

## **DNR Stands Up For the Mining Industry Citizens Be Dammed!**

### **Shallow Victory**

After spending hundreds of thousands of dollars, the City of Osage Beach and Miller County citizens won a momentous battle against DNR and the Magruder Limestone Company only to have DNR slip a tiny sentence through the legislature which might negate the victory.

### **History of the Battle**

In June of 2007 the Missouri DNR Staff Director for Land Reclamation recommended that a permit be granted to Magruder Limestone to operate a quarry in Miller County on Woodriver Road for a period of 100 years. Citizens in the immediate vicinity and the City of Osage Beach objected to the action on several grounds but primarily because of the planned quarry's proximity to the city's wastewater treatment plant and to the fact that pressurized sewer lines passed through part of the planned quarry property. It was feared that blasting during routine operations at the quarry and/or continuous flow of heavy trucks could cause a catastrophic environmental dumping of raw sewage into the Osage River and also into the Lake of the Ozarks.

The Land Reclamation Commission granted the Citizens' Group and the City of Osage Beach a public hearing on the issue but the highly prejudicial DNR appointed hearing officer ruled in favor of approval of the Magruder permit. The opposition persisted in opposing the issuance of the permit and took the matter to the courts. Three different courts ruled against issuance of the permit and the matter finally landed in Judge Frank Conley's court. Finally, in April of 2009 Judge Conley ruled against issuance of the permit and the citizens of Miller County and the City of Osage Beach had finally won the battle.

### **A Costly Victory**

The battle had cost these citizens and the Osage Beach taxpayers hundreds of thousands of dollars. DNR, which ostensibly is in existence to protect our environment, also spent untold tens if not hundreds of thousands of dollars in defending the mining company against the tax paying citizens of the State of Missouri. We thought we had won. We thought the battle was over.

### **Mining Industry Lobby Fights Dirty**

But the Mining Industry in Missouri has not had the reputation of being the most powerful lobby in the state for the last 150 years for nothing. They saw their chance when the election of 2010 ushered in a large cadre of new, green legislators. On the very first day of this new 96<sup>th</sup> Assembly, a bill was introduced into the Missouri House which had all the appearances of a routine house-keeping action by the State agencies. HB89 was passed by the house 159 to 1 on March 17, passed the Senate 34 to zero on May 11, and was signed into law by the Governor on July 11, 2011. Our State lawmakers should be applauded for the speedy, efficient action; but should they?

### **Delete That Sentence**

Buried within this 46 page, 22739 word HB89 is one little sentence which could completely negate the years of fighting and hundreds of thousands of dollars spent by the Miller County citizens and the City of Osage Beach. In Sections 444.771 and 444.773 there appears the following sentence:

**“In any public hearing [held pursuant to this section the burden of proof shall be on the applicant for a permit.]”**

Way up on page 1 of HB89 it had been explained that any text within the bill which appeared between brackets indicated that this bracketed text was to be removed. The crux of the legal action which had ruled against DNR and Magruder was based on the existing law requiring that the burden of proof is placed on the permit applicant. So what does DNR do? They bow to the Mining Industry lobby and change the law. Now, when Magruder reapplies for the permit, the courts might very well rule differently.

### **Stand up Missourians**

It's way past time for Missouri citizens and their representatives to put the rights and welfare of the citizens ahead of that of the Mining Industry. Stand up Missourians; take your State back!