond forfeiture staff that, as all necessary reclamation work has been accomplished, the Missouri Land Reclamation Commission release the state from all further responsibility for the former coal mine site listed above.

Dr. Haddock made the motion that the Commission release the state from any further responsibility for this site. The motion was seconded by Col. Riffle. The vote carried unanimously.

### **Update On Proposed Coal Rule Revisions**

The program has recently sent a package of coal regulation revisions through the department's Division of Environmental Quality requesting the authority to begin a rulemaking. This is the first step in any rulemaking process proposed by the Land Reclamation Program. Accompanying this first step the program feels that it should advise the Land Reclamation Commission that this effort is about to get underway.

The package of regulation changes is quite large involving 24 separate regulations which encompass 4 chapters of the coal mining regulations. The chapters address the requirements for coal permitting, coal mining operational requirements, insurance and definitions. Within each of the 24 regulations there are several changes which are going to be made.

These changes have arisen through a comprehensive review of the entire set of coal mining regulations by the Office of Surface Mining (OSM). Over the past several years staff from OSM who are specifically devoted to the review of all state's approved programs have identified numerous minor discrepancies and errors within Missouri's set of coal mining regulations. The OSM has been working with the program to fix these errors and the program is now in a position to finally address this matter.

It should be noted that none of the 24 regulation changes involve the addition of any significant costs to the industry. None of the changes will significantly impact any of Missouri's current coal producers nor will any of the changes impact the program to any significant degree. This is a package of regulation changes that address minor inconsistencies currently contained in Missouri's set of regulations.

It should also be noted that approximately one-half of the revisions involve regulations which address underground coal mining operations. Although Missouri does not presently have any underground coal mines, and none are foreseen, underground mining rules are a part of Missouri's approved state program and the revisions are necessary in order to maintain consistency with federal regulations.

The current coal mining industry has been advised of this rule revision effort as a courtesy to them and to date there have been no objections or concerns raised. Because of the benign nature of these regulation revisions there is no formal hearing planned although there will be the customary 30 day comment period afforded when that time comes.

During the coming year I will be updating the commission on the progress of this rulemaking package and will be asking for the commission's formal action as needed and as certain steps in the rulemaking process are made. No action is requested at this time.

### **Renewal of Palmer Limestone Strip Mine Law Permit OL95-01**

On October 6, 1995 we issued Palmer Limestone a certificate to mine coal incidental to the mining of limestone and shale at their site in Vernon County. The issuance of this permit exemption is under the Strip Mine Law, which is commonly referred to as an old law permit. This eight (8) acre old law coal permit is exempt from the requirements of the permanent program coal law (Surface Coal Mining Law) as long as coal production stays at or below 16 2/3 percent of the shale and limestone tonnage production.

This permit requires annual renewal until reclamation is complete. In order to receive a permit certificate renewal, the operator submits an application along with adequate fees and bond. The operator, Mr. Palmer, did submit a complete application form on January 9, 2008 along with proper fees. Since adequate bond is on file, it is the recommendation of the staff and director that the Commission issue a renewal certificate to permit OL95-01 for the period from March 27, 2008 to December 31, 2008.

Dr. Haddock made a motion that the Commission issue a renewal for Permit OL95-01. Col. Riffle seconded the motion. The motion carried unanimously.

## **PERMITS, CONTRACTS AND DESIGN**

### **Coal Permitting Activities Update**

This report covers coal permitting activities between January 8, 2008, the date of the last update memo, and the date this memo was prepared, March 6, 2008.

During this reporting period, LRP received five (5) new coal permit actions that required review and approval. Two (2) of these permit actions were finalized during this reporting period. The three (3) remaining permit actions were received near the end of the reporting period and were

still under review as the reporting period ended. LRP staff permitting reviews are proceeding on schedule.

## **Abandoned Mine Lands Status Update**

### **Abandoned Mine Land (AML) Reclamation Projects**

A construction contract in the amount of \$63,910.40 has been awarded to Ron Reed Dozing, of Sheldon, MO, for completing the Aurora Shaft Closure Project. This work will close five (5) vertical lead/zinc mine openings located in the Baldwin Park area of the City of Aurora in Lawrence County. Project completion is expected by May, 2008.

The Hillsboro Shaft Closure Project will close an extremely dangerous lead mine shaft located within 50 feet of a residence near the City of Hillsboro in Jefferson County. On-site investigations indicate the shaft to be approximately 45 feet deep. Thus, the open vertical shaft will be corrected by backfilling with limestone rock fill material. The AML staff is currently preparing a "Under \$25,000 Contract" to complete this work. This project is expected to be completed this spring.

In-house design work is nearing completion on the Billy Creek/ Blacksmith AML Reclamation Project sites located in Adair County. The proposed work will include regrading and eliminating several dangerous gob piles and embankments, treating and covering exposed gob and coal waste, and revegetating seven acres of land associated with the two abandoned underground coal mines. Reclamation is being completed to prevent continued erosion and to reduce the amount of acid-forming sediments that are being discharged into the local waterways. This project is expected to be advertised for construction bidding by spring 2008.

The AML staff continues to conduct on-site investigation and design activities on the West Ken Coal Project (Jasper County). Two recent attempts to complete stratified water sampling of the nine-acre pit have been foiled by inclement weather. The AML staff is continuing to work with the USDI, Office of Surface Mining's technical personnel to characterize the water chemistry of the pit. The information gained will allow the AML staff to better estimate potential water treatment and neutralization costs.

The AML staff is negotiating a consultant engineering services agreement for design of the proposed Harrisburg Reclamation Project (Boone County). The proposed scope of work for obtaining these services has been submitted to the Office of Administration and selection of the engineering consultant is expected within the next few weeks.

The AML staff has awarded an aerial photography, surveying, and topographic mapping contract in the amount of \$14,520 to Aerial Services, Inc. of Cedar Falls, Iowa. This contract was necessary to obtain aerial photography and mapping for two future AML reclamation project sites located near the cities of Calhoun and Montrose in Henry County. The contract requires the sites to be flown before spring leaf out, and for the photos and topographic information to be supplied to the LRP by April 15, 2008.

### **AML Emergency Program**

The grouting work on the Mindenmines Emergency Subsidence Project, at 1005 Smithers Street has been completed. The contractor is currently waiting for suitably dry site conditions to finalize clean-up and dress up the property owner's yard. No AML coal emergency complaints have been received since the last commission meeting.

### **AML Maintenance Activities**

The AML staff is assessing maintenance needs on the Mindenmines Highwall Reclamation Project. Several acres of reclaimed land appear to have been over-grazed, resulting in poor permanent grass and vegetation establishment. The AML staff has agreed to solicit a contractor to complete one final seeding effort to revegetate the site. Additionally, the contractor will be hired to replace trees lost due to drought over the past several years. Mr. Coen explained that the development of a contract with Gredell Engineering is important for the development of our Program. Our funding will double over the next three years to three million dollars annually. We will be using more Engineer Consultants allowing staff more time for inspections. Dr. Haddock asked approximately how many more Abandon Mine Lands are in Missouri. Mr. Coen explained that we have spent about forty-one million dollars in the past. We need to spend another forty-one million dollars on eighty projects in the future. Since our funding is doubling we will need to do three or four times the number of projects in order to spend three million dollars annually. Ms. Garstang asked if we will be able to continue to spend Abandoned Mine Lands money on non-coal projects. Mr. Coen explained that we will be able to continue to do that – but there will be a limit on what we can spend on non-coal projects and the projects must be high priority projects.

### **OTHER BUSINESS**

#### **Staffing Update**

Mr. Coen has made a recommendation for the vacant Abandon Mine Land Unit Chief position and is waiting on approval to hire. Larry Hopkins has been out on Medical Leave but returned to work this past Monday. Guy Frazier has also been out on medical leave and will return to work on April 3<sup>rd</sup>. Another Inspector resigned and we will fill his position in April.

#### **July Field Trip**

Dr. Haddock made a motion for staff to look into a future offsite Meeting in order to visit a mining facility. Col. Riffle seconded the motion and Ms. Garstang added that this would bring us closer to the people who are implementing our mining laws. It was suggested that July might be a good month to do this. Motion carried unanimously.

Mr. Galbraith asked about the Capital Quarries Hearing Request. Mr. Coen explained that the Hearing request for Capital Quarries was formally withdrawn before the meeting. That is why this Agenda Item was not discussed today.

### **COMMENTS FROM THE PUBLIC**

No comments from the public.

Mr. Coen announced that in today's Closed Session the Commission signed a Settlement Agreement resolving the litigation with Continental Insurance and Beachner Construction for their portion of the AFI Mine Site. The Public is welcome to a copy of the Settlement Agreement. The Settlement terms are now public.

**CLOSED SESSION**

Mr. Galbraith made a motion that the Land Reclamation Commission meet in Closed session on May 29, 2008, prior to the open meeting for the purpose of discussing personnel actions, legal actions or causes of actions or litigation as provided for in Section 610.021, RSMo 2003. Col. Riffle seconded the motion. Motion carried unanimously.

**ADJOURN**

The meeting adjourned at 11:10 a.m.

Respectfully submitted,

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Chairman