

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, MAY 14, 2003

6:35 P.M.

- Convene
- Pledge of Allegiance

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders

REGULAR AGENDA

- (2) Planning items:

(a) CUP-12-16-02: Conditional Use Permit request for Eudora Quarry #68. The property is generally described as being located at the northwest corner of N 1200 Road and E 2400 Road. Requested by N.R. Hamm Quarry, Inc., for Katherine L. Neis, property owner of record) (Brian Pedrotti)

(b) CUP-03-02-03: Conditional Use Permit request for topsoil removal. The property is generally located at the east end of N 1600 Road. Submitted by Landplan Engineering, P.A. for Pine Family Investments, LC, property owners of record. (Sandra Day)

- (3) Other Business

- (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Miscellaneous
- (d) Public Comment

- (4) Adjourn

MONDAY, MAY 19, 2003

- Consider approval of open burn regulations proposal (Douglas County Fire Chiefs Association)
- Discussion of nursing program for the school district

WEDNESDAY, MAY 21, 2003

- Discussion of Mailbox Installations and Roadside Safety Impacts with Traffic Safety Advisory Committee

MONDAY, MAY 26, 2003

- Memorial Day
- No Commission Meeting

WEDNESDAY, MAY 28, 2003

- No Commission Meeting

MONDAY, JUNE 2, 2003

-Light Agenda

WEDNESDAY, JUNE 4, 2003

-No Commission Meeting

MONDAY, JUNE 9, 2003

-No Commission Meeting

WEDNESDAY, JUNE 11, 2003

-No Commission Meeting

MONDAY, JUNE 16, 2003

-Light Agenda or no meeting

WEDNESDAY, JUNE 18, 2003

5:30 P.M.

-Rededication of Judicial & Law Enforcement Center and Youth Services

MONDAY, JULY 14, 2003

-Light agenda or no meeting

WEDNESDAY, JULY 16, 2003

-Light agenda or no meeting

MONDAY, JULY 21, 2003

-No Commission Meeting

WEDNESDAY, JULY 23, 2003

-No Commission Meeting

MONDAY, JULY 28, 2003

-Light agenda or no meeting

WEDNESDAY, JULY 30, 2003

-Light agenda or no meeting

NR Hamm Quarry Inc.

Plan of Operation
Douglas County
Neis Lease

Our Eudora Quarry #3 has just about depleted the reserves of marketable rock and we have been searching for the last couple of years to find some reserves that meet quality and are accessible. This site will meet what we are looking for and will fill the needs for rock requirements for many years to come. We are planning on using our present location as a production site and stockpile area and hauling the shot rock products to the production site for crushing and or washing.

◆ **CURRENT USES:**

- The current use of this property is agriculture, being in row crop and timber / pasture land. The West part of the North ½ of SE ¼, Section 15, Township 13 South, Range 21 East, and the West part of the 49 Acres of the South ½ of NE ¼ Section 15, Township 13 South, Range 21 East is in Row crop with the remainder being in Timber / Pasture.
- The land surrounding this property is agriculture and is planted row crop and pasture. There is a residence on the North adjoining property being considered and a residence on the East adjoining property, a residence on the West adjoining property and a residence on the South adjoining property. The South 1/2 of the SE ¼ of Section 15, Township 13 South, Range 21 less the 8 acres on the West is currently our Quarry site that is running low on reserves.

◆ **OPERATIONS:**

- Hours of Operation:
 - Normal operation hours will be 7 AM to 5 PM on crushing operations
 - Normal 5 day work week with Saturdays as schedule demands
 - Trucking operations could approach ± 100 loads daily.
 - Rock reserves could last several decades depending on demands.
- This site is primarily used to supply the State of Kansas and County Government with materials that will meet the requirements of the Super Pave mixes. This type of material is fast becoming unavailable due to the tighter specs and lower absorption requirements needed for this type of construction. These types of material needs to be identified zoned and set aside for future construction requirements.

- NR Hamm Quarry Inc. operates more than forty quarries in Northeast and Central Kansas, providing the rock needs for twenty counties and many townships. We are very proud of our safety and environmental record.
- Upon approval of a Conditional Use Permit, NR Hamm Quarry Inc. will file an application with Kansas State Board of Health and Environment for a National Pollutant Elimination Systems Permit, Storm Water Run off Permit, and State Board of Agriculture, Division of Water Resources for a permit to wash rock.
- Make notification to the Bureau of Mines of a new site location and intent to commence operations. Notify all local Emergency Preparedness, State Fire Marshall, Fire Districts of when we move and start operations.
- The actual quarry operations will begin with moving in our dirt moving equipment to strip off the topsoil from the crushing area and stockpile it for future use in reclamation. The remaining overburden will be stripped and stockpiled in an area for use in reclamation at a later date.
- The opening cut will be on the South side of the N1/2 of SE 1/4 of Section 15, T13 South, R21 East, about 650 feet West of the SE corner of the N1/2 Of SE 1/4 Section 15, Township 13 South, Range 21 East. These cuts will be approximately 150' wide and 600' long running East & West. After the first couple of cuts are crushed we will be able to start reclaiming and placing the overburden back into the crushed out areas as we strip and prepare another area.
- We are using our existing Eudora Quarry # 3 entrance and stockpile areas at North 1200 Road and East 2400 Road.
- We will not need any sewage disposal since we will utilize portable Johnny on the jobs.
- This area utilized will not be in the flood zone.
- Stripping is very expensive so we like to plan our operation where we only have to move the overburden one time. Once the topsoil has been stockpiled and the overburden from the opening cut has been removed we will move in our crushing equipment to begin processing the material.

◆ **HAUL ROAD:**

- We are working with Eudora township to add extensions to the current drainage structures and building up the shoulders to widen North 1200 road from East 2400 road West to East 2200 (County 1061). By using the North 1200 Road this will not impact more roads.

◆ CONTROLS:

• DUST:

- We utilize water trucks to keep the dust down in the quarry areas. Our drills are equipped with cyclone dust collectors. MSHA, Mining Enforcement and Safety Administration routinely inspect and check our equipment for compliance.
- Hamm is looking into a new product called Dust Lock. This product has been used in a neighboring county with the results looking favorable.

• NOISE:

- Equipment by the nature of the work creates noise: however, the government defines the limits of noise and manufactures of equipment must comply with these standards. We as operators maintain our equipment keeping mufflers and noise suppressers in good repair.

◆ BLASTING:

- We as operators realize the inherent fear of blasting and vibrations. We employ the use of a sequential timer and time delay caps to safely set off the conservative charges that break the rock. The sequential timer is a relative new device that is used to further break down the time between blasts between the different rows and holes. These machines are quite expensive, but prove to be well worth their expense as they have proven to help keep down the air noise and vibrations.
- Hamm agrees to provide a pre blast survey to adjacent property owners.
- Hamm will have all blasts seismograph by third party.
- The State Fire Marshals Office licenses all of our blasters.

◆ EXPLOSIVE STORAGE MAGAZINES:

- The quarry superintendent on site maintains explosive control. He makes inventory inspections and is directly responsible for the use of the explosives.

- Our explosive magazines are constructed and maintained to the specifications of MSHA and the Federal Bureau of Alcohol, Tobacco and Firearms.

♦ **SAFETY:**

- All NR Hamm Quarry Inc. superintendents are holders of First Aid Training and CPR Certificates. Enforcement of safety is also directed by MSHA and part of the credit for our safety record must be shared with their agents who inspect our quarries. Their regular inspections help keep us aware of our responsibilities for safety. We at NR Hamm Quarry Inc are proud of our safety record.

♦ **RESTORATION:**

- Restoration is probably the most important part of a lease. The Lessors, Landowners and the Public are well aware of restoration practices of the past, and make sure that provisions are made in the Lease to insure proper restoration of the property. July 1994, the Legislature passed a bill making restoration and posting bond for quarried acres mandatory. This program is mandatory with a permit to quarry and inspections to insure restoration is taking place.
- We utilize restoration to be an on going process through the term of this lease.

Sincerely,
NR Hamm Quarry Inc.

Marvin Zielsdorf
Sales Manager

LEASE AGREEMENT

THIS AGREEMENT, made effective this 18th day of December 1998, between Katherine L. Neis, 1232 E. 2300 Road, Eudora, Kansas, 66025, hereinafter called Lessor, and N. R. Hamm Quarry, Inc., a Kansas corporation, of Perry, Kansas, hereinafter called Lessee:

WITNESSETH: In consideration of the sum of \$ _____ the receipt of which is hereby acknowledged, and which sum is to be considered advance royalty and deducted from the first sales made until the royalty account is balanced, the Lessor hereby leases and grants to Lessee all stone, sand and gravel, in, on and under the hereinafter described property, and the exclusive right to sample, drill and test for, develop, mine, quarry, extract, process, sell and remove same during the term of this Lease. (Lessor also grant to Lessee permission to operate an asphalt plant, and/or a concrete plant on the hereinafter described property.) me?

The Property is situated in Douglas County, Kansas and is described as follows: The North 1/2 of the Southeast 1/4 (N 1/2 of SE 1/4) and the South 49 Acres of the Northeast 1/4 (NE 1/4) of Section 15, Township 13 South, Range 21 East.

Excepting therefrom all property, if any, upon which a residence or farm buildings are located.

1. **Term.** The term of this Lease will be for a period of ten (10) years, commencing on the 18th day of December, 1998, and terminating on the 18th day of December, 2008. It is further agreed that the Lessee shall have the right and option to extend the term of this lease successively for and to include the term of additional periods of 10 years each.

2. **Payment.** The Lessee shall pay to Lessor a royalty at the rate of _____ Cents (\$ _____ per ton for all stone, sand and gravel mined, quarried, or extracted and sold. The Lessee shall furnish to Lessor an accurate written statement of and pay the Lessor royalties for the quantities of such stone and gravel sold and removed from the above-described property during each 30 day period, within 20 days after the close of each 30 day period. The Lessor shall have the right, at reasonable times, to examine the Lessee's pertinent sales records to verify the accuracy of said payments. Royalty rate to be reviewed at the end of every 5 year period and raised accordingly with the percentage of increase in rock price.

3. **Operations.** The Lessee's operations on the property shall be conducted in a workmanlike manner but at times and in such manner as shall be determined by the Lessee in its sole discretion. The Lessee shall have the right to install a rock crushing plant; to construct, operate, maintain, dismantle and remove all of its plants, machinery, equipment, improvements and other facilities, including without limitation roads, rail lines, pipe lines, power lines, telephone lines, water courses, dams, ponds, and stockpile areas on the above-described property and right-of-way, and Lessee shall have the right during the term of this lease, and without any payment to Lessor, unless the same is sold, to strip and remove overburden on and from the property and otherwise to use and occupy the property, all as reasonably required in connection with mining, quarrying, extracting, processing, storage, sale and removal of stone, sand and gravel in, on, under or from the property and other property owned or leased by the Lessee. Lessor hereby authorizes the Lessee on its behalf and will cooperate with the Lessee to apply for and obtain zoning, and other governmental classifications, permits, approvals, licenses and rights reasonably required in connection with the lawful conduct of the Lessee's business and operations related to the property above-described.

4. **Liabilities.** The Lessee agrees that all of the Lessee's operations shall be at its own risk, and Lessee shall indemnify and hold harmless the Lessor, and the Lessor's heirs, personal representatives, employees, agents, grantees and assigns, from and against all costs, expenses, demands, liability, suits, fines and penalties (including, without limitations, attorneys' fees) of every kind or nature whatsoever arising from or in connection with the Lessee's operations or the restoration of the property. The provisions of this paragraph shall survive the expiration or sooner termination of this Agreement.

5. **Ownership.** The Lessor represents and warrants that Lessor has good and marketable title to the above-described property and to the stone, sand and gravel, and the unrestricted right to enter into and fully perform this Lease, and that the Lessee shall have the undisturbed enjoyment of its rights in and to the property provided for in this lease. In the event that the property is sold, it shall be sold subject to this Lease Agreement, and in the event the property is mortgaged or any lien be placed thereon, the Lessee shall have the right but shall not be obligated to discharge such lien or mortgage, and any moneys paid by the Lessee in order to prevent default judgment herein, the amounts of such payments by the Lessee shall be applied to reduce any payments which the Lessee is or thereafter becomes obligated to make to Lessor under this Lease. Lessor shall promptly notify the Lessee of any default under, or action to foreclose any such mortgage or lien.

6. **Termination.** Lessor shall have the right at Lessor's option to terminate this Lease upon 60 days written notice to the Lessee if the Lessee fails to perform any of its obligations hereunder and such failure continues for a period of 60 days after written notice by Lessor to the Lessee specifying such failure. If through no fault of the Lessee such failure is impracticable to correct within the 60 day period following its receipt of written notice thereof, Lessor shall have no right to terminate this Lease if the Lessee commences with good faith and continues with due diligence to correct such failure. The Lessee shall have the right at its option to terminate this Lease at the end of any calendar year during the term of this Lease by giving at least 60 days prior written notice to Lessor.

7. **End of Term.** The Lessee shall have the right but shall not be obligated from and after the expiration of the term of this Lease or the earlier termination hereof to dismantle and remove plants, machinery, equipment, improvements and other facilities installed or constructed on the property by the Lessee and to sell and remove stone, sand and gravel then stockpiled on the property.

8. Restoration of Property. Within two years after the expiration or earlier termination of this Lease, the Lessee will, at the Lessee's sole expense and notwithstanding the provisions of paragraphs 6 and 7, level portions of the above-described property on which the Lessee has piled overburden as nearly as practical to a level that will accommodate ultimate reseeded.

- 8.a The Lessor to receive 100 tons of crushed rock or 200 tons of Ag Lime per year, if available, during the term of this Agreement without cost or charge to the Lessor.
- 8.b The Lessee to build a pond on the property with at least 3 water-surface acres.
- 8.c The Lessee to be responsible for moving or replacing fence, at the Lessee's expense.
- 8.d Pasture to be reseeded with Brome Grass, at the Lessee's expense.
- 8.e Lessor, and Lessor's heirs, personal representatives, grantees and assigns, shall be allowed to pasture Hamun's adjacent pasture, without rent for the term of this Agreement.
- 8.f The Lessee will keep the pit area to a maximum size of 15 Acres, and reclamation to be an ongoing process to keep pasture loss to a minimum.

9. Notices. Payments shall be made to Lessor and notices shall be sent or given to the respective parties at their respective addresses as set forth in the caption of this Lease or such other address as shall be specified in a notice given by such party to the other in accordance with this paragraph.

10. Successors. This lease shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the respective parties.

IN WITNESS WHEREOF this Agreement has been duly executed as of the date first above written.

Lessor's Social Security

510-14-9703

Katherine L. Neis
Katherine L. Neis

Lessors

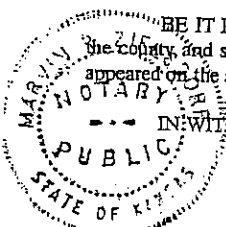
Attest:

Deloris D. Myers-Robb
Deloris D. Myers/Robb/Secretary

N.R. HAMM QUARRY, INC.

By: N. Rodney Hamm
N. Rodney Hamm/President
Authorized Representative
N.R. Hamm Quarry, Inc.

State of KANSAS, County of Douglas, ss:



BE IT REMEMBERED that on this 18th day of December, 1998, before me, a notary public in and for the county and state aforesaid, came Katherine L. Neis who is personally known to be the same person whose signature appeared on the above instrument, and said person duly acknowledge the execution of the same.

IN WITNESS WHEREOF I have affixed my official seal the day and year above written.

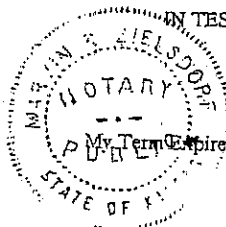
My Commission Expires: July 26, 2001

Marvin R. Zielesdorf
Notary Public

State of Kansas, County of Jefferson, ss:

BE IT REMEMBERED that on this 18th day of December, 1998, before me, the undersigned, a notary public in and for the county and state aforesaid, came N. Rodney Hamm, President of N.R. Hamm Quarry, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, and Deloris D. Myers/Robb, Secretary of said Corporation, who are personally known to me to be the such officers and who are personally known to me to be the same who executed, as such officers, the within instrument of writing, and on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF I have affixed my official seal the day and year above written.



My Term Expires: July 26, 2001

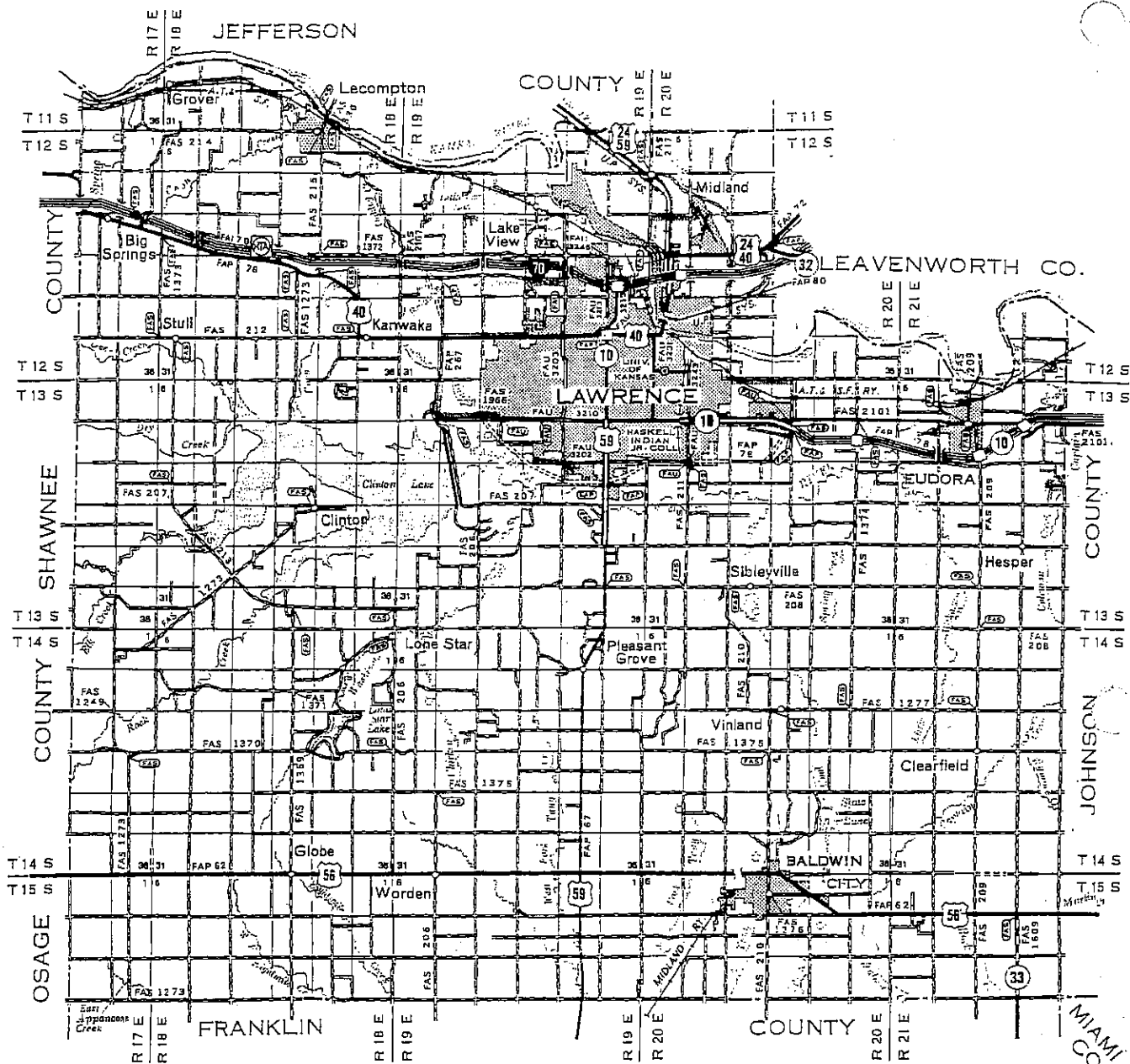
Marvin R. Zielesdorf
Notary Public

The map shows a grid of property lots in Eudora, Kansas. The central area is labeled 'Eudora'. The lots are numbered and owned by various individuals and companies. The map is oriented with North at the top. The names of the owners are written in capital letters. The numbers are written in a smaller font. The map is a black and white reproduction of a historical document.

Key features include:

- Central Area:** A large, shaded area labeled 'Eudora'.
- Grid System:** The map is divided into a grid of rectangular lots.
- Owner Names:** Names are written in capital letters, including: KENNETH VONACHEL, MABLE MEUFFEL, H.M. WRAY, DAVID KING ETAL, N R HAMM QUARRY, HAROLD NEIS, KATHERINE NEIS, MY 3 D'S COMPANY, SAM JR. NEIS, HESPER FRIENDS CHURCH, WILLIAM SCHEHRER & PAT STRAMEL, RHONDA TUGGLE, SHARON STEELMAKER, M. ALLEN, JAMES NEIS, WAYNE STONE, D. DAVIS, LARRY WILSON, BERENICE WILSON, LARRY WILSON, F.C.M. BORN, EDER & 46, ADY DOKAN, LARRY WILSON, 56, 91, 127, 140, 151, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.
- Numbers:** Numbers are written in a smaller font, indicating lot numbers or acreage.
- Shaded Areas:** Some areas are shaded, possibly indicating water or undeveloped land.
- Labels:** Labels like 'Rolling Hills' and 'Blankard' are present.

110



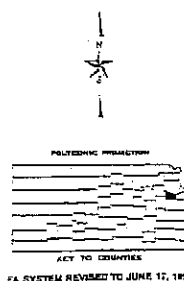
LEGEND

ROADS AND ROADWAY FEATURES

- PRIMITIVE ROAD
- UNIMPROVED ROAD
- GRADED AND DRAINED ROAD
- SOIL SURFACED ROAD
- GRAVEL OR STONE ROAD
- NOT GRADED OR DRAINED
- GRAVEL OR STONE ROAD - GRADED AND DRAINED
- GRAVEL OR STONE ROAD WITH STABILIZED SURFACE
- SITUIMOUS ROAD - LOW TYPE
- PAVED ROAD
- DIVIDED HIGHWAY
- HIGHWAY WITH FULL CONTROL OF ACCESS AND INTERCHANGE

ROAD SYSTEM DESIGNATION

- FEDERAL-AID INTERSTATE HIGHWAY SYSTEM
- FEDERAL-AID PRIMARY HIGHWAY SYSTEM
- FEDERAL-AID SECONDARY HIGHWAY SYSTEM
- INTERSTATE NUMBERED HIGHWAY
- U.S. NUMBERED HIGHWAY
- STATE HIGHWAY SYSTEM OR STATE NUMBERED HIGHWAY
- END OF DESIGNATED SYSTEM OR MARKED ROUTE



GENERAL HIGHWAY MAP DOUGLAS COUNTY KANSAS

PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
1989

FA SYSTEM REVISED TO JUNE 17, 1991



**STATE OF KANSAS
STATE CONSERVATION COMMISSION**

NR Hamm Quarries Inc

License No. 95-129

Be it known, that the above named, having properly filed application with the State Conservation Commission, according to the provision of K.S.A. 49-605, is hereby authorized to mine rock, minerals and industrial materials, other than coal, oil & gas.

License must be posted in a conspicuous place and is not transferable.

EXPIRATION DATE: December 31, 2003

Tracy D. Streeten
EXECUTIVE DIRECTOR

DCEI Seismic & Air Analysis

SN: 3206 Firmware: v1.57
Data: 10/11/2001 Time: 17:04:32
Event: 153 Record Time: 5.0 s
Client: Hamm Companies
Operation: ENTERPRISE QUARRY
Location: SW GAS LINE POST
Distance: 100.
Operator: KK/Hamm
Comment: 810136
Trigger Level: 0.05 in/s
133 db

Velocity Waveform Graph Scale:

Time = 0.100 s
Seismic = +/- 0.16 in/s
Sound = +/- 0.0045 psi

Summary Data

	L	T	V
PPV (in/s)	0.06	0.03	0.06
PD (.001")	0.3	0.2	0.3
PPV (g)	0.05	0.03	0.05
PPV (Hz)	31.3	31.3	33.3
Resultant PPV:		0.08 (in/s)	
Peak Air Pressure:		123 db	
		0.0044 psi	

Additional Info:

DCEI
1-888-373-7753

Shaketable Calibrated: 07/13/2000

By: GeoSonics Inc.

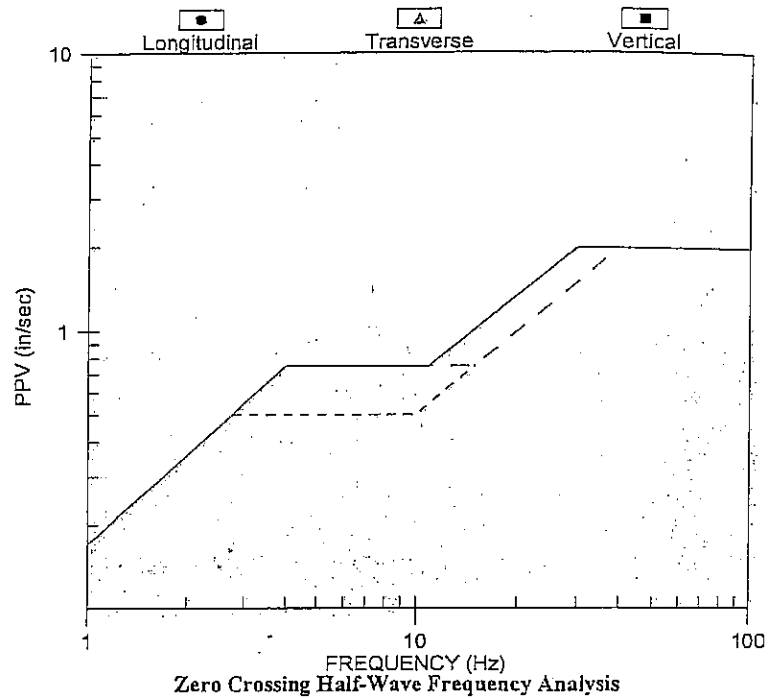
P.O. Box 779

Warrendale, PA 15095 U.S.A.

TEL: 724.934.2900 FAX: 724.934.2999

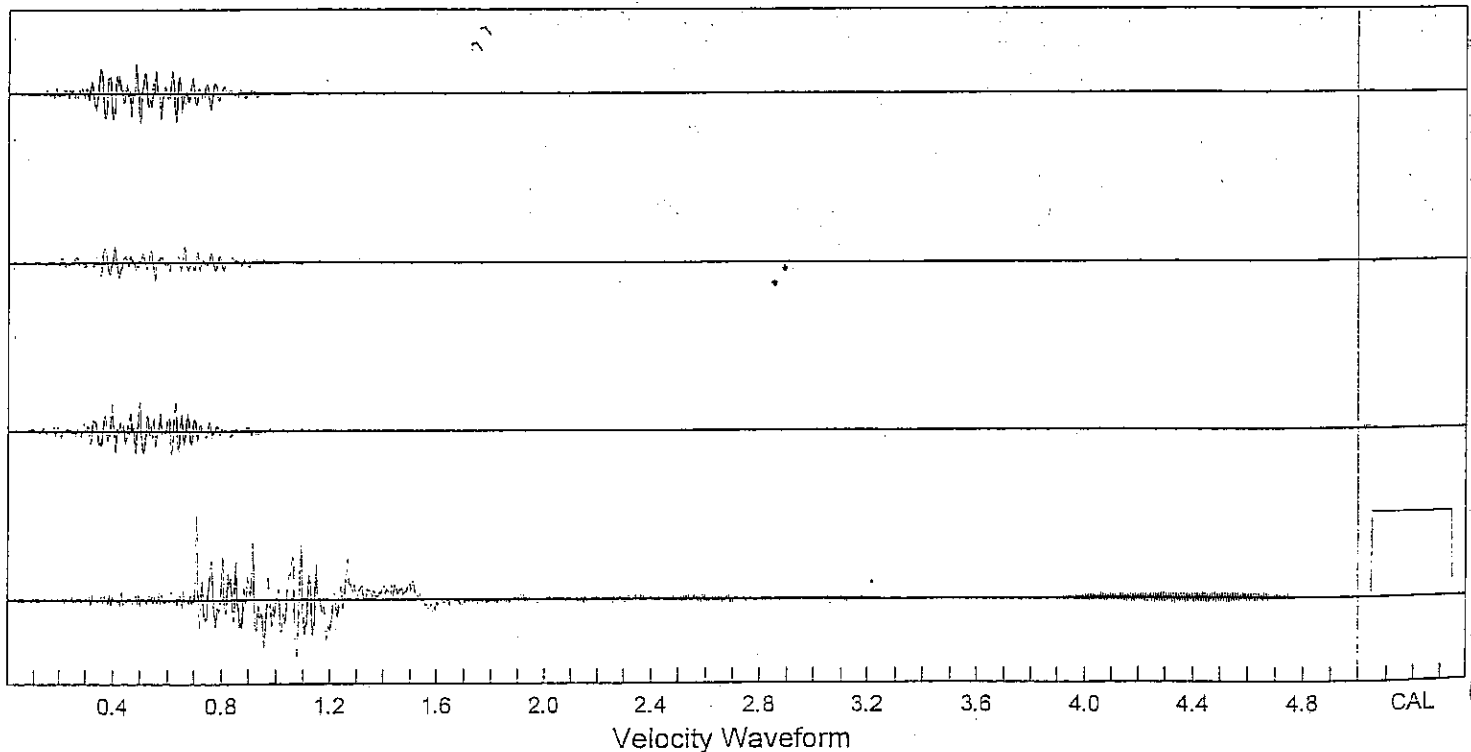
DCEI Seismic & Air Analysis

SN: 3206 v1.57 Event: 153
OSM/USBM Safe Blasting Levels



DCEI Seismic & Air Analysis

SN: 3206 v1.57 Event: 153



DCEI Seismic & Air Analysis

SN:3263

Date: 01/09/01

Time: 16:56:52

Event: 58

Record Time: 5.

Client: Hamm Companies

Location: North Lawrence Quarry

SSU Location: East Fence Line

Distance to blast: 600 ft

Operator: kk/hamm

Comments: 819105

Trigger level: 0.05 (in/s)

136 (dB)

Summary Data

	L	T	V
PPV (in/s)	0.39	0.24	0.37
PD (.001")	2.0	1.6	1.4
PPA (g)	0.39	0.27	0.20
FREQ (Hz)	22.7	27.8	31.3
RESULTANT PPV (in/s)	0.48		
PEAK AIR PRESSURE (dB)	122		
(psi)	.0038		

Velocity Waveform Graph Scale

Time = 0.100 s

Seismic = +/- 0.64 IN/SEC

Sound = +/- 0.0045 PSI

Shaketable Calibrated: 02/09/99

By GeoSonics Inc.

P.O. Box 779

Warrendale, PA 15095 U.S.A.

TEL: 724.934.2900 FAX: 724.934.2999

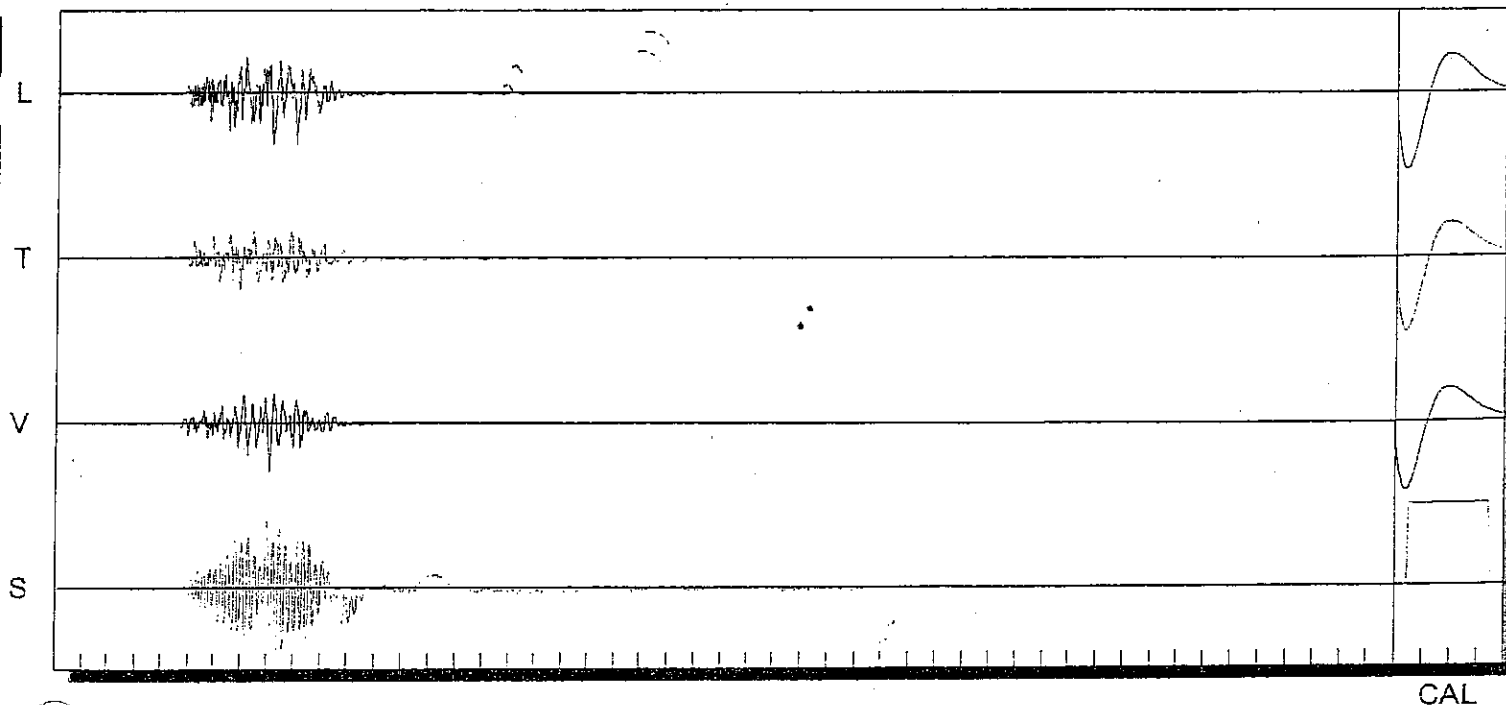
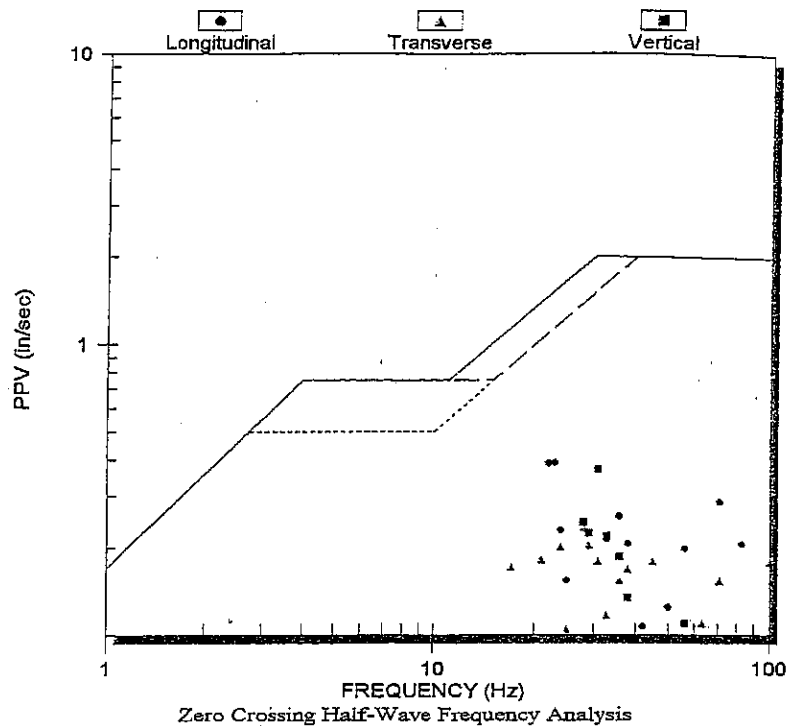
DCEI Seismic & Air Analysis

SN: 3263 Event: 58

DCEI Seismic & Air Analysis

SN: 3263 Event: 58

OSM/USBM Safe Blasting Levels



RECLAMATION PLAN

Operator Name N.R. HAMM QUARRY, INC.License Number 95-129 Date May 30, 1996Site Name and Number from Registration Form Eudora #3 - 9512912

SITE INFORMATION

Material(s) to be extracted

Limestone

What was the pre-mining land use?

Pasture

Is the site leased or owned by the operator?

Owned

What is the total acreage of the site?

72 Acres

Indicate the approximate depth in feet of the following:

topsoil

6" - 2'

mineral layer(s)

1) Stoner

overburden minus topsoil

2' - 20'2) Captian Creek

3) _____

Do you intend to reclaim as you mine? YesWhat is the estimated life-span of the mine or time period covered by this plan? 20 yearsWhat is the estimated total acreage of land to be affected at the site during the life of the mine? 30 Acres (Affected land is defined as the area of land where overburden has been removed or upon which overburden has been deposited; or both.)

GENERAL RECLAMATION SECTION

What is the intended post-mining land use? (check all that apply)

Use	Estimated Acreage	Use	Estimated Acreage
☒ 1. Pasture	<u>25 Acres</u>	5. Residential	_____
_____ 2. Farmland	_____	6. Commercial/Industrial	_____
_____ 3. Forest	_____	7. Wildlife Habitat	_____
☒ 4. Lake or Pond	<u>5 Acres</u>	8. Recreation	_____
		9. Other	_____

What will you do to make land usable for purpose stated above? (check one or more)

☒ 1. Fill	☒ 4. Plant Grass	7. Other (Explain) _____
☒ 2. Level	5. Plant Trees	_____
☒ 3. Grade	6. Build Dams	_____

What types or species of grass and trees do you intend to plant? _____

USDA recommendations _____

TOPSOIL:

An approximately equal amount of topsoil that was on the site prior to mining must be placed over the areas to be seeded after mining. Do you intend on selling or removing any of the topsoil from the site? No, If yes, then state the approximate amount of topsoil to be stockpiled for reclamation on site _____

Marvin Zielsdorf

Name (printed)

Sales Manager

Position

Signature Marvin Zielsdorf

SURFACE-MINING LAND CONSERVATION AND RECLAMATION ACT

The following is a summary of the Surface-Mining Land Conservation and Reclamation Act of 1994. (K.S.A. 49-601 through 624)
(K.S.A. 11-8-1 through 8)

The State Conservation Commission (SCC) is the agency implementing the Act. This fact sheet was compiled to help mine operators and other interested persons understand how the Act may affect them.

The Land Reclamation Act has four main requirements, which are summarized below. This fact sheet does not explain all requirements or sections of the Act.

I) **Licensing** - All persons, companies, or local governments engaging in surface mining or operation of an underground mine shall be licensed. This includes persons mining limestone, rock, gravel, sand, volcanic ash, shale, clay, gypsum, stone, slate, sandstone, silt, and other industrial materials or minerals. Coal, oil, and gas are excluded from this Act.

- a) The **first-time** fee for a mining license is \$300.00. Licenses must be renewed annually. The **renewal fee** is between \$25 and \$150 depending upon the amount of material sold or consumed annually.

II) **Site Registration** - Each site that a mine operator is actively mining or will mine in the future shall be registered with the SCC.

- a) Each site will have its own identification number and reclamation plan. New sites shall be registered at least 30 days prior to removal of overburden.

- b) Site registrations shall be renewed annually. An **annual report** of mining activities over the previous year will also accompany site renewals.

- c) In order to register the site, a registration fee must be paid annually to the SCC. The fee is based on a combination of tons of material sold or consumed annually (\$0.002 per ton) and the number of acres of land annually affected (\$40 per acre) by the operator.

- d) Registration fees for **new sites and inactive sites** will be a flat rate of \$40 per site. The year following their activation the registration fee will convert to the tonnage and acreage fee discussed in item C above.

III) **Reclamation Requirements** - Accompanying each initial site registration will be a **reclamation plan** for that site. The plan should describe the amount of land to be

affected, how reclamation will be achieved, and the post-mining land use.

Specific reclamation requirements include:

- a) Grading affected lands, excluding impoundment's and pit floors, to slopes no greater than 3:1. Where the original topography was steeper than 3:1, the affected lands may be graded to blend with the surrounding terrain.
- b) Affected lands, excluding impoundments, pit floors, and high walls, shall be vegetated to approved standards. Overburden piles, where disposition has not occurred or will not occur for 12 months, shall be stabilized.
- c) Topsoil, in an amount specified in reclamation plan, shall be preserved on site for reclamation.
- d) Reclamation should be complete within three years after filing the final report.
- e) The SCC may grant a variance from the grading and vegetation requirements. The SCC may also allow for an extended reclamation period.

IV) **Bond Requirements.** A bond, certificate of deposit, cash bond or other security will be required to ensure reclamation of each site.

a) Entities with multiple sites may post a single bond.

b) The amount of bond, or other security, will be \$400 per affected acre for sand and gravel and \$600 for all other materials.

V) **Special notes:**

a) This Act does not apply to an operator whose total sum of affected land, including all sites, will not exceed two acres.

b) This Act also does not apply to operations, which involve the removal of sand and gravel from within **streams** and are subject to K.S.A. 82a-301 through 82a-305a, and amendments thereto.

c) Political subdivisions of state government, including **counties, cities, and townships** are **exempt** from all fees and bonding requirements, but must meet all other requirements of the Act.

Additional information, including forms and applications, can be obtained by contacting:

Dennis R. Baker, Ph.D.
Land Reclamation Specialist
State Conservation Commission
109 SW 9th Street, Ste. 500
Topeka, KS 66612
Phone: 785-296-3600
Fax: 785-296-6172

Appendix A

Reclamation Packet

Forms and Information to Obtain a License to Mine and Register New Sites for Mining



State Conservation Commission

109 SW 9th Street
Suite 500, Mills Building
Topeka, KS 66612-1299

Telephone: (785) 296-3600

Fax: (785) 296-6172



The enclosed packet of information includes the necessary forms and information to obtain a license to mine and register new sites for mining. The *Surface-Mining Land Conservation and Reclamation Act*, implemented July 1, 1994, requires companies and counties that operate a surface or underground mine, excluding coal, obtain a license and register each site with the State Conservation Commission.

The enclosed materials include:

1. Application for Mining License
2. Kansas Statutes Annotated and Administrative Regulations
3. Reclamation Plan Form
4. Application for New Site Registration
5. Site Map information
6. Reclamation Requirements and Signs at site entrance
7. Reclamation Bonding Information

If you have any questions or need assistance in completing the registration and license application forms, please call.

Sincerely,

Dennis R. Baker, Ph.D.
Land Reclamation Program Manager

Encl.

STATE OF KANSAS
LAND RECLAMATION SECTION
STATE CONSERVATION COMMISSION

LR-01 11/96

APPLICATION FOR MINING LICENSE

The Surface-mining Land Conservation and Reclamation Act of 1994 specifies that those persons engaged in mining, as defined by the Act, shall be licensed by the Executive Director of the State Conservation Commission. The Act also states that a fee of \$300.00 will accompany each application for a mining license. Political subdivisions of state government are also required to be licensed; however, these entities are exempt from the \$300.00 fee.

Please complete the following information and return to the address below with a check for \$300.00 (if appropriate). Date _____

Company Name _____
(print or type)

Home office mailing address _____

Telephone _____

Fax _____

Name _____ Title _____

Signature _____

MINE TYPE:

____ Surface

Number of Sites _____

____ Underground

Number of Sites _____

____ Pit Dredge

Number of Sites _____

Make checks payable to the: State of Kansas

Mail remittance & application to: Land Reclamation Section
State Conservation Commission
109 S.W. 9th St., Suite 500
Topeka, Kansas 66612-1299
Telephone (913)296-3600, Fax (913)296-6172

FOR OFFICE USE ONLY

Check Number _____

Date Received _____

Date Deposited _____

Date License issued _____

License No. _____

RECLAMATION PLAN

Operator Name _____ Date _____
 License Number _____ Site Name _____
 Legal Description _____ () Quarter S T R County _____

SITE INFORMATION

Material(s) to be extracted _____
 What was the pre-mining land use? _____
 Is the site leased or owned by the operator? _____
 What is the total acreage of the site? _____

Indicate the approximate depth in feet of the following:
 topsoil _____ mineral layer(s) 1) _____
 overburden minus topsoil _____ 2) _____
 3) _____

Do you intend to reclaim as you mine? _____ Yes _____ No
 What is the time period covered by this plan? _____ Years.

What is the expected total acreage of land to be affected at the site during the life of the mine? _____
 (Affected land is defined as the land area where overburden has been removed for mining, overburden storage area, or both.)

GENERAL RECLAMATION SECTION

What is the intended post-mining land use? (check all that apply)

Use	Estimated Acreage	Use	Estimated Acreage
___ 1. Pasture	_____	___ 5. Residential	_____
___ 2. Farmland	_____	___ 6. Commercial/Industrial	_____
___ 3. Forest	_____	___ 7. Wildlife Habitat	_____
___ 4. Lake or Pond	_____	___ 8. Recreation	_____
		___ 9. Other	_____

What will you do to make land usable for the purpose(s) stated above? (check one or more)

___ 1. Fill ___ 4. Plant Grass ___ 7. Other (Explain) _____
 ___ 2. Level ___ 5. Plant Trees _____
 ___ 3. Grade ___ 6. Build Dams _____

What type or species of grass will be planted on the reclaimed land? _____

TOPSOIL:

An approximately equal amount of topsoil that was on the site prior to mining must be placed over the areas to be seeded after mining. Do you plan to remove any of the topsoil from the site? _____
 If yes, then state the approximate amount of topsoil to be stockpiled for reclamation on site _____

Name (printed) _____ Title _____ Signature _____
 8.6

GUIDELINES FOR COMPLETING THE
GENERAL RECLAMATION PLAN
(K.S.A. 49-607, K.A.R. 11-8-6)

A general reclamation plan is required for each surface mining site registered with the State Conservation Commission (SCC) as specified by K.S.A. 49-607.

Attached is a one-page plan that can be completed by the operator and submitted to SCC to meet the reclamation plan requirements at this time. Other requirements such as reclamation maps may be due in the future but SCC will provide you with information and time to develop these materials.

Specific requirements of reclaiming a pit or site are listed in the Land Reclamation Act under section 49-611 and in the administrative regulations under section 11-8-7.

The reclamation plan is intended to give SCC an initial understanding of the site and the proposed post-mining land use. The plan can be changed or amended at anytime by the operator. Amendment forms can be obtained from SCC.

Procedure for completing the plan

1. Make copies of the reclamation plan form for use on additional sites, if necessary.
2. Enter the name of the operator, license number and date on the top two lines.
3. Enter the appropriate site name and number. Site number should correspond to the number on the site registration form completed earlier.
4. Site Information Section: Enter the appropriate answers to the questions stated.

Be sure to indicate whether you plan to reclaim as you mine or whether you will wait until mining is nearly complete and then begin to reclaim.

5. Reclamation Section: Check the appropriate post-mining land uses and give estimated acreage. Also, indicate activities you will do to complete reclamation.

6. Topsoil: An approximately equal amount of topsoil that was on the site prior to mining must be placed over areas that will be seeded in the reclamation process. An adequate supply of overburden must also remain to meet reclamation requirements.

7. Submit the Reclamation Plan for each site to the State Conservation Commission with the site registration form and registration fee.

STATE CONSERVATION COMMISSION
MINED LAND RECLAMATION PROGRAMGUIDANCE ON
BONDING, RECLAMATION REQUIREMENTS AND SIGNS

A. Bonding

The purpose of the reclamation bond is to insure approved reclamation of disturbed land resulting from mining activity. The State Conservation Commission (SCC) will provide the necessary forms to post a surety bond or other security.

1. Requirements of the Operator

The operator is responsible for posting a reclamation bond or other security on all land affected by mining since July 1, 1994. Once the affected land is reclaimed to acceptable standards, the bond will be released.

The operator is responsible for keeping the bond current. When additional acres are affected without reclamation approval or release for previously bonded areas, the reclamation bond must be increased.

Adjustments. The bond may be adjusted annually (or more frequently if needed) to reflect changes in affected land due to reclamation or opening new areas.

Bonds posted with other entities. If you currently have a bond for reclamation of affected land in place with a local unit of government or another state agency, you will not be required to post a bond with the SCC unless the amount of the original bond is less than the requirements of this program.

2. Options for type of bond accepted

1. Surety
2. Certificate of Deposit
3. Irrevocable Letter of Credit
4. Corporate Demonstration
5. Cash

3. Amount of Bond

The Land Reclamation Act under K.A.R. 11-8-8 (a) 1-2 states that the amount of bond required is:

1. \$400 per acre for sand and gravel mining operations.
2. \$600 per acre for all other types of mining operations.

(Continued on back)

B. Reclamation Requirements

The requirements for reclaiming a site are set forth in the Land Reclamation Act under sections 49-611 and 49-613. Section 11-8-7 of the administrative regulations also explains additional requirements. The requirements are summarized below.

1. Grading

All affected lands except water bodies shall be graded to 3:1 slopes. Water bodies and impoundments are acceptable forms of reclamation.

When the original topography of affected land was steeper than 3:1, then affected lands will be graded to blend with the surrounding terrain.

2. Topsoil

As stated in the reclamation plan, an approximately equal amount of topsoil that was on the affected land prior to mining shall be spread over the affected land areas that are to be seeded during reclamation. This means that some topsoil, depending on how much was on the site initially and the post-mining land use must be stockpiled and saved for reclamation.

An adequate amount of overburden must also remain on the site in order to achieve grading and vegetative cover requirements.

3. Vegetation

The types of plants to be used in revegetating sites will depend upon the post-mining land use. SCC encourages you to use native species of plants where possible to maximize benefits. Additional information on plant types and their seeding requirements can be obtained from SCC, NRCS, or KSU Extension. Overburden and topsoil stockpiles must be leveled and vegetated to control erosion.

4. Equipment Removal

All machinery, processing equipment, scales, junk iron, belting material and machinery must be removed. Large boulders must be removed, crushed or buried.

C. Sign at Entrance

The Land Reclamation Act under section 49-607(c) requires that all sites registered with the SCC have a clearly visible sign at the primary entrance to the site. The sign shall state the name, business address and phone number of the operator.

RECLAMATION MAP REQUIREMENTS

LOCATION MAPS

Mine maps should be accurate drawings, photographs or enlarged topographic maps of the entire mine area and of a scale sufficient to clearly illustrate the following:

- (1) Outline of the registered site detailing the affected areas, incremental mining areas.
- (2) Outline of the stockpile area.
- (3) Outline of the overburden stockpile areas.
- (4) Outline of the settling ponds.
- (5) Location of plant sites or processing areas.
- (6) Location of roads both existing and planned on-site.
- (7) Location of planned and existing on-site buildings.

RECLAMATION MAP

In addition to the required Location Maps, a reclamation map shall be submitted with the mining permit application which shall show, to the extent applicable the following:

- (A) The proposed final limits of the excavation, during the number of years for which the permit is requested;
- (B) The approximate location of any impoundment or water body which will remain upon final reclamation;
- (C) The approximate location of access roads, haul roads, or ramps which will remain upon final reclamation;
- (D) The proposed location of ditches to provide for drainage. The location of diversions, terraces, or other Best Management Practices to be used for the preventing or controlling erosion and off-site siltation;
- (E) The boundary of the permitted area;
- (F) The boundaries of the affected area for the anticipated life of the mine.

GENERAL BONDING INFORMATION

- Only affected land after the July 1, 1994, legislation will require a bond. Your bond will be based upon the acres you have registered plus any expected expansion in the next year.
- If the registered mining site is located within a county that requires a bond to satisfy local zoning conditions, or if a bond exists with another state or local agency, additional bonds will not be required if the dollar amount is equal to or greater than the amount required by Kansas Administrative Regulations (K.A.R. 11-8-8).
- The Statutes refer to "Other Security". This is defined in K.S.A. 49-615 as a cash deposit, personal bond secured by a certificate of deposit, or government securities. Other security such as corporate demonstration of financial security may be submitted.
- Costs of bonds will be determined by a number of factors such as size of operation, financial status, and the amount of the bond. Contact your bonding agent for this information.
- The State Conservation Commission works very closely with the USDA Natural Resources Conservation Service (NRCS) located in the Conservation District Office in each county. Most of the requirements for reclamation are based upon the approved conservation practices that are used in the county and outlined in the Kansas Field Office Technical Guide.
- Section "B" of the K.A.R. 11-8-8 allows for an adjustment of the bond amount, either more or less than the set amount, if the operator feels it necessary. This adjustment can be reviewed by calling (785) 296-3600 for a site visit to determine the justification.
- Forms provided by the State Conservation Commission will be used to submit your land reclamation bond, certificate of deposit, reclamation approval request and bond release request. Please keep these on file or call for additional copies.

State of Kansas
State Conservation Commission
Permanent Administrative
Regulations

Article 8.—LAND RECLAMATION PROGRAM

11-8-2. Bond or other security. (a) Each applicant for registration of a surface mining site shall file a bond or other security with each application in the following amounts:

(1) \$400 per affected acre, for sand and gravel mining operations;

(2) \$600 per affected acre, for all other types of mining operations.

(b) Subject to the limitations of K.S.A. 49-615, and amendments thereto, the amount of bond required may be adjusted by the director based on the estimated cost to reclaim the affected land.

(c) Each surety bond shall be written on a form provided by the director.

(d) An attachment which lists the sites by registration number and legal description shall be included as part of the bond document. This attachment shall be signed by representatives of the surety and the operator and shall be notarized.

(e) Each certificate of deposit posted as a bond shall be made payable to the state of Kansas, state conservation commission. All interest earned shall be paid to the operator.

(f) All cash bonds accepted in lieu of a surety bond shall not draw interest. Each check shall be made payable to the state of Kansas, state conservation commission.

(g) The bond shall cover all affected land not previously reclaimed.

(h) The amount of bond or other security may be adjusted for annual variations in the amount of affected land by the director or by request from the operator, if approved by the director.

(i) No single certificate of deposit shall exceed the sum of \$100,000, nor shall any operator submit a certificate of deposit totaling more than \$100,000 from a single bank or financial institution. The issuing bank or financial institution shall be insured by the federal deposit insurance corporation.

(j) The bank or financial institution issuing the certificate of deposit shall provide a letter that assigns the certificate of deposit to the commission. The letter shall accompany each certificate of deposit submitted as a bond.

(k) Before the commission requests the attorney general to institute proceedings for forfeiture of a bond, the bonding company shall be notified by the director that the operator is in violation of this act and forfeiture proceedings may be initiated. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-615; effective June 19, 1995; amended Sept. 27, 1996.)

Tracy D. Streeter
Executive Director

Doc. No. 918721



MINED LAND RECLAMATION BOND

Know all men by these presents, that _____ of the
 _____ (Company/ Principal)
 County of _____ State _____ and _____ as surety
 _____ (County) _____ (The Surety)

are firmly bound unto the State of Kansas, State Conservation Commission, in the penal sum of \$ _____
 lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, and each of us,
 and each of our heirs, executors, administrators, or successors, and assigns, jointly and severally, firmly by these
 presents.

The condition of this obligation is that whereas the above bounden principal proposes to conduct mining
 operations in and upon land situated within the State of Kansas, and more particularly described in the attachment to
 this bond, said land being registered pursuant the K.S.A. 49-607 and including such registered lands and adjoining
 lands affected by the mining activities of the principal or his agents.

Please type the site registration information for all sites to be operated under this bond. (List additional sites on back)

Site Name	Site Number	Legal Description				County	Acres Bonded
		1/4	S	T	R		
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Now, therefore, if the above principal shall fully comply with all of the provisions of K.S.A. 49-611 and the
 administrative regulations of the State Conservation Commission with respect to the reclamation and conservation of
 the lands affected by mining operations of the principal or the principal's agents and other lands registered pursuant to
 K.S.A. 49-607, then this obligation shall be void, otherwise the same shall remain in full force and effect on and after
 _____ (Date).

This bond may not be canceled by the surety without at least ninety (90) day written notice to the Commission.
 Additionally, this bond may not be released and shall continue in full force and effect with respect to lands which have
 been "affected lands" under the provisions of K.S.A. 49-607 prior to the expiration of the ninety (90) days notice
 period.

_____ (Surety Representative)	_____ (Surety Address)
_____ (Signature)	_____ (City, State, Zip)
_____ Kansas Resident Agent - if different than above)	_____ (Address, City, State, Zip)
_____ (Principal Representative)	_____ (Principal Address)
_____ (Signature)	_____ (City, State, Zip)

STATE OF KANSAS

State Conservation Commission
and Reclamation Section

LR-10 10/96
PLEASE TYPE OR PRINT

ASSIGNMENT OF CERTIFICATE OF DEPOSIT

I, _____, do hereby assign, in full, to the State of Kansas,
(Representative of Mining Operator)

State Conservation Commission, Certificate of Deposit Number _____ issued by

_____ in the amount of \$ _____.

(Financial Institution)

This Certificate, dated _____, is to be held as security for all reclamation liabilities

incurred by _____ in the conduct of mining activities pursuant to

(Mining Company)

K.S.A. 49-608.

This assignment is to be a continuing one with full power of substitution.

Operator or Representative

Signed _____
(print or type name under signature)

Title _____

Financial Institution

Signed _____
(print or type name under signature)

Title _____

Mail to:

Note change of address or contact person:

State Conservation Commission
and Reclamation Section

09 S.W. 9th St., Suite 500

Topeka, Kansas 66612-1299

Telephone: 913-296-3600, Fax: 913-296-6172

Address _____

Phone _____ Fax _____

Contact Person _____

Title _____

I, as a representative of the above named company, certify that the above information is correct to the best of my knowledge and that the above named company has the authority to operate a mine on the sites listed above and that the company has complied with all local, state and federal requirements pursuant to K.S.A. -607(7).

STATE OF KANSAS

State Conservation Commission
Mined Land Reclamation Program

LR
PLEASE TYPE C

RECLAMATION APPROVAL REQUEST

Company Name _____ Date _____
License Number _____

(Separate request must be made for each mine site)

Site Number and Name _____
County _____ Section # _____ Township # _____ Range # _____
Materials Produced _____ # Acres Reclaimed in this Request _____

It is requested that the reclamation work at this site, required by K.S.A. 49-611, be approved by the Conservation Commission and that the bonding for the above listed acres in connection with this is released.

This is to certify that all required reclamation work as it applies to this site has been completed in accordance with the requirements of K.S.A. 49-611 and State Conservation Commission Administrative Rules and Regulations.

1. All affected lands have been graded to slopes having a maximum of one foot of vertical rise for each foot of horizontal distance except that where the original topography of the affected land was steeper one foot of vertical rise for each three feet of horizontal distance, the spoil bank has been graded to 1 with the surrounding terrain.
2. All mining related equipment and waste has been removed from the site to allow for proper revegetation the site.
3. All rills, gullies and washouts have been properly filled and vegetated.
4. All land affected by the mining operation has been revegetated as required under State Conservation Commission Administrative Rules and Regulations (K.A.R. 11-8-7).

(Attach additional information sheet, if necessary, for the above requirements.)

I, as a representative of the above named company, certify that the above information is correct to the best of knowledge and that the above named company has the authority to operate a mine on the sites listed above and that the company has complied with all local, state and federal requirements pursuant to K.S.A. 49-607(7)

Signature _____ Title _____

For Office Use Only

Approved: _____ Date _____
(Executive Director)

Mail to:
State Conservation Commission
Mined Land Reclamation Program
109 S.W. 9th St., Suite 500
Topeka, Kansas 66612-1215
Telephone: 785-296-3600, Fax: 785-296-6172

STATE OF KANSAS

State Conservation Commission
Mined Land Reclamation ProgramLR-08 7/9/02
PLEASE TYPE OR PRINT

FINAL SURFACE MINING COMPLETION REPORT

(Separate request must be made for each mine site)

Date _____

Company Name _____ License Number _____

Address _____ Telephone _____

Name and number of Site _____

Section # _____ Township # _____ Range # _____ County _____

Materials produced _____

This is to notify the State Conservation Commission that all mining operations have ceased and reclamation procedures are ready to begin. We are aware of the reclamation requirements required by the *Surface Mining and Conservation and Reclamation Act* and all required reclamation work as it applies to this site in accordance with the requirements of K.S.A. 49-611-614, the Kansas Administrative Rules and Regulations (K.A.R. 11-8-7) and the Reclamation Plan on file.

Date site was abandoned _____ Beginning date of Reclamation _____

Expected date grading completed _____
(K.A.R. 11-8-7 requires grading to allowable slopes to be completed within six months from the date of this report.)

Expected date of seeding _____

Seeding to be completed by:
_____ Landowner _____ Mining Company _____ Contractor _____ Other

Tons produced since last report: _____ X .002 per ton =

Amount due State Conservation Commission: _____

Note: Counties are exempt from tonnage fee.

Mail to: State Conservation Commission
Land Reclamation Program
109 SW 9th Street, Suite 500
Topeka, KS 66612-1299
Telephone: 785-296-3600
Fax: 785-296-6172

I, as a representative of the above named company, certify that the above information is correct to the best of my knowledge and that the above named company has the authority to operate a mine on the sites listed above and that the company has complied with all local, state and federal requirements pursuant to K.S.A. 49-607(7).

Signature _____ Title _____

State Conservation Commission
Mined Land Reclamation ProgramLR-06 06/02
PLEASE TYPE OR PRINT

RECLAMATION BOND RELEASE REQUEST

(Separate request must be made for each bond)

Date _____

Company Name _____ License Number _____

Site Number and Name _____

Section # _____ Township # _____ Range # _____ County _____

It is requested that liability under Performance Bond Number _____ by _____
in the amount of \$ _____ for _____ acres be released/decreased for the following reason(s):

Circle Appropriate Response(s)

1. All reclamation work as required under K.S.A. 49-611 as it applies to the site covered by this bond has been completed and an approved vegetative cover is established. Date of inspection: _____ By: _____
2. Ownership/Lease rights have been transferred to another licensed operator who agrees to complete all required reclamation work at the appropriate time.
3. Replacement bond number _____ in the amount of \$ _____ has been filed with the Mined Land Reclamation Program Section.
4. A partial release of bond number _____ in the amount of \$ _____. The required reclamation work has been completed on _____ acres at the site listed above. The excess balance of the bond will cover all remaining liabilities.
5. Other: _____

I, as a representative of the above named company, certify that the above information is correct to the best of my knowledge and that the above named company has the authority to operate a mine on the sites listed above and that the company has complied with all local, state and federal requirements pursuant to K.S.A. 49-607(7).

Name _____ Title _____

Signature _____

For Office Use Only

Approved: _____ Date _____

Executive Director

Mail to:

State Conservation Commission
Mined Land Reclamation Program
109 S.W. 9th St., Suite 500
Topeka, Kansas 66612-1215
Telephone: 785-296-3600. Fax: 785-296-6172



Environmental Dust Control, Inc.



About EDC



Applications



Brokering



Material
Safety Data



Links



DUSTCOVER
Newsletter



EDC Home

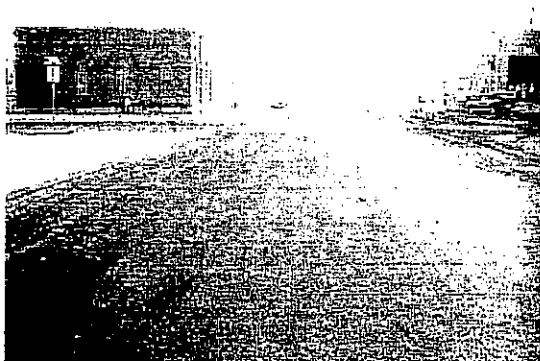
About DUSTLOCK[®]

DUSTLOCK'S[™] special environmentally responsible formulation is an effective method of dust control. DUSTLOCK[™] usage will keep the applied areas virtually dust-free and environmentally safe. Because of the special formulation of DUSTLOCK[™] some residual benefits are realized; this means the next application of DUSTLOCK[™] will require less product and less maintenance. Environmentally speaking, the impact is reduced by the care Environmental Dust Control, Inc. has taken in the formulation of DUSTLOCK[™].



DUSTLOCK[™] treatment on *country roads* not only keeps the dust down, but virtually eliminates mud and erosion of surface material (gravel).

City streets treated with DUSTLOCK[™] are an economical alternative to asphalt or concrete pavement. In new developments and commuter communities this has proven to be highly effective.



Environmental Dust Control, Inc.
1729 260th Avenue
Currie, MN 56123
e-mail: dustlock@frontiernet.net

Howard Hamilton Robert Nelsen Arland Moger
Ph.: (507)763-3481 Ph/Fax:(507)274-5163 Ph.: (507)274-5131
Fax: (507)763-3864

ABOUT DUSTLOCK | APPLICATIONS | BROKERING | MATERIAL SAFETY DATA
[DUSTCOVER NEWSLETTER](#) | [LINKS](#) | [EDC HOME](#)



Applications and Environmental Effects

 About EDC

 Applications

 Brokering

 Material
Safety Data

 Links

 DUSTCOVER
Newsletter

 EDC Home

Wherever there is a dust problem, DUSTLOCK'S™ ease of application and tremendous effectiveness allow it to be used safely. Formulated to be sprayed on, DUSTLOCK™ can also be applied by hand with common household tools including weed sprayers and sprinkling cans. Because of the diversified uses for DUSTLOCK™, the application rates differ tremendously. If the application rate has been adjusted properly, the end result will be one that resembles a bituminous surface.

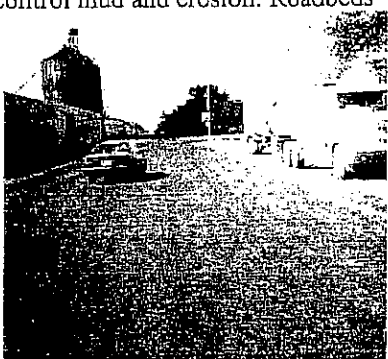


Environmental Dust Control, Inc. is able to handle all the application needs that you might have, from large commercial jobs to small residential or agricultural ones.

Some common uses for DUSTLOCK™ are:

- | | | | |
|-------------------------------------|------------------------------|-----------------------|-----------------------------|
| unpaved roads,
alleys, driveways | quarries and
mining sites | construction
sites | truck
terminals |
| airports | parking lots | race tracks | lumber yards |
| public gathering
sites | public water
accesses | machine
sheds | feed piles
and much more |

DUSTLOCK™ on commercial sites will keep dust down and control mud and erosion. Roadbeds that have historically been treated with calcium or magnesium chloride will need multiple applications of DUSTLOCK™ to offset the corrosive salt, as will surfaces that are frequently exposed to heavy equipment.

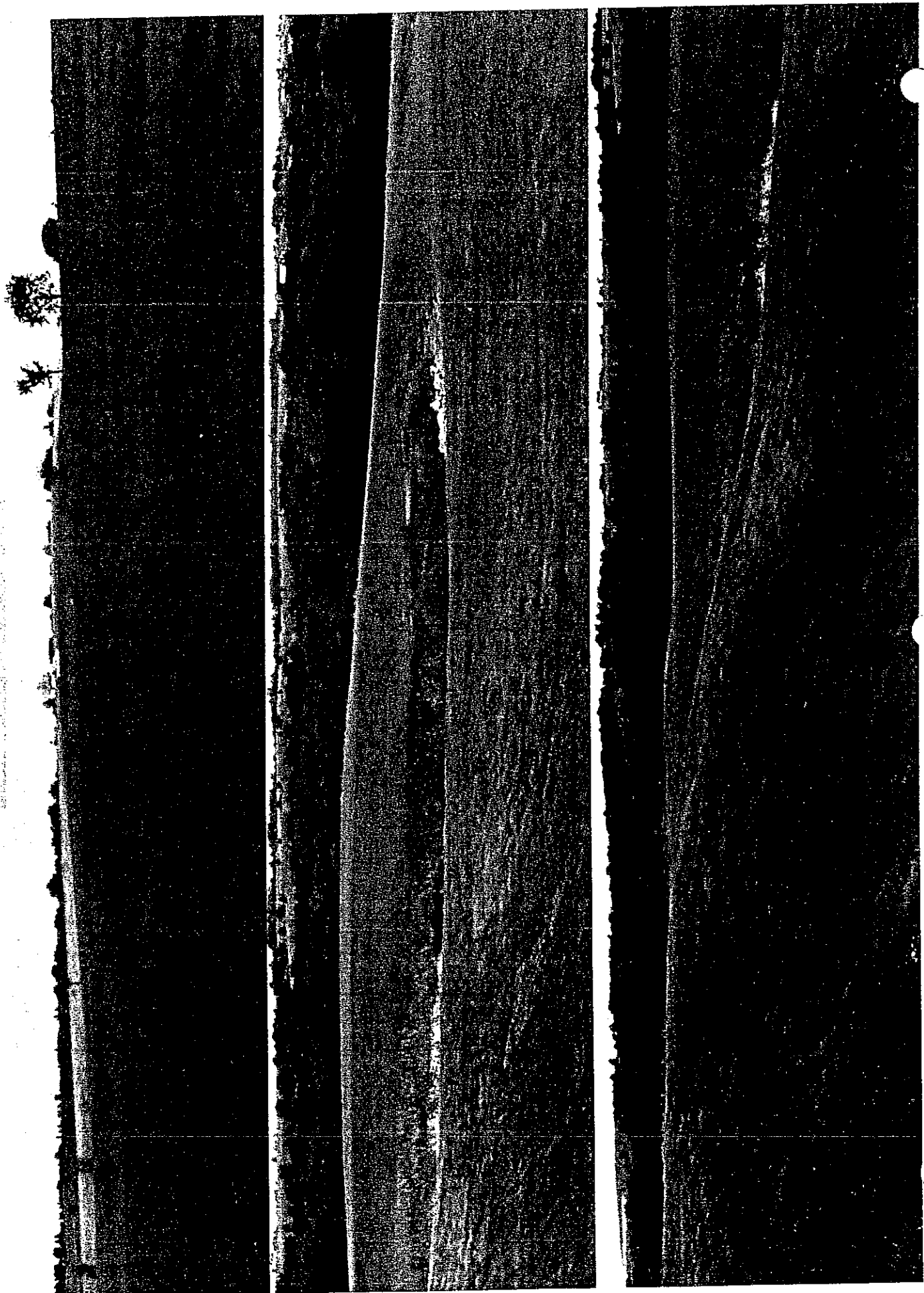


DUSTLOCK™, unlike other dust suppressants, is formulated to be non-corrosive so it won't harm valuable equipment. DUSTLOCK™ is easily cleaned up with soap and water and in extreme cases, over-the-counter mineral spirits will do the job.

Because of the special formulation of DUSTLOCK™ some residual benefits are realized; this means the next application of DUSTLOCK™ will require less product and less maintenance. Environmentally speaking, the impact is reduced by the care *Environmental Dust Control, Inc.* has taken in the formulation of DUSTLOCK™.



Lister Quarry #78





March 5, 2003

Daniel L. Watkins
1440 Wakarusa Dr., Suite 100
Lawrence, KS 66049

RE: CUP-12-16-02; Conditional Use Permit for Eudora Quarry #68 (Hamm)

Dear Mr. Watkins:

The Lawrence-Douglas County Planning Commission and Eudora Planning Commission held a joint public hearing for the above-referenced item Wednesday, February 26, 2003.

The Eudora Planning Commission voted to deny the request 4-0. The Lawrence-Douglas County Planning Commission voted to approve the request 9-0, subject to the following conditions:

1. The Conditional Use Permit is subject to all conditions listed in the attached Restrictions of Use.
2. Revise the face of the site plan to include the following:
 - a. Inclusion of the existing quarry in the boundaries of the CUP.
 - b. Revise "Future Reserves" to be consistent with setbacks listed in Restrictions of Use.
 - c. Label the length and width of Cuts #1-4.
 - d. Label the entrance and indicate its surfacing.
 - e. Identify current and proposed use and the existing zoning on the face of the plan.
 - f. Identify that portable toilets will be present on the site and their location.

RESTRICTIONS OF USE

I. Allowed Uses

- a) Quarry operations on this site shall consist of only the following:
- b) Removal of overburden and the extraction and processing of limestone utilizing a portable plant and equipment.

- c) Stockpiling of topsoil, overburden, and limestone.
- d) Transportation and hauling of limestone and materials.
- e) Reclamation of the site.
- f) Blasting operations.

The property shall not be used or requested for use as a sanitary landfill or for asphalt/concrete production within the life of this Conditional Use Permit.

II. Setbacks

- a) Operations setbacks vary around the perimeter of the site based on the submitted site plan. Required setbacks are:
 - b) A minimum setback of 500 feet from existing residences shown on the site plan.
 - c) A minimum setback of 150 feet from the perimeter of the site, unless otherwise specified.
 - d) A minimum setback of 100 feet from the west side of the tributary running through the site. No quarry operations east of the tributary running through the site.

Quarry operations are permitted within the electrical transmission line easement subject to approval by KPL (Westar) Gas Service.

III. Time Restrictions on Operations

- a) Removal of materials from site: 6 a.m. – 9:00 p.m., Mon. – Sat.;
- b) Production and extraction: 7 a.m. – 5:00 p.m., Mon. – Sat.;
- c) Blasting: See Blasting below;
- d) No quarry operations shall take place on the following holidays or the days on which such holidays are observed by Kansas State Government: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, and Christmas Day.
- e) If production demand requires additional production and extraction time outside the normal schedule, application for specific additional hours of operation for a specified period may be requested to the County Commission. Additional hours of operation for limited periods must be approved by the County Commission.

IV. Blasting

Blasting will follow recognized standards of the industry. Blasting shall be conducted between noon and 2:00 p.m. to the maximum extent possible and allowable by weather and atmospheric conditions. Blasting between 10:00 a.m. - noon and 2:00 p.m. – 4:00 p.m. shall be allowed occasionally to allow for weather and other conditions for efficient operation of the quarry. Blasting from 8:00 a.m. – 10:00 a.m. and 4:00 p.m. to 5:30 p.m. shall be permitted only in those circumstances when conditions during other allowable periods are unfavorable.

V. Pre-Blast Survey and Hydrologic Study

Any resident or property owner within ½ miles of the property may request Hamm to provide a pre-blast survey of their residences, wells, springs and outbuildings to determine the pre-blast condition, document such condition, and provide the report to the resident. Such a survey shall be paid for by Hamm and conducted by independent seismology and insurance firms.

Hamm Quarries shall contract with an independent seismology firm to monitor blasts at the commencement of quarrying operations at each residence within ½ mile of the blast site to assure that the blast design will not be harmful to any structures or wells and that all associated vibrations are below currently recognized safety levels. A report on the monitoring of initial blasting shall be made available to owners of the residences and such report shall include a full frequency analysis of vibrations.

After the initial blasting, Hamm Quarries shall contract for a continuous monitoring program commencing with the start of continuous regular blasting by an independent seismology firm at stations chosen by the seismology firm. A monthly report, which analyzes the impacts of daily blasting, will be available at Hamm Quarries' offices for inspection. Residents may request positioning of the seismograph to measure the

impact at their property. The applicant shall not be required to conduct tests in excess of those it determines, based on the professional advice of its independent seismology firm, will provide adequate seismic readings at resident's properties. Any resident desiring to appeal the decision of the applicant concerning this condition may appeal it to the County Commission, which may order seismic tests at such locations as it deems appropriate under the circumstances at the expense of Hamm Quarries.

No explosives will be set in the ground overnight unguarded.

VI. Fencing

The perimeter of the site shall be fenced. All existing fencing shall be maintained by the applicant in good condition, 4' in height 5-strand barbed wire. Where additional fencing is installed by the applicant in compliance with this restriction, it shall consist of a five-strand barbed wire fence and thereafter shall be maintained in compliance with the fence laws of Kansas. A security gate and fence shall be placed at the entrance to the quarrying site across the main haul road. Secure gate to be locked during hours when no staff are present on the site. The fence shall be signed periodically along each perimeter stating:

- a) The operator's name, business address and phone number;
- b) Conditional Use Permit Number; and
- c) No Trespassing

VII. Air Quality

The quarry operator shall adhere to air quality standards of Kansas Department of Health and Environment (KDHE). Airborne dust produced as a result of the quarry operation shall be controlled by the operator and shall comply with all requirements of the Air Quality Standards and Regulations of the KDHE. Specifically, such airborne dust produced as a result of the quarrying operation shall not exceed 20 percent of opacity more than one (1) time in a one (1) year period as observed by an Official Observer of the KDHE over a five (5) minute period.

VIII. Other Regulatory Restrictions

All applicable regulations of EPA, KDHE, Kansas State Board of Agriculture – DWR, Kansas State Conservation Commission, and other applicable agencies shall be adhered to and subsequent revisions to these regulations shall apply. All permits needed to operate a quarry, such as a National Pollutant Discharge Elimination System Permit, Mine Identification Number, Kansas State Board of Agriculture Division of Water Resources Permit to wash rock, discharge permit for blasting, etc. be obtained.

IX. Reclamation and Review

Prior to commencing operation of the quarry, the first year of operation, and every 5 years thereafter, the applicants shall submit a detailed report and plan of quarrying operations to the Planning Office and to the Douglas County Public Works Director indicating the phases of quarry operation, location of stockpile area, estimated volume of material being extracted, and a detailed monitoring and management plan for the areas undergoing reclamation. The Monitoring and Management Plan for the Reclamation Process shall include:

- a) Detailed reclamation plans submitted for each phase of the reclamation process for review and recommendation by the Planning Staff and approval by the County Commission. The reclamation plan for the existing quarry shall be submitted prior to commencement of operations on Cuts #1-4 shown on the plan. The reclamation plan for Cuts #1-4 shall be submitted prior to opening of quarrying activities in "Future Reserves", and each subsequent reclamation plan shall be submitted prior to the opening of the following phase of quarrying activity. The property shall be reclaimed to a state similar to the existing state (or better) with reference to general topography, percent slope, and plant and animal life supported by the established ecosystem.
- b) A performance bond in the amount of \$1000 per acre with sufficient sureties shall be secured to cover reclamation activities for the existing site and proposed Cuts #1-4 as designated on the site plan and shall be filed with the Kansas State Conservation Commission (KSCC) prior to the commencement of any site preparation activities or any other work being done pursuant to the CUP. This performance bond shall remain in place for the entire life of the permit and shall not be subject to release until the plant site has been fully reclaimed and certification thereof shall have been made by the KSCC.

No more than 30 acres may be open, mined and extracted from at any one time on the quarry site, exclusive of the plant site. No more than 10 acres shall be open, mined and extracted from in a subsequent phase until reclamation is complete on the previous phase.

X. Drainage Study

Prior to work progressing in each phase of the quarrying operation, a detailed grading plan showing site runoff and its relationship to the adjoining properties shall be submitted to the Planning Office for review and approval prior to work progressing in each phase.

XI. Site Access and Road Restrictions

- a) No direct access to County Road E 2400 shall be allowed.
- b) The access to the site for transport truck traffic and hauling of rock shall be restricted to N 1200 Road.
- c) The route for truck traffic heading out of the site will be west on N 1200 Road to County Route 1061.
- d) Improvements to N 1200 Road, and maintenance of Douglas County Route 1061, and Douglas County Route 458 are being discussed with the Public Works Director, Township officials and the Applicant. Terms addressing these improvements and maintenance responsibilities will be recommended prior to the Monday evening study session.
- d) Applicant shall provide rock, culvert pipes, and construction assistance to Eudora Township and Douglas County to improve N 1200 Road from E 2400 Road to County Road 1061 in conformance with requirements of Eudora Township and Douglas County Public Works Department.
 - i.) The improvements required include replacement of four culverts according to Douglas County Public Works specifications and improvement of the road base and surface to a minimum width of 24 feet.
 - ii.) Applicant shall pay Douglas County for costs of acquiring any additional right-of-way needed for the roadway and culvert improvements.
 - iii.) Required road improvements shall be completed within 24 months from the issuance of a CUP and prior to any rock being extracted from the new site.
 - iv.) Applicant shall periodically supply rock and dust control for maintenance of the township road during periods of quarry activity.
 - v.) Applicant shall pay Douglas County a fee of 10 cents per ton of rock hauled from the quarry. Funds from the fee shall be deposited by Douglas County in an account to be used by Public Works to assist in the maintenance of County Roads used by trucks hauling rock from the quarry.
- e) Restrictions which shall be posted at the entrance to the plant, regarding vehicles hauling from the site, are to include:
 - i) no flat bed trucks without sides or tailgates;
 - ii) tailgates in place and upright position; and
 - iii) all trucks leaving the site must be covered by a secure tarp.
- f) Hamm Quarries shall be responsible for spillage and clean up of aggregate within one mile of the plant site. The failure by the applicant to clean up spilled aggregate of such roads within a reasonable period of time shall be grounds for action under the Inspection/Violation/Revocation.
- g) Weight limitations shall be posted on appropriate roads adjacent to the quarry.

XII. Noise and Light Pollution

Vehicles used in plant operation (extraction and production) after 5:30 p.m. shall be equipped with a strobe light in addition to the back-up (audible) signal alarm. During hours when it is permissible to use only a strobe light, the audible signal shall be turned off.

Permanent outdoor lighting at the plant area, mining area, and haul roads shall be shielded and directed down with a solid screen to prevent light pollution beyond the site boundaries. Lighting is restricted to low pressure sodium.

XIII. Permit Attached to Operator

A change in the quarry operator shall require the Conditional Use Permit to come back to the Planning Commission for review and to the County Commission for reapproval.

XIV. Inspection/Violation/Revocation

The Douglas County Commission, or the appointed representatives thereof, shall have the right, without advance notice, to enter the premises and inspect any aspect of the quarry operation for compliance with the conditions of this permit. Upon entering the premises, the County shall first request an escort by the applicant's representatives. If no escort is available, the inspection may proceed immediately.

The Conditional Use Permit and all conditions attached thereto will be reviewed by the Planning Office and a report forwarded to the County Commission every three (3) years. At the times of such review, the County Commission shall review all conditions and Hamm Quarry's compliance therewith. If the Commission finds that the conditions are not longer adequate it may adopt additional or substitute conditions. If the Commission finds that Hamm Quarries has failed to abide by the conditions set out it may revoke the Conditional Use Permit. The Conditional Use Permit will expire in 2033 (30-year time limit), after which the owner/applicant shall be required to seek approval through a new CUP approval procedure.

The Board of County Commissioners will receive each recommendation for their consideration. Please contact staff to discuss the date of the County Commission meeting.

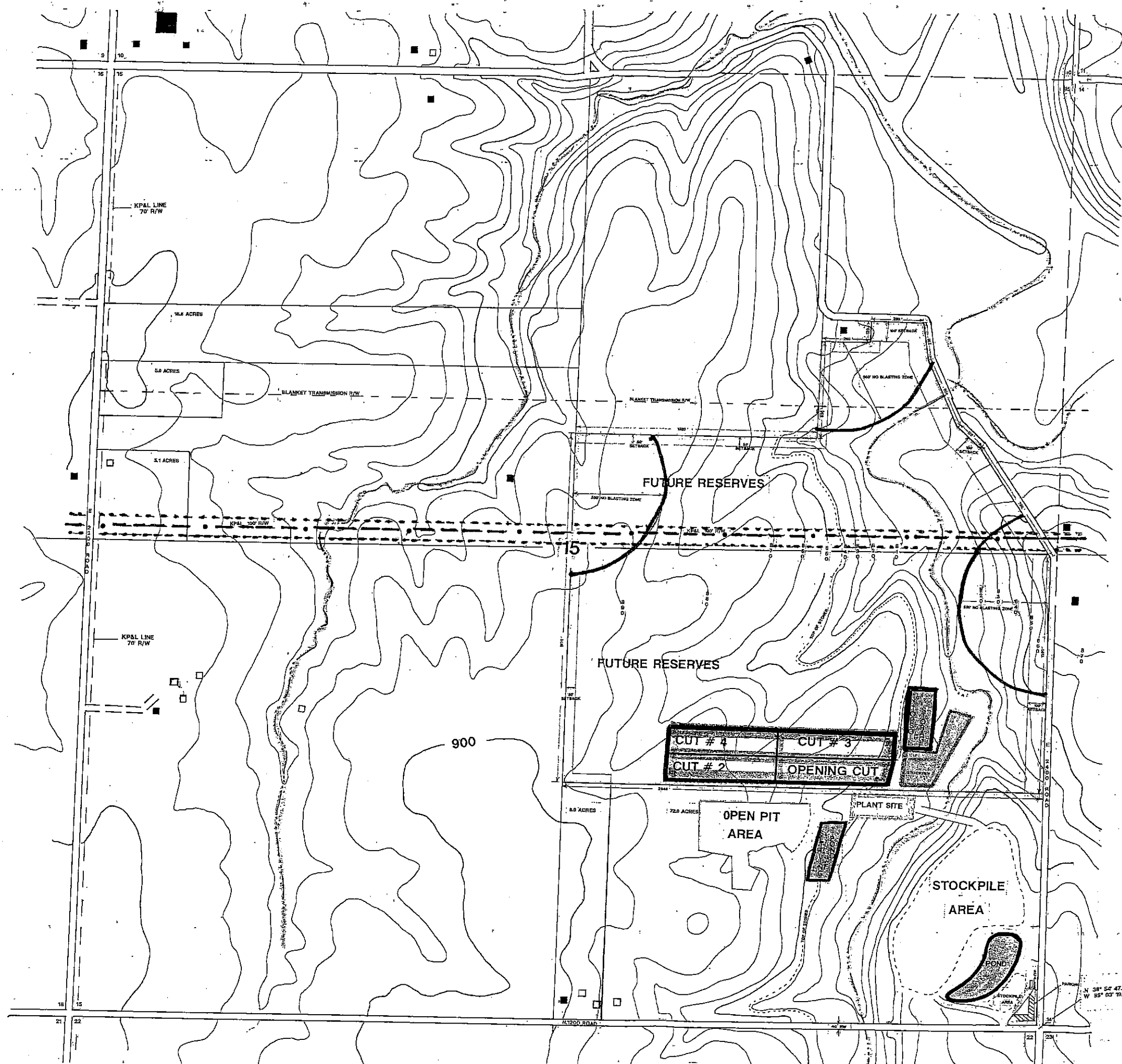
If you have additional questions regarding the items contained in this letter, please give me a call at (785) 832-3165.

Sincerely,



Brian D. Pedrotti
City/County Planner

cc: Marvin Zielsdorf, Hamm, 609 Perry Place, Perry, KS 66073



N

SCALE 1 INCH = 200 FEET

PLAN OF OPERATION NR HAMM QUARRY INC.

Neis QUARRY # 68

LEGAL DESCRIPTION

N 1/4 of SE 1/4 Section 15, Township 13 South, Range 21 East and South 40 Acres of the NE 1/4 Section 15, Township 13 South, Range 21 East. Quarry location 1 mile South and 2 Mile East of Eudora, Kansas Douglas County, Kansas

OPERATIONS:

- ENTRANCE TO QUARRY WILL BE OUR PRESENT QUARRY SITE ENTRANCE 200 FOOT WEST OF THE JCT. OF NORTH 1200 ROAD AND EAST 2400 ROAD. THIS ENTRANCE ALLOWS FOR A GOOD SAFE SITE DISTANCE.
- THE TOPSOIL FROM THE OPENING CUT TO BE STOCK PILED ON THE EAST AND NORTH OF THE OPENING CUT WITH THE REMAINING OVERBURDEN FROM THE FIRST CUT TO BE STOCKPILED SOUTH AND EAST OF THE OVERBURDEN STOCKPILE.
- WE WILL BE MOVING IN ONE OF OUR PORTABLE CRUSHERS, LOG WASHERS, SEVERAL CONVEYORS, AND RADIAL STACKERS, TO CRUSH, SIZE, AND WASH THE LIMESTONE PRODUCTS.

Hours of Operation:

- NORMAL OPERATION HOURS WILL BE 7 AM TO 5 PM ON CRUSHING OPERATIONS
- NORMAL 5 DAY WORK WEEK WITH SATURDAYS AS SCHEDULE DEMANDS
- TRUCKING OPERATIONS COULD APPROACH $\pm$ 100 LOADS DAILY.
- ROCK RESERVES COULD LAST SEVERAL DECADES DEPENDING ON DEMANDS.

HAUL ROAD:

- OUR PROPOSED HAUL ROAD WILL BE N.1200 ROAD FROM THE QUARRY ENTRANCE WEST TO COUNTY ROAD 1061. WE ARE WORKING WITH THE TOWNSHIP TO BRING THE ROAD CONDITIONS TO CURRENT STANDARDS FOR TRUCK TRAFFIC.

RECLAMATION PLAN

- RECLAMATION WILL BEGIN WITH FILLING THE CUT AREAS WITH OVERBURDEN AND TOPSOIL AFTER EXTRACTION OF THE LIMESTONE. WE WILL COMMENCE RECLAIMING THE QUARRIED OUT LAND AS SOON AS WE OPEN A AREA LARGE ENOUGH TO EFFECTIVELY ALLOW US TO OPERATE SAFELY. THE REMAINDER OF THE QUARRY AREA WILL BE FUTURE RESERVES TO BE QUARRIED OUT AS THE MARKET DEMANDS.
- ALL AREAS DISTURBED BY THE QUARRY OPERATIONS WILL BE RECLAIMED BY REPLACING THE OVERBURDEN AND TOPSOIL. ALL SLOPES BACKFILLED TO (3 TO 1) AND ACCEPTABLE FOR FARM EQUIPMENT.
- ALL DISTURBED AREAS TO BE RESEED TO USDA RECOMMENDATIONS.



Looking South onto
Property



