

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

3:30 ~~xxx~~/p.m. on February 21, 1990 in room 526-S of the Capitol.

All members were present except:

Representatives Barr (Excused); Charlton (Excused), and Roenbaugh (Excused).

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pat Mah, Legislative Research
Maggie French, Committee Secretary

Conferees appearing before the committee:

Proponents:

Representative Anthony Hensley, Fifty-Eighth District
Representative Stephen Wiard, Sixty-Eighth District
Ms. Jan Garton, representing residents of Dickinson and Geary Counties
Mr. Eric Rucker, Shawnee County Commissioner
Mr. Richard F. Hayse, Attorney
Ms. Cindy Harmison, Assistant City Attorney, Lenexa, Kansas
Mr. Jerry R. Hazlett, Kansas Wildlife Federation, Inc.
Ms. Charlene A. Stinard, Program Director, Kansas Natural Resource
Council
Mr. Scott Andrews, Kansas Chapter, Sierra Club
Mr. Derek Shafer, Attorney and Shawnee County resident

Opponents:

Mr. Ron Fox, Director, Bureau of Environmental Quality
Mr. Edward R. Moses, Managing Director, Kansas Aggregate Producers
Association
Mr. John Knutson, Martin-Marietta Aggregates
Mr. Dan Fogle, Fogle Quarry, Ottawa, Kansas
Mr. Ed DeSoignie, Kansas Contractors Association
Mr. Darrel Montei, Special Assistant, Kansas Department of Wildlife
and Parks
Mr. David Abell, Quartzite Stone Company, Lincoln, Kansas

Chairman Dennis Spaniol called the meeting to order.

House Bill No. 2911 -- An act concerning quarrying; enacting the quarried
land conservation and reclamation act.

Chairman Spaniol announced discussion would be deferred until all testimony was completed.

Representative Anthony Hensley, Fifty-Eighth District, was recognized by the chairman. Representative Hensley briefly reviewed House Bill No. 2911 and a letter he wrote to County Commissioner Eric Rucker on February 13, 1990, concerning House Bill No. 2911 (Attachment 1). He discussed issue of special use permits for quarries to be set up or expanded; recourse for homeowners, and inclusion of sand and gravel as quarry minerals. Chairman Spaniol requested Representative Hensley to furnish information to the committee on whether or not sand and gravel are included as minerals. Mr. Hensley also discussed the imposition of requirements on quarry operators to restore the land to its basic contour.

The chairman recognized Representative Stephen Wiard, Sixty-Eighth District, co-sponsor of House Bill No. 2911, who introduced Ms. Jan

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xxx~~ a.m./p.m. on February 21, 1990.

Garton. Ms. Garton stated she was representing residents of Dickinson and Geary Counties and proceeded to present her testimony (Attachment 2).

Mr. Eric Rucker, Shawnee County Commissioner, testified that when Shawnee County purchased land and a quarry a resolution was adopted to protect landowners (Attachment 3). Mr. Rucker also provided a copy of a Special Use Permit for review of committee members along with information pertaining to reclamation (Attachment 4). Mr. Rucker commented land should be of benefit to the community rather than a detriment; Shawnee County requires submission of reclamation plans and can revoke the permit if reclamation is not being conducted appropriately, and voiced objections to implementing the same fee structure for quarrying as for the coal industry. He requested endorsement of the future of small Kansas businesses in the quarrying industry and suggested road-blocks be placed in the way of multi-national industries.

Mr. Richard F. Hayse, Attorney, testified in support of House Bill No. 2911 stating the interests of voters who have to live with the industry sometimes lose out when local government is sole handler of quarry operations (Attachment 5).

Ms. Cindy Harmison, Assistant City Attorney, Lenexa, Kansas, testified in favor of House Bill No. 2911 (Attachment 6) and she offered to make available a copy of the reclamation plan used by the City of Lenexa to committee members.

Mr. Jerry R. Hazlett, Kansas Wildlife Federation, Inc., presented testimony as a proponent on House Bill No. 2911 stressing that the assumption must not be made that quarry operations have insignificant environmental, human or health impacts (Attachment 7).

Ms. Charlene A. Stinard, Program Director, Kansas Natural Resource Council, testified on behalf of House Bill No. 2911 supporting the proposal to bring good stewardship practices to lands damaged in quarrying (Attachment 8).

Mr. Scott Andrews, Kansas Chapter, Sierra Club, urged favorable consideration of House Bill No. 2911 in his testimony (Attachment 9).

Mr. Derek Shafer, Attorney, testified as a resident of Shawnee County interested in House Bill No. 2911. He believes the quality of life should be considered before special use permits are issued and would like for the Secretary of Health and Environment to be involved in decisions on quarrying locations (Attachment 10).

Mr. Ron Fox, Director, Bureau of Environmental Quality, Division of Environment, Kansas Department of Health and Environment, opposed House Bill No. 2911. He stated the bill, as it is written is probably unenforceable; however, he would be glad to assist in doing what needs to be done to make the bill enforceable. He called the attention of the committee to the fact that the fiscal note attached to his testimony was based on coal-mining regulations at which time Chairman Spaniol mentioned that many of the regulations are federal. In response to inquiry from the chairman, Mr. Fox stated that questions relating to quarrying operations basically come from the eastern one-third of the state (Attachments 11 and 12).

Mr. Edward R. Moses, Managing Director, Kansas Aggregate Producers Association, testifying as an opponent to House Bill No. 2911 said Kansas Aggregate Producers are totally opposed to this bill and he mentioned numerous bodies of government which now regulate the industry (Attachment 13).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1990

Mr. John Knutson, Martin-Marietta Aggregates, opposed House Bill No. 2911. He furnished the chairman reclamation plan data for review by the committee (Attachment 14). He stated that, given the demand for aggregates, it is not uncommon for a company to have investments of millions of dollars in the production of aggregates. He believes, if a permit is only effective for five years, these large sums of money will not be invested. His company feels the tax is excessive and that the process presently in place is extremely effective.

Mr. Dan Fogle, Fogle Quarry, Ottawa, Kansas, stated that siting a location for the quarry east of Topeka other than the one now in operation would be impractical and the cost would be prohibitive for the area. He continued with the comment landfills can be located in many more places than quarries. He expressed concern about applying regulations meant for coal to stone since coal and stone have completely different problems. He feels House Bill No. 2911 is much too restrictive; he is against the five-year renewal required for the permit, and recommends a bill be written specifically for the stone industry.

Mr. Ed DeSoignie, Kansas Contractors Association, testified against House Bill No. 2911, stating the need for aggregates in the next 10 to 15 years will be great due to the comprehensive highway program passed by the Legislature and it is important that adequate stone is available to meet this demand (Attachment 15).

Mr. Darrel Montei, Special Assistant, Kansas Department of Wildlife and Parks, opposed House Bill No. 2911 and encouraged review of the bill, citing differences between quarries and surface mining (Attachment 16).

Mr. David Abell, Quartzite Stone Company, Lincoln, Kansas, in his testimony as an opponent to House Bill No. 2911, stated this bill will have a big impact on costs; some companies may not be able to afford to stay in operation; his company has taken steps to control access to their area; many people enjoy hunting in quarry areas and do not want anything done to the pits; but, his company does reclaim these areas although they will never be back to the natural configuration.

Chairman Spaniol opened the meeting to discussion.

Representative Gatlin inquired as to the time frame from the time a request for a special use permit is initiated until it is issued and was advised 60 days would be the minimum time.

In response to inquiries from the committee, Mr. John Knutson, Martin-Marietta Aggregates stated the time limit on the permit for the quarry east of Topeka was reduced from 10 to four years and the amount of reserves reduced more than 50 percent. Shawnee County Commissioner Eric Rucker said a balancing test was done as to homes in the area and how the quarry affected the neighborhood by location as opposed to the community as a whole.

Chairman Spaniol inquired if quarry water quality is monitored after a permit is granted. Mr. Rucker stated that he could not testify if this is regularly done, but it is allowed for in the resolution, and Shawnee County does test water and landfills. In response to Chairman Spaniol's inquiry whether or not axle weights are examined, Mr. Rucker stated they are investigated upon complaint, but he did not know if road stops are done for over-weight traffic.

Discussion continued on reclamation; acquisition of river-bed rock, and regulations of surrounding states on land mining operations. Mr. Ron Fox, Director, Bureau of Environmental Quality, responded to the inquiry on regulations of surrounding states, stating some have no regulations and

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HOUSE ENERGY AND NATURAL RESOURCES
room 562-S Statehouse, at 3:39 a.m./p.m. on February 21, 1990

some have strict regulations and the states which regulate do require some type of reclamation.

Additional discussion included inquiries regarding inclusion of sand and gravel in the reclamation act and inclusion of views from the landowner on reclamation.

Vice-Chairman Holmes requested clarification on whether or not the bill covered sand and gravel being quarried dry. Mr. Fox responded that he does not believe it does by definition of quarry materials, and that, from his perspective, it would be questionable whether sand would be included.

Representative Lynch commented everyone is in agreement on good stewardship of the land and made inquiries regarding restoration which resulted in a response that the land should be restored to productive use and the areas should be appropriate for habitation.

The meeting adjourned at 5:18 p.m.

The next meeting of the committee is scheduled at 3:30 p.m., February 22, 1990.

Date: 2-21-90

GUEST REGISTER
HOUSE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Roni Fox	KDNE	Topeka	0077
Jimmie Taylor	Ks Wildlife Fed.	Box 5715, Topeka	266-6180
Challere Stinard	Ks Natural Res Council	1516 SW Topeka	233-6707
Scott Andrews	Sierra Club	7001 Crestwood Dr	862-0739
Ed Moses	Kansas Aggregate Prod	Topeka	235-1188
CINDY HARMISON	CITY OF LENEXA	12350 W. 89th St Pkwy LENEXA, KS	492-8800
ED DE SOIGNIE	KANSAS CONTRACTORS ASSOC.	TOPEKA	266-4152
Brian McMan	Mr. Adam Limestone	Brookly P.P. 1	867-2702
Je Mc Ginn	Master Marquette Agg.	Topeka	267-5230
Tommy Humphreys	 	Carbondale	564-9234
Neal Whitaker		Carbondale	564-9234
Rich Hayse		Topeka	232-2662
MIKE BEAM	Ks. Lvsck. Assn	TOPEKA	273-5115
Julie Hein	Hein & Ebert	Topeka	273-1411
Rod Hamm	NR Hamm Const	Perry Ks	597-5111
Kenny Platt	Killough Inc	Ottawa Kc	242-4535
Velma Paris	Sh. Co. Commissioner	Courthouse Topeka	291-4040
George Austin	Div. of Water Resources Ks Bd of Agriculture	109 SW Ninth Topeka 66612	296-2933
Ron Nadvornik	Hamm Quarries & Const.	Perry, Ks	597-5111
Gary L Harmon	Hamm Quarries & Const. (Bldg)	Perry, Ks	597-5111
Lawrence Brady	Kansas Geological Survey	Lawrence, Ks	864-3965
John Vorkut	ICS ASSN OR COUNTIES	Topeka	233-2271

BILL TITLE: An act concerning quarrying; enacting the quarried-land conservation and reclamation act

HEARING DATE 2-21-90

CONFEREES	PROPONENT OPPONENT	NOTIFIED	ADDRESS	PHONE
Rep. Anthony Hensley	Proponent	2-14-90	Fifty-Eighth District	
Rep. Stephen Wiard	Proponent	2-19-90	Sixty-Eighth District	
Ms. Jan Garton	Proponent	2-19-90	Residents of Dickinson and Geary Counties	
Mr. Eric Rucker	Proponent	2-14-90	Shawnee County Commissioner	
Mr. Richard F. Hayse	Proponent	2-20-90	Attorney	
Ms. Cindy Harmison	Proponent	2-21-90	Assistant City Attorney, Lenexa, Kansas	
Mr. Jerry R. Hazlett	Proponent	2-21-90	Kansas Wildlife Federation, Inc.	
Ms. Charlene Stinard	Proponent	2-21-90	Program Director, Kansas Natural Resource Council	
Mr. Scott Andrews	Proponent	2-21-90	Kansas Chapter Sierra Club	
Mr. Derek Shafer	Proponent	2-21-90	Attorney and Shawnee County resident	
Mr. Ron Fox	Opponent	2-20-90	Director, Bureau of Environmental Quality	
Mr. Edward R. Moses	Opponent	2-14-90	Kansas Aggregate Producers	
Mr. John Knutson	Opponent	2-19-90	Martin-Marietta Aggregates	
Mr. Dan Fogle	Opponent	2-21-90	Fogle Quarry Ottawa, Kansas	
Mr. Ed DeSoignie	Opponent	2-20-90	Kansas Contractors Association	
Mr. Darrel Montei	Opponent	2-21-90	Special Assistant, Kansas Department of Wildlife and Parks	
Mr. David Abell	Opponent	2-21-90	President, Kansas Aggregate Producers and Quartzite Stone Company, Lincoln, Kansas	

NEWMAN J. FURSE, ATTORNEY
REVISOR OF STATUTES

ARDEN K. ENSLEY, ATTORNEY
FIRST ASSISTANT REVISOR

JAMES A. WILSON III, ATTORNEY
SENIOR ASSISTANT REVISOR

ASSISTANT REVISORS
AVIS A. SWARTZMAN, ATTORNEY
DON S. HAYWARD, ATTORNEY
MARY ANN TORRENCE, ATTORNEY
WILLIAM L. EDDS, ATTORNEY
BRUCE W. KINZIE, ATTORNEY
THERESA M. KIERNAN, ATTORNEY
GORDON L. SELF, ATTORNEY
JILL A. WOLTERS, ATTORNEY

COMPUTER INFORMATION STAFF
MARY O. CHENG, M.S.
RICHARD M. CHAMPNEY, B.S.



OFFICE OF
REVISOR OF STATUTES
STATE HOUSE, THIRD FLOOR
TOPEKA, KANSAS 66612-1592
(913) 296-2321

LEGAL CONSULTATION—LEGISLATIVE
COMMITTEES AND LEGISLATORS
LEGISLATIVE BILL DRAFTING
SECRETARY—LEGISLATIVE
COORDINATING COUNCIL
SECRETARY—KANSAS COMMISSION
ON INTERSTATE COOPERATION
KANSAS STATUTES ANNOTATED
EDITING AND PUBLICATION
LEGISLATIVE INFORMATION SYSTEM

TO: Representative Anthony Hensley
FROM: Mary Torrence, Assistant Revisor of Statutes
DATE: February 19, 1990
RE: House Bill NO. 2911

House Bill NO. 2911 would enact the Quarried-Land Conservation and Reclamation Act. The act establishes a scheme for regulation of quarrying similar to that currently in existence for mining under the Mined-Land Conservation and Reclamation Act. The secretary of Health and Environment would be charged with administration of the act.

Under the bill, the secretary is authorized to adopt rules and regulations regulating quarry exploration (section 6) and requiring training, examination and certification of persons using explosives in quarrying (section 7).

Upon petition of a person who is or may be adversely affected, the secretary may designate areas as unsuitable for quarrying (section 8). If the secretary finds that reclamation of the land would not be technologically and economically feasible, the secretary must designate the land as unsuitable. The secretary may designate the land unsuitable if quarrying is incompatible with existing land uses, will significantly damage fragile or historic lands, will affect renewable resources and could cause reduction in productivity or will affect natural hazard areas and could cause danger to life or property.

The bill would authorize the secretary to develop plans and programs for reclamation of abandoned quarries or quarries not

*H ENERGY AND NR
2-21-90
ATTACHMENT 1*

subject to the act (section 9). Criteria are established for development of such plans and programs. Costs of reclamation become a lien on the land in an amount not exceeding the increase in market value resulting from reclamation.

The secretary would be authorized to acquire abandoned quarry land by purchase, gift or eminent domain (section 10). Such land may be acquired only if the land is of value for recreational, historic, conservation or reclamation purposes and if permanent facilities were constructed on the land for reclamation purposes. The secretary is authorized to lease or sell the land.

The act would require permits to conduct quarrying operations (section 14). The permits would be valid for not more than 5 years and would require a fee of \$50 plus a fee for each acre covered by the permit and a fee for each ton of minerals extracted. In addition, a bond or financial security would be required in an amount of \$10,000 or more, to be determined by the secretary. The permittee would also be required to carry liability insurance in an amount set by rules and regulations. After notice and opportunity for public hearing, the secretary may grant a permit if specific findings are made (section 15).

A permit could be amended, but extension of the quarried area would require a new permit (section 16). Transfer of a permit could be made only on written authorization of the secretary. The act would restrict the issuance of a permit to any person who has had a permit revoked or has forfeited bond (section 7).

The act would require reclamation and revegetation of quarried land (sections 20-22). After a permit expires, the permit holder would report to the secretary on reclamation progress and portions of the bond could be released, based on the amount of reclamation completed (section 23). Persons having a legal interest or the federal, state or local government could protest the release of the bond and a hearing would then be required.

Civil remedies are provided to compel compliance with the act, rules and regulations or a permit or to compel performance of the secretary's duties (section 24). Administrative and criminal penalties are provided for violations of the act, rules and regulations or permit conditions (section 25). In addition, interference with duties of department personnel is a crime (section 26).

STATE OF KANSAS

ANTHONY HENSLEY
REPRESENTATIVE, FIFTY-EIGHTH DISTRICT
SHAWNEE COUNTY
2226 VIRGINIA AVENUE
TOPEKA, KANSAS 66605-1357



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: APPROPRIATIONS
EDUCATION
LABOR AND INDUSTRY
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT

February 13, 1990

The Honorable Eric Rucker
County Commissioner, 3rd District
Room 205, Shawnee County Courthouse
Topeka, Kansas 66603

Re: House Bill No. 2911 and Senate Bill No. 614

Dear Commissioner Rucker:

You may recall that at the public hearing on the issue of a special use permit for Martin-Marietta to expand its rock quarry in eastern Shawnee County, you questioned me as to what the state of Kansas is doing in the regulation of rock quarries. My answer was that the state does not provide any regulation. While I disagreed with your decision to approve the special use permit, I was very impressed with your concern in this area of public policy.

Accordingly, enclosed please find a copy of House Bill No. 2911, a bill which would establish the Kansas "Quarried-land Conservation and Reclamation Act." This bill was introduced on Wednesday, February 7, 1990, by me, Representative Denise Everhart, and Representative Steve Wiard. You know of my and Denise's concern in this issue. Representative Wiard's constituents have been adversely affected by a rock quarry operation in the Chapman area of Dickinson and Geary counties. House Bill No. 2911 was referred to the House Committee on Energy and Natural Resources.

In our research on this particular matter, we have found that in Kansas there are a large number of quarry operations which obtain stone, shale or similar materials. As I stated previously, there is no state regulation of these rock quarries, and there is no requirement that past or current quarried lands be reclaimed. This lack of regulation and reclamation results in: environmental degradation, pollution, safety hazards, degradation of general aesthetics in the area, and reduced surrounding property values.

Although the state does not regulate rock quarries, it does regulate land mined for coal and requires the reclamation of such land. This law has worked well for reclamation of current and past lands mined for coal. House Bill No. 2911 is modeled after the Kansas "Mined-land Conservation and Reclamation Act," and establishes the necessary and appropriate state regulations on quarried lands under the authority of the Kansas Department of Health and Environment.

The Honorable Eric Rucker
February 13, 1990
Page 2

I also enclose a copy of Senate Bill No. 614, authored by Senator Ross Doyen, that would simply amend the "Mined-land Conservation and Reclamation Act" to include rock quarries within its scope. Senator Doyen has many constituents who have also experienced problems with rock quarries operating in and around their residential community.

Please be informed that the public hearing on House Bill No. 2911 in the House Committee on Energy and Natural Resources will be on Wednesday, February 21, 1990, at 3:30 p.m., in Room 526-South of the Kansas Statehouse. If you would like to make public or written comments regarding this proposed legislation, you may contact the Committee chairman, Representative Dennis Spaniol, in his Statehouse office at 296-7675.

Again, the statewide public policy addressed in either House Bill No. 2911 or Senate Bill No. 614 is in direct response to the question you posed during the hearing on the Martin-Marietta special use permit. I hope you will decide to support either or both of these legislative measures.

Sincerely,

Anthony Hensley
Representative
58th District

AH:bd

cc: Representative Denise Everhart
Senator Nancy Parrish
Senator Alicia Salisbury
Commissioner Velma Paris
Commissioner Winnie Kingman
Derek Shafer
Brett Robinson

1-4

We are here representing residents of Dickinson and Geary Counties, on behalf of the Reclamation of Abandoned Rock quarries. We would like to have it understood that we are definitely NOT OPPOSED to the mining of rock. Our objective is the fact that the mine sites, after mining is completed, are left in very poor condition.

There are mounds and mounds of soil and rock particles that have not been reclaimed. Once the land has been disturbed, these sites are natural habitats for noxious weeds. Bindweed, musk thistle, and cockleburs adapt quickly to these conditions. Large unwanted trees grow readily on the mounds.

Open quarry pits pose a number of environmental hazards and concerns. Chief among these concerns is the effect on ground water. We are concerned that household well water may be contaminated for up to several miles from the quarry sites. The exposed mine sites hold large pools of stagnant water during rainy seasons allowing for infestations of insects and airborne bacteria.

Wind erosion becomes a problem that is both dangerous and damaging. Kansas soils do not withstand a high velocity wind. The wind scours the topsoil surrounding the site with airborne rock and soil particles. Neighboring lands and crops are damaged by this action. At times heavy dust is blown from the sites and often is so bad that it is dangerous for traffic on the nearby roads.

H ENERGY AND NR
2-21-90
ATTACHMENT 2

Abandoned mines are dangerous in several ways. Young children are often attracted to them. Teenagers have drinking parties and have been arrested at these sites. People use these areas for shooting and target practice, often with high powered guns. Animal carcasses and entrails from illegally poached deer are dumped into these pits, as well as household garbage, old furniture and appliances.

The quarry located near Highway 18 west of Junction City has pits that are over thirty feet deep and have been there for twenty years without every being refilled or reclaimed in any way. Another quarry east of Chapman was dug up twenty-five years ago and remains as pits, mounds of rock and soil overgrown with trees. These are only two of many sites that exist in Dickinson and Geary Counties.

We believe that these areas could and SHOULD be releveled and reclaimed to be made productive again. Taking a few loads a year from a quarry is only a delay tactic to keep it from being productive land. After a reasonable time it should be leveled so that small grain or grass can be planted and the ground used for a worth while purpose.

We feel that these above mentioned conditions affect the environment for the State of Kansas. It surely leaves a poor impression of our state when tourists drive along our highways and by ways. It is also a very depressing sight for those of us who must view it day after day.

To help protect the future of Kansas in regard to abandoned rock quarries and hopefully to help remedy past error and callousness, we request that Bill 2911 be given serious consideration. We feel that it is in the best interest of all Kansans to have this bill adopted.

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

	NAME	ADDRESS
1.	Gaylord Duff	R. 5 Abilene Kansas 67410
2.	Dane Deason	602 W. 7 th Chapman, KS 67421
3.	Danna Tangoral	11305 W 77th St Shawnee KS 66214
4.	Cecil Annack	Chickman T. Case
5.	Viola Annack	" " "
6.	Elaine K. Maco	Abilene R 4
7.	Brad Stant	Abilene R 3
8.	Willard Roth	Abilene R 1
9.	Frank K. Abelf	Abilene, KS.
10.	Howard Canfield	Abilene, KS.
11.	Vigil G. Bennett	Abilene, KS
12.	Terry Sletten	Abilene, KS.
13.	E. [unclear]	" "
14.	Ernest L. [unclear]	209 N. [unclear] Abilene
15.	Dory Lindahl	Enterprise, KS.
16.	Harriette Ratz	Abilene, KS
17.	Kim Mann	Abilene, KS
18.	Kath [unclear]	Abilene R 6-7410
19.	Norman Burrell	Abilene, Kan.
20.	Lyb Sletten	Abilene, KS
21.	Judith A. Sletten	Abilene, KS

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. Mary C. Schoch	207 S Kamey - Abilene, Kas
2. Barbara L. Larson	Rt 3, Box 114 - Abilene, Kas
3. Vernon Larson	R.R. 3 Box 114 Abilene Kas
4. Rowena Harty	R#1 Box 151 Solomon Kas
5. Eldon Harty	" " " "
6. Charlotte Wilcox	R2, Abilene
7. Harriet Brunickow	425 N. E. 8th, Abilene Kas.
8. Lee Frost	403 N E 12th " "
9. Bernice Frost	403 N. E. 12th " "
10. Lyn A. Ray	615 N. W 3rd " "
11. Marilyn E. Christner	320 N Vine Abilene "
12. Frank Jordan	Rt 4 Abilene Kas
13. Judy Nelson	916 NW 3rd
14. Thos. Robinson	R1 Solomon Kas.
15. C.W. Cook	119.5 Factory Enterprise, Kas
16. Emma Marten	Hape, Kas 67451
17. Gladys Knuth	Hape, Kas - 67451
18. H. H. Hatt	Abilene, Kansas
19. Thomas D. V. H.	Box 1 (E) Kas
20. Virginia Dams	" "
21. Navte Burns	1000 N Kamey Abilene, Kas

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

	NAME	ADDRESS
1.	<i>Lawrence Russell</i>	<i>Abilene, KS</i>
2.	<i>Harold Mosher</i>	<i>Chapman, Ks.</i>
3.	<i>Marjorie Mosher</i>	<i>Chapman, Ks.</i>
4.	<i>Gene Lenz</i>	<i>Chapman, Ks.</i>
5.	<i>Glen Reed</i>	<i>Chapman, Ks.</i>
6.	<i>Leone Lang</i>	<i>Chapman, Ks.</i>
7.	<i>Howard Lang</i>	<i>Chapman, Ks.</i>
8.	<i>Roy D. Owens</i>	<i>Chapman, Ks.</i>
9.	<i>Hilma Schroeder</i>	<i>Chapman, Ks.</i>
10.	<i>Marvick Schroeder</i>	<i>Chapman, Ks.</i>
11.	<i>Alvina M. Robinson</i>	<i>Chapman, KS</i>
12.	<i>V. M. Edwards</i>	<i>"</i>
13.	<i>Lyle Martin</i>	<i>Abilene, Ks.</i>
14.	<i>Lavern Sherraden</i>	<i>Chapman</i>
15.	<i>Margaret Martin</i>	<i>Abilene</i>
16.	<i>Earl Zumbrown</i>	<i>Chapman</i>
17.	<i>John Meyer</i>	<i>Chapman</i>
18.	<i>Denny Rollins</i>	<i>Chapman</i>
19.	<i>Erna Schuelke</i>	<i>Abilene, Ks.</i>
20.	<i>Freda Rogers</i>	<i>"</i>
21.	<i>Harry Kelling</i>	<i>Chapman, Ks.</i>

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. Helen Dunham	P#1 Chapman
2. Mrs Mrs Harry Gumberson	" "
3. Dorothy Scherer	R2 " "
4. Rachel Chamberlain	R2 Chapman
5. Est. L. Hanna	P.O. Box 4 Chapman
6. John Deibel	R2-Box 218 Chapman
7. Nancy Deibel	R2 Chapman
8. Irene Sullivan	Route 2 - Chapman
9. Kelta Cooper	RR 2 Box 224 Chapman
10. Regina Miller	R2 - Box 248, Chapman
11. Raymond Hamilton	R2 - " "
12. Paul Cooper	RR 5 Abilene
13. Alvin A. Confield	R#1 Box 23 Neff, Ks
14. Tom L. Confield	R#1 Box 23 Neff, Ks
15. Mary Stanton	Box 486 Chapman
16. Edwin Jones	R. 1 Abilene, Ks
17. Vera Jones	R. 1 Abilene, Ks
18. Eva Hall	R. R. Chapman, Ks
19. Helen Hoover	R. B. 5 Abilene, Ks.
20. Dick Thomas	R R 5 Abilene, Ks
21. Mike Thomas	R R 5 Abilene Ks

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

	NAME	ADDRESS
1.	Dana Livingston	Rt 1 Box 222 Abilene
2.	Dennis Livingston	Rt 1 Abilene Ks
3.	David J. Kester	RR 5 Box 1874 Abilene
4.	Shirley Kester	RR 5 Box 1874 Abilene
5.	Paul Lowry	RR 5 Box 93 Abilene, Ks.
6.	Helene E. Lowry	RR 5 Box 93 " "
7.	Paul Lowry	Route 5 Abilene Kansas
8.	Dennis L. Chatter	Rt 5 Abilene, Ks.
9.	Rhonda Chatter	Rt 5 Abilene Ks
10.	Steve Dustin	Rt. 5 Abilene, Ks
11.	Patty Dustin	Rt. 5 Abilene, Ks.
12.	George W. Weiss	Rt. 1 Abilene, Ks.
13.	Mrs Laura Weiss	Rt 1 Abilene Kansas.
14.	Janet Chamberlin	Rt. 1 Abilene Ks
15.	Lincoln J. Chamberlin	Rt 1 Abilene Ks
16.	Judy Marx	Rt 5 Abilene Ks
17.	John Marx Jr.	Rt 5 Abilene, Ks.
18.	Judy Taylor	1514 NW 4th Abilene, Ks.
19.	David Taylor	1514 N.W. 4th Abilene Ks.
20.	Deborah L. Hull	1507 N.W. 3rd Abilene, KS
21.	Warren L. Hull	1507 N.W. 3rd Abilene Ks

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. <u>Barbara M Jones</u>	<u>RR2 Box 177 Chapman</u>
2. <u>Betty J Longhofer</u>	<u>207 N.E. 15th Abilene, Ks.</u>
3. <u>Pearl Clark</u>	<u>311 S.W. 3RD Abilene, Ks.</u>
4. <u>Donna Lawson</u>	<u>Rt. 3, Box 34, Abilene, Ks.</u>
5. <u>Karol Freeman</u>	<u>Rt. 4 Abilene Ks.</u>
6. <u>Ruth J. Lucas</u>	<u>R. 1 Enterprise, KS</u>
7. <u>Paul Smith</u>	<u>R. 3 Abilene, KS</u>
8. <u>Musta Spencer</u>	<u>R4 " "</u>
9. <u>Carita Miller</u>	<u>1005 N.W. 4th Abilene</u>
10. <u>C. M. D. D.</u>	<u>R 5 Abilene, Ks</u>
11. <u>Belena Clayton</u>	<u>RR 1 Manchester</u>
12. <u>Beverly Fogler</u>	<u>RR 1, Abilene</u>
13. <u>Donna L. Longmecker</u>	<u>RR 1, Abilene</u>
14. <u>Dorothy Mauston</u>	<u>Rt 1 Abilene</u>
15. <u>Isabel G. Hesse</u>	<u>Rt 3 -</u>
16. <u>B. Margie McLaughlin</u>	<u>P.O. Box 362, Chapman</u>
17. <u>Ernest Wofford</u>	<u>RR 5 Abilene</u>
18. <u>Edgar Esigle</u>	<u>R R 5 Abilene</u>
19. <u>Ruth Smith</u>	<u>R 5 Abilene</u>
20. <u>Elizabeth Pauline Wofford</u>	<u>Rt 5 Abilene</u>
21. <u>Paula Sheffer</u>	<u>R. 1 Chapman, Ks.</u>

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. <u>KERZ HANNA M.</u>	<u>CHAPMAN</u>
2. <u>Nettie Wuehrich</u>	<u>CHAPMAN</u>
3. <u>Wynnamm Robertson</u>	<u>ABILENE</u>
4. <u>Rides & Robertson</u>	<u>ABILENE</u>
5. <u>Tom Fusler</u>	<u>Abilene</u>
6. <u>Erwin A. White</u>	<u>Abilene, Ks</u>
7. <u>Mary A. Raff</u>	<u>Abilene, Ks.</u>
8. <u>Hilda R. Kroul</u>	<u>Abilene, KS</u>

Committee Meet Wednesday Feb 21, 1990
3:30 PM Room 5235 (State House)
Topeka

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. <u>Jennifer Marsh</u>	<u>900 NW 3rd, Abilene, Ks</u>
2. <u>Pat Allen</u>	<u>RR 3 Abilene Ks.</u>
3. <u>Mary Jo Miles</u>	<u>422 N. Mulberry Abilene</u>
4. <u>Juganese Sipton</u>	<u>R.R. 3 Abilene</u>
5. <u>Donna M. Hartshorn</u>	<u>409 NW 5 Abilene</u>
6. <u>Demora K. Beach</u>	<u>512 NW 3 Abilene</u>
7. _____	_____

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. Cheryl A. Zimmerman	Rt 2, Chapman, KS
2. Phyllis M. Cook	R#1 Abilene, KS
3. Evelyn Stillwagon	R#1 Abilene, KS.
4. Thomas Ruffel	R1, Enterprise, KS
5. Eleanor Correll	Rt 1 Abilene, KS
6. Molly Veach	Rt. 1 Abilene, KS.
7. Myrtice Steller	Rt. 2, Chapman, KS
8. John B. Bunch	Rt 1, ABILENE, KS
9. Sara A. Gause	405 N.E. 10 th Abilene, KS.
10. Jim M. Cox	Rt 1 Abilene, KS 67410
11. James Wine	R R 1 Abilene, KS 67410
12. Dan Rueda	R R 1 Abilene, KS 67410
13. Elaine Harslow	R. 2, Abilene, KS. 67410
14. Gertrude W. Scott	401 N.E. 10 th Abilene, KS 67410
15.	
16.	
17.	
18.	
19.	
20.	
21.	

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

	NAME	ADDRESS
1.	Earl D. Lyder	
2.	Juanita R. Ewert	Chapman Kansas
3.	Anna Witt	Chapman Kans.
4.	Kenneth Rohrer	Abilene, Ko.
5.	Linda M. Kohman	Abilene "
6.	David Martini	Abilene "
7.	Peppie J. Maister	Chapman "
8.	Curtis W. Stoffer	Abilene "
9.	Annice McCosh	Abilene "
10.	Martha Kim McCosh	Abilene "
11.	Shelma J. Lerow	Chapman, Ko.
12.	Lynn Lerow	Chapman Ks.
13.	Rayland Lerow	Chapman KS
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

NAME	ADDRESS
1. <u>David Detrick</u>	<u>Chapman Ks</u>
2. <u>Herna Detrick</u>	<u>Chapman Ks</u>
3. <u>Dale Reihan</u>	<u>Chapman Ks</u>
4. <u>Tony Frazier</u>	<u>Box 128 Chapman Ks</u>
5. <u>Chester Daulton</u>	<u>6030 6th - Chapman</u>
6. <u>David Baum</u>	<u>Chapman, Ks.</u>
7. <u>Kenneth Root</u>	<u>Chapman Ks</u>
8. <u>Chris Bletcher</u>	<u>R#1 Abilene, Ks.</u>
9. <u>Shawn Kopp</u>	<u>Chapman, Ks</u>
10. <u>Harold McLaughlin</u>	<u>Chapman Ks</u>
11. <u>Robert Luthi</u>	<u>Abilene Ks</u>
12. <u>Bob Rennie</u>	<u>Chapman, Ks.</u>
13. <u>Alba W. Kausch</u>	<u>Chapman, Ks</u>
14. <u>Garret H. Fraunfelder</u>	<u>Chapman Ks.</u>
15. <u>Gene Siskow</u>	<u>Chapman, Ks</u>
16. <u>Dean Suter</u>	<u>Chapman, Ks</u>
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____

PETITION OF SUPPORT
FOR H.B. NO. 2911

We the undersigned, citizens and voters of Dickinson County, Kansas, support the enactment of the Quarried-land Conservation and Reclamation Act and urge our representatives to pass such legislation.

	NAME	ADDRESS
1.	<u>Marietta Lucas</u>	<u>P.O. Box 327, Chapman</u>
2.	<u>Carol Frasure</u>	<u>Box 409, Chapman</u>
3.	<u>Albert Dalton</u>	<u>Box 507 Chapman</u>
4.	<u>Rula & Robert A. Tut</u>	<u>Box 576 Chapman</u>
5.	<u>Anna H. Witt</u>	<u>Box 601 Chapman KS</u>
6.	<u>Esther Ramsey</u>	<u>634 Broadway, Chapman, Mo.</u>
7.	<u>Lilma Haas</u>	<u>815 Marshall "</u>
8.	<u>Laverna Oesterhouse</u>	<u>530 W. 5th Chapman, Ke.</u>
9.	<u>Doris Sherbert</u>	<u>425 W 8th Chapman</u>
10.	<u>Neil Lefau</u>	<u>Box 226 Chapman</u>
11.	<u>May Adams</u>	<u>Sheeran, Chapman</u>
12.	<u>Majorie Drake</u>	<u>Sheeran, Chapman</u>
13.	<u>Mary Pruitt</u>	<u>P.O. Box 562 Chapman, KS 67431</u>
14.	<u>Fernie Altwegg</u>	<u>Chapman #2</u>
15.	<u>Pearl Lewer</u>	<u>Chapman, Kans. City.</u>
16.	<u>Reba Staats</u>	<u>Chapman</u>
17.	<u>Elsie Miller</u>	<u>Chapman</u>
18.	<u>Larry Miles</u>	<u>Rt. 2 Chapman</u>
19.	<u>Kathy Miles</u>	<u>Chapman</u>
20.	<u>Mrs. Myrtle G. Key</u>	<u>Box 381 Chapman, Kansas 67431</u>
21.	<u>Albert Smith</u>	<u>Chapman KS 67431</u>

Col *Rucker*
S

RESOLUTION NO. 88-153

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas, hereafter referred to as the "County," recently purchased real property in the vicinity of Southeast 45th Street in Shawnee County, Kansas, more particularly described in the attached legal description, which is marked as Exhibit A; and,

WHEREAS, the Board of County Commissioners intends to either lease said land and any adjoining land subsequently purchased for the purposes of quarrying said rock or to sell said land to a purchaser who can guarantee the quarrying of said rock; and,

WHEREAS, the Board of County Commissioners is committed to ensuring that the land recently purchased on Southeast 45th Street in Shawnee County, Kansas, and any adjoining land subsequently purchased is adequately reclaimed once said quarrying operations proceed; and,

WHEREAS, the Shawnee County Commission desires to deal responsibly and in cooperation with others in our community to provide a clean environment; and,

WHEREAS, current landfill capabilities in Shawnee County are conservatively estimated to be in excess of thirty (30) years; and,

WHEREAS, the incineration of solid waste is not presently economically practical given the state of current technology; and,

WHEREAS, the by-product of incineration and the environmental problems attendant with incineration are continually being scrutinized and reviewed by Local, State and Federal officials, and are presently not feasible; and,

WHEREAS, the present Shawnee County Commission has no intention to enter into either the landfill business or the business of incineration of solid waste; and,

WHEREAS, the Shawnee County Commission is inclined to allow private industries to foster this sector of our economic community; and,

WHEREAS, the Shawnee County Commission deems that, once the property has been quarried and reclaimed, the said land on Southeast 45th Street and any adjoining land subsequently purchased would be no more or less appropriate for a landfill or incineration site than any other location in Shawnee County; and,

WHEREAS, it has been estimated that the private and public sectors in Shawnee County would pay significantly more for the acquisition of similar rock if not for the Southeast 45th Street quarry; and,

WHEREAS, the purchase of this land and use for quarrying purposes will benefit property owners in Shawnee County, Kansas by lowering property taxes.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Shawnee, Kansas, sitting in regular session on this 29th day of September, 1988, in Topeka, Kansas, as follows:

1. The Board of County Commissioners of the County of Shawnee, Kansas will not operate/lease/sell said land and any adjoining land subsequently purchased for the purposes of a sanitary landfill or incineration operations during 1) the time the quarrying operations at this site are in process and until reclamation of the site is complete, or 2) for one year after the close of quarrying operations at the site, whichever comes first.

2. The Board of County Commissioners of the County of Shawnee, Kansas hereby requires that the said land on South-

east 45th Street and any adjoining land subsequently purchased will be adequately and appropriately reclaimed as quarrying operations proceed, whether said land is or is not owned or operated by Shawnee County.

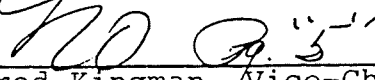
3. The Board of County Commissioners of the County of Shawnee, Kansas, as evidence of its concern for a clean environment and desire to be a good neighbor, shall provide for appropriate screening on the said land on Southeast 45th Street in accordance with the recommendations of the Kansas State University School of Forestry.

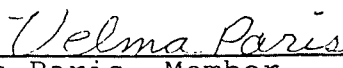
4. No quarrying or removal of rock shall be commenced on said land on Southeast 45th Street and adjoining land subsequently purchased until such time as the Board of County Commissioners of the County of Shawnee, Kansas has reviewed, approved and adopted a detailed plan of operation and an environmental impact plan which complies with applicable Local, State and Federal EPA agency laws regarding said land on Southeast 45th Street and any adjoining land subsequently purchased.

5. Any amendments or cancellation of this resolution will require a public announcement, written notification to all adjoining landowners of said land and any adjoining land subsequently purchased, and a unanimous vote of the Board of County Commissioners of the County of Shawnee, Kansas, prior thereto.

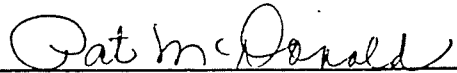
BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS


Eric K. Rucker, Chairman

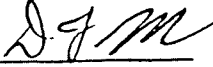

Winifred Kingman, Vice-Chairman


Velma Paris, Member

ATTEST:


Patsy A. McDonald, County Clerk

Approved As To Form
Not As To Content


Shawnee Co. Counselor
Date: 29 Sep 88

BOOK _____ PAGE _____

STATE OF KANSAS)
SHAWNEE COUNTY) SS
RECEIVED FOR RECORDBY THE ORDER OF THE BOARD OF COUNTY COMMISSIONERS,
SHAWNEE COUNTY, KANSAS

Nov 30 3 35 PM '09

RESOLUTION 89-223REGISTER OF DEEDS
JOAN L SHERRER

SPECIAL USE PERMIT

IS HEREBY ADOPTED IN ACCORDANCE WITH K.S.A. 19-2919, 19-2932 AND
THE PLANNING AND ZONING RESOLUTION, SHAWNEE COUNTY, KANSAS.

SECTION 1. THIS RESOLUTION HEREBY AUTHORIZES A SPECIAL USE PERMIT FOR THE FOLLOWING DESCRIBED REAL PROPERTY FOR THE PURPOSE OF: extraction of gravel, sand or other raw materials on property located about the north side of S.E. 29th Street and extending easterly from S.E. Tecumseh Road to S.E. Ratner Road and legally described as follows:

The S.E. 1/4 of Section 12, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, except the following: Beginning at the Northwest corner of said S.E. 1/4; thence South along the West line of said 1/4 Section 450 feet; thence East at right angles to said West line 484 feet; thence North and parallel with said West line 450 feet to the North line of said 1/4 Section; thence West along said North line 484 feet to the point of beginning; also except beginning at the Southwest corner of said S.E. 1/4; thence North 16 rods; thence East 10 rods; thence South 16 rods to the South line of said 1/4 Section; thence West 10 rods to the point of beginning; and further except the following described tract of land containing 3.00 acres more or less situated in the S.E. 1/4 of Section 12, Township 12 South, Range 16 East of the 6th P.M., in Shawnee County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said S.E. 1/4; thence on a bearing of South 88 degrees 28 minutes 38 seconds West, along the South line of said S.E. 1/4, a distance of 1,883.52 feet to the point of beginning; thence continuing on a bearing of South 88 degrees 28 minutes 38 seconds West, along said South line, a distance of 244.26 feet; thence on a bearing of North 00 degrees 13 minutes 37 seconds East, parallel with the West line of said S.E. 1/4, a distance of 535.25 feet to a point on the North line of the South 535 feet of said S.E. 1/4; thence on a bearing of North 88 degrees 28 minutes 38 seconds East, along said North line and parallel with the South line of said S.E. 1/4, a distance of 244.26 feet; thence on a bearing of South 00 degrees 13 minutes 37 seconds West, parallel with the West line of said S.E. 1/4, a distance of 535.25 feet to the point of beginning; and except the following tract: A tract of land in the Southeast Quarter of Section 12, Township 12 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on a bearing of South 88 degrees 28 minutes 38 seconds West, along the South line of said Southeast Quarter, a distance of 1,639.26 feet to the point of beginning; thence continuing on a bearing of South 88 degrees 28 minutes 38 seconds West, along said South line, a distance of 244.26 feet; thence on a bearing of North 00 degrees 13 minutes 37 seconds East, parallel with the West line of said Southeast Quarter, a distance of 535.25 feet; thence on a bearing of North 88 degrees 28 minutes 38 seconds East, parallel with the South line of said Southeast Quarter, a distance of 244.26 feet; thence on a bearing of South 00 degrees 13 minutes 37 seconds West, parallel with the West line of said Southeast Quarter, a distance of 535.25 feet to the point of beginning.

H ENERGY AND NR
2-21-90

BOOK 2507 PAGE 500

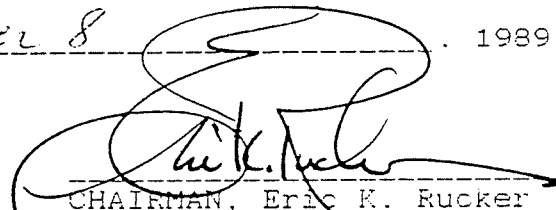
ATTACHMENT 4

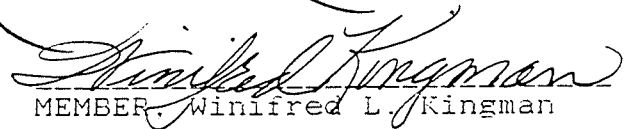
SECTION 2. CONDITIONS SUBJECT TO:

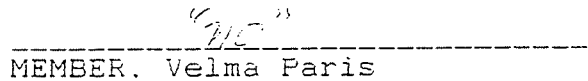
1. Restrictions of Use Statement (attached and identified as Exhibit "A".)
2. Platting.
3. Time period: Four (4) years - Quarry Operation.
Two (2) years - Final Reclamation.
4. Operation Plan.
5. Reclamation Plan.
6. Increase the setback for operations along S.E. 29th Street to 400 feet rather than 100 feet.
7. Increase the mining setback for operations along Tecumseh Road to the centerline of the Kansas Power and Light easement.
8. The Transportation of Limestone/Rock Resources from the quarry to the processing plant shall be restricted to Ratner Road entrance only.
9. Installation of electronic warning signal and warning signs at S.E. 29th Street and Ratner Road intersection, at expense of Martin Marietta Corporation.

SECTION 3. THIS RESOLUTION SHALL BECOME EFFECTIVE UPON ENDORSEMENT BY THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE PUBLICATION IN THE OFFICIAL COUNTY NEWSPAPER.

DATE: November 8, 1989.


CHAIRMAN, Eric K. Rucker


MEMBER, Winifred L. Kingman


MEMBER, Velma Paris

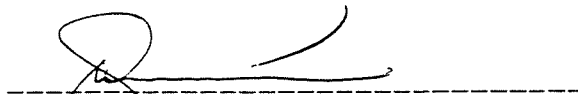


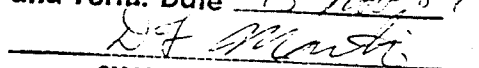

A. McDonald, County Clerk

APPLICANT:

CASE NO. SP89/12


Martin-Marietta Corporation


Tri-County Trust

Approved as to Legality
and Form: Date 15 Nov 89

SHAWNEE CO. COUNSELOR

By Cindy Harper
NOV 28
HAND DELIVERED
BY JOE MCGUIRE

2:55 p.m.

4-2

EXHIBIT A

Tract 1:

The Southeast Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., in Shawnee County, Kansas.

Tract 2:

The North Half of the Northeast Quarter of Section 27, Township 12 South, Range 17 East of the 6th P.M., in Shawnee County, Kansas, LESS the West 20 feet thereof deeded to Shawnee County for road purposes, in Book 307 Page 8.

Tract 3:

The West Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., in Shawnee County, Kansas, LESS 10.15 acres, described as:

Beginning at a point on the West line of the Southwest Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., 1531 feet North of the Southwest Corner of said Quarter Section; thence Easterly at right angles to the West line of said Quarter Section, a distance of 810 feet; thence Northerly at right angles to the last described line, a distance of 340 feet; thence Easterly at right angles to the last described line, a distance of 230 feet; thence Southerly at right angles to the last described line, a distance of 690 feet; thence Westerly at right angles to the last described line, a distance of 1040 feet to the West line of said Southwest Quarter; thence Northerly along the West line of said Southwest Quarter, a distance of 350 feet to the point of beginning, AND LESS the following described tract:

The South 300 feet of the West 600 feet of the West Half of the Southwest Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., in Shawnee County, Kansas.

AND LESS the following described tract:

A part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., Shawnee County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Section 22; thence North on Az 359 degrees 21 minutes 45 seconds, 781.00 feet coincident with the West line of the Southwest Quarter of the Southwest Quarter of said Section 22 to the point of beginning; thence on Az 89 degrees 21 minutes 45 seconds, 653.40 feet; thence on Az 179 degrees 21 minutes 45 seconds, 200.00 feet; thence on Az 269 degrees 21 minutes 45 seconds, 653.40 feet to the West line of the Southwest Quarter of said Section 22; thence on Az 359 degrees 21 minutes 45 seconds, 200.00 feet coincident with the West line of the Southwest Quarter of the Southwest Quarter of said Section 22 to the point of beginning.

AND LESS the following described tract:

A part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 12 South, Range 17 East of the 6th P.M., Shawnee County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Section 22; thence East on Az 90 degrees 00 minutes 09 seconds, 1,094.89 feet coincident with the South line of the Southwest Quarter of the Southwest Quarter of said Section 22 to the Point of Beginning; thence on Az 0 degrees 00 minutes 09 seconds, 600.00 feet; thence on Az 353 degrees 26 minutes 29 seconds, 596.45 feet; thence on Az 359 degrees 21 minutes 45 seconds, 131.68 feet; thence on Az 90 degrees 01 minutes 29 seconds, 277.57 feet to the East line of the Southwest Quarter of the Southwest Quarter of said Section 22; thence on Az 179 degrees 23 minutes 21 seconds, 1,324.18 feet coincident with the East line of the Southwest Quarter of the Southwest Quarter of said Section 22 to the South line of the Southwest Quarter of said Section 22; thence on Az 270 degrees 00 minutes 09 seconds, 222.13 feet coincident with the South line of the Southwest Quarter of the Southwest Quarter of said Section 22 to the Point of Beginning.

Restrictions of Use

SP89/12 by Martin Marietta Corporation
and Tri-County Trust

The following restrictions and limitations shall apply to the land and property under the terms of a Special Use Permit by Resolution of the Board of Commissioners, Shawnee County, Kansas.

1. The site shall be used only for quarrying operations as herein defined.

Definition: Quarrying Operations on this site shall consist of only the following:

- a) Removal of overburden and limestone.
 - b) Temporary stock piling of topsoil and overburden to create berms along and parallel with the mining setbacks as herein established.
 - c) Transportation of limestone to the plant site for processing purposes.
 - d) Reclamation of site.
2. Quarrying operations shall be restricted to the hours from 7:00 A.M. to 7:00 P.M. weekdays, and from 8:00 A.M. to 1:00 P.M. on Saturdays.
 3. Blasting operations shall be restricted to weekdays only between 3:00 P.M. and 7:00 P.M. All blasting operations will be performed by qualified personnel, and will be licensed and inspected by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms and by the United States Department of the Interior, Mining Enforcement and Safety Administration. Blasting charges shall be minimal, and shall be set off only in delays. No single delay shall be larger than one hundred fifty (150) pounds of explosives.
 4. The operator shall maintain a security fence along the property line and shall erect "NO ADMITTANCE - QUARRY AREA: NO SWIMMING - NO TRESPASSING" signs at sufficient intervals along the fence to provide the public with adequate notice of the nature of the operation. In addition, the operator shall conspicuously maintain a sign at all access points to the permit area; the sign(s) shall list: the name, address and phone number of the operator; the nature of the operation; and the Special Permit number. In addition, the operator shall maintain a security gate for hours of non-operation at the quarry entrance.

5. The quarry operations shall be confined within the following setbacks:
 - a) North: Seventy five (75) feet from the property line and existing pipeline.
 - b) South: Four hundred (400) feet from the property line on S.E. 29th Street and seventy-five (75) feet from the adjoining property lines.
 - c) East: One-hundred (100) feet from the property line on S.E. Ratner Road.
 - d) West: The centerline of the existing Kansas Power and Light overhead transmission line shall be the mining setback line.
6. Airborne dust produced as a result of the quarrying operation shall be controlled by the operator and shall meet the requirements the Air Quality Standards and Regulations of the Kansas Department of Health and Environment.
7. All applicable regulations of the Environmental Protection Agency; Kansas Department of Agriculture - Water Resources Division; Kansas Department of Health and Environment; and any other applicable agency shall be strictly adhered to, and any permit required by these agencies shall be obtained by the operator.
8. Access to the subject site and quarry operation shall be limited to the frontage along S.E. Ratner Road only.
9. Limestone materials shall not be stockpiled on the subject property.
10. The Board of Commissioners, or an appointed representative shall have the right, without advance notice, to enter the premises and inspect the quarry operation for compliance with the conditions of this permit, and shall have the authority to:
 - o Order the stoppage of any operation occurring without a permit.
 - o If there is a failure to comply with any of the provisions of the permit, order the operator to adopt such remedial measures as are necessary to comply with the terms of this permit. The operator shall be given up to ninety (90) days to rectify the condition. If such conditions have not been resolved within this time period, the County Commission shall have the authority to revoke all or any portion of this permit.

- o Order the immediate suspension of operations if, after due notice and an opportunity to be heard, it is determined by the Board of Commissioners that the permitted operation is causing, or can reasonably be expected to cause, a significant, imminent danger to the health, safety, or welfare of the public, or to the environmental quality of the surrounding area. Where it is found that the danger cannot be abated, the Board of Commissioners may immediately suspend the operation. Where the conditions do not pose an eminent threat, the operator shall be given up to ninety (90) days to rectify the problem. If the conditions have not been resolved within that time period, the Board of Commissioners shall have the authority to revoke all or a portion of the permit.
 - o If a pattern of unwarranted violation of the conditions of the permit is found to exist as a result of the permitted use, the Board of Commissioners shall have the right, after due notice and hearing to suspend the permit.
 - o Order the operator to adopt such remedial measures as are necessary to comply with the terms of the permit, and to issue, after due process, a final order revoking the permit when the required actions have not been taken.
11. At the conclusion of the quarry operation, the operator shall provide for the reclamation of the affected area in a manner which will encourage the future productive use of the property. Specifically:
- o That portion of the site upon which the overburden was piled shall be leveled, and the final slope graded in a manner which will permit normal cultivation.
 - o Grading and drainage shall be performed in such a manner as to provide a natural path for water to leave the property.
 - o All slopes shall be stabilized with vegetative cover.
 - o Any proposed water or lakeside development shall be accomplished in accordance with accepted standards.

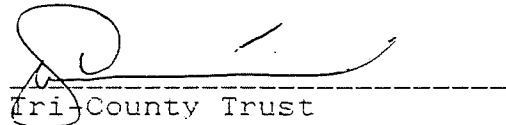
12. The operator shall deposit a performance bond for the reclamation of the subject site in the amount of one-hundred thousand (100,000) dollars prior to commencing any quarry operations. Said performance bond shall extend and remain in effect during the total quarry operation period. In addition, a performance bond shall be required in the amount of two thousand (2,000) dollars for each acre wherein quarrying operations shall have been commenced.

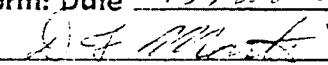
At such time as each acre or more has been quarried and reclaimed in accordance herewith, the operator shall request an inspection by the Public Works Department of Shawnee County. Upon the inspection and satisfaction of said Department, a report shall be forwarded to the Board of Commissioners for approval and release of said performance bond. At such time as the total quarry operation and reclamation of the site has been completed, the Department shall make an inspection and forward a report to the Board of Commissioners for approval and release of the performance bond in the amount of one-hundred thousand (100,000) dollars. In the event of any default in the performance to complete the reclamation of the site in accordance herewith, the Board of Commissioners shall have the right to proceed against the aforementioned performance bonds without additional notice in order to carry out the reclamation of the subject property.

13. Any changes, modifications or amendments to the Plan of Operation or a request for an extension of time for the period of operation, shall be submitted to the Board of Commissioners for consideration, processing (notice of hearing) and approval prior to any use change, modification or amendment to this Restriction of Use Statement.
14. All quarry operations shall be completed within four (4) years following the date of issuance of the Special Use Permit. Thereafter, the final reclamation shall be completed within a two (2) year period on or before November 09, 1995.
15. The Martin Marietta Corporation, shall install prior to the commencement of quarry operations on this subject property, a flashing, electronic warning signal at the intersection of S.E. 29th Street and Ratner Road together with other required warning signs at designated approach locations from such intersection. The installation of such warning signals and warning signs shall be installed under the supervision of the Public Works Department, Shawnee County, Kansas, and all costs therefore, shall be the responsibility of the Martin-Marietta Corporation.

16. All quarrying operations, including site reclamation on the subject property shall be performed by the Martin Marietta Corporation.
17. The Martin Marietta Corporation and Tri-County Trustee and all their successors in interest to this land agree that at no time in the future will they request a Special Use Permit to mine or quarry to the west of the presently existing KPL power line on this property which is also the western boundary of the quarry operations permitted by this special use permit. By the signatures of their authorized agents, Martin Marietta Corporation and Tri-County Trust agree to be bound by this provision and all other provisions of this Special Use Permit. A copy of this Special Use Permit shall be filed of record with the Shawnee County Register of Deeds to notify potential successors in interest of the limitations contained in this Special Use Permit.


Martin Marietta Corporation


Tri-County Trust

Approved as to Legality
and Form: Date 15 Nov 99

SHAWNEE CO. COUNSELOR

law offices of
RICHARD F. HAYSE

TESTIMONY IN FAVOR OF HOUSE BILL 2911

HOUSE ENERGY COMMITTEE
February 21, 1990

I am testifying today in support of House Bill 2911 based upon my experiences representing landowners who have tried to oppose installation of a quarry in their neighborhood.

Typically, an application for a new quarry location now comes before a local planning or zoning board which is appointed by the county commission. These local boards have a built-in bias toward the applicant, because the local governmental units are all in the road business: More quarries mean more road rock, supposedly at a cheaper price. Because of this the interests of the relatively few voters who have to live with the quarry can easily be subordinated to the county's interest in more and more rock when the question is decided solely at the local level.

Quarries are heavy industry by any objective standard. After earth moving equipment strips the surface dirt, dynamite is used to break out the rock formations. This rock is then crushed and sorted with large, noisy, dirty equipment into standard size marketable grades of aggregate. Finally, that product has to be moved from the site by heavy trucks or rail transportation.

None of this activity is compatible with any nearby land use which is predominantly residential or educational, to cite just two examples. Yet the local board may be inclined to turn a deaf ear to such concerns in favor of other objectives. This bill would allow the Secretary of Health and Environment to make an independent determination as to whether the quarry is incompatible with existing land uses or would have other adverse effects.

(Over)

H ENERGY AND NR
2-21-90
ATTACHMENT 5

Of equal significance, the Secretary's staff would become experts in the effects created by quarries--noise, dust, water pollution, traffic hazards, reclamation practices and many other environmental issues. This expertise is essential to the decision-making process, but it is virtually impossible for a local board to achieve, even in the more metropolitan areas, because the questions just don't come up very often in any given county.

As a result under the present system the quarry operator typically comes to a hearing before a local citizens board armed with a packaged, impressive presentation which the company has refined over time from practice in other counties until it is very effective. The opposition, typically individual neighbors, show up at the hearing disorganized and with no experts to counter the operator's presentation. The opponents usually end up resorting to emotional statements which the local board simply shrugs off as predictable and unpersuasive.

The board then approves the application and the citizens find themselves trying to wage an expensive, uphill battle in the courts, where the judges don't want to hear anything that was not already presented to the local board. In other words, the present system allowing only local approval gives the operator a genuine headstart over those whose lives and property will be most directly affected by the presence of this heavy industry in their backyards.

Section 8 of this bill would help immeasurably to create a more neutral forum to weigh the difficult interests which must be balanced in deciding whether to approve a quarry at any particular site in the state.

Thank you for your consideration of these points.

TESTIMONY TO HOUSE ENERGY AND
NATURAL RESOURCES COMMITTEE

RE: HB 2911

CINDY HARMISON, ASSISTANT CITY ATTORNEY
LENEXA, KANSAS

FEBRUARY 21, 1990

Mr. Chairman and Members of the Committee:

My name is Cindy Harmison and I am an Assistant City Attorney with the City of Lenexa, Kansas. Lenexa is a growing community, consisting of 33,000 residents and encompassing approximately 28.95 square miles of land in Johnson County Kansas.

The City of Lenexa strongly supports HB 2911 and I am here today to speak in favor of HB 2911. Located within the City limits of Lenexa, Kansas are at least three (3) active limestone rock quarry and underground mining operations, one (1) abandoned quarry and one (1) additional underground mining operation approved last year by the Lenexa City Council, but which has not yet begun its operation. Each of the existing operations also consist of rock crushing facilities, concrete redi-mix and asphalt plants - all of which are commonly associated with quarry operations.

I have been actively involved in the regulation of quarry activities having recently completed civil litigation involving one of our local operations and we are in the midst of defending another quarry related lawsuit. The City was amazed during its investigations to discover that filing of underground mining maps (primarily for purposes of human safety) notification and consent requirements prior to excavating near adjoining lands were the only regulation directly affecting limestone quarry operations in Kansas and that all other regulation impacted only the coal industry.

The blight from a strip mining limestone quarry operation or from the underground surface operations can be great unless the State or local government has had the foresight to review such an application and extract stringent requirements from the operator as well as a reclamation plan and the surety to carry out the plan.

The City of Lenexa has recently considered the importance of land reclamation in approving a recent underground mining operation as well as in reaching a settlement in its most recent litigation. We applaud the reclamation and bonding requirements of this proposed bill.

The City of Lenexa is currently drafting and adopting new zoning regulations and central to this project is the development of comprehensive mining and quarry regulations, including but not limited to site reclamation.

Again, I wish to reiterate the City's support for House Bill 2911. The City would, however, make several suggestions as a result of our previous experience with quarry operations.

1. Expand the definition of "quarry operation" to include underground mining.

REASON: Underground mining operations can result in cave-in situations, abandoned portals, etc., which are contrary to the proposed policy of the State as set out in this Bill.

2. Designate a time frame within which reclamation must be commenced and completed. This could be based on "days/months" or on the "number of disturbed acres". We would also like to see the estimated cost of reclamation be submitted with the application.

REASON: The Bill is currently open ended and requests the applicant at the time of submitting his permit application provide the approximate date of completion and that within sixty (60) days after the expiration of the permit, the applicant file a status report stating the amount of reclamation which has been completed. Without a specified time frame it will be difficult to enforce the reclamation requirements and/or make a claim on the applicant's surety bond.

3. We would like to see more local government involvement such as requiring the application to be filed simultaneously with the local municipality if the property is located within city limits. We would also like to see the City involved in review and approval of reclamation and bonding

plans for quarries within their cities. It will be very important to coordinate the efforts of local government with those of the Secretary of the Kansas Department of Health and Environment.

4. The City would like to confirm that the permitting process (with its accompanying reclamation and bonding requirements) is retroactive and would apply to existing operations.

In summary, HB 2911 is good legislation and addresses an important problem in the State of Kansas. The City of Lenexa would like to assist in any manner possible to effectuate this important change. I would be happy to answer any questions the Committee may have.

Kansas Wildlife Federation, Inc.

P.O. Box 5715
Topeka, Ks. 66605

Affiliate of National Wildlife Federation
913/266-6185

200 S.W. 30th
Suite 101
Topeka, Ks. 66611

TESTIMONY - HB2911
HOUSE ENERGY & NATURAL RESOURCES COMMITTEE
PRESENTED BY - Jerry R. Hazlett
February 21, 1990

The Kansas Wildlife Federation is a not-for-profit natural resource and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our national affiliate, The National Wildlife Federation to support the wise use, management and enjoyment of our vital air, water, soil and wildlife resources.

The Federation thanks you for this opportunity to testify in support of HB2911.

At the present time in Kansas there is no data on the extent of quarry operations. Thus, there is no way to determine the impacts of such operations upon Kansas soil, water, and wildlife resources. In terms of future natural resource protection and management, we cannot afford to assume that quarry operations have insignificant environmental, human, or health impacts. In fact, we should assume just the opposite until hard data show otherwise.

This bill before you not only establishes a system to understand and control the impacts of quarry operations, but it also establishes the procedures for the wise management of the quarry resources.

The objectives of this bill on Page 1, Section 2, Lines 15 - 25 are well defined and cover a broad range of interest and expertise. Thus, these objectives cover a broad range of State Agency authorities.

Because of this, KWF suggests additional wording that requires all the State Agencies listed in the State Environmental Coordination Act be made a part of an official review and comment process before the final decisions made by the Secretary of KDHE.

This requirement should be added to:

- Section 4
- Section 6
- Section 8
- Section 9
- Section 10
- Section 14(c)
- Section 23

The Kansas Wildlife Federations urges this Committees favorable recommendation for this legislation and the additional language requested.

H ENERGY AND NR
2-21-90
ATTACHMENT 7

Kansas Natural Resource Council

Testimony presented to the House Committee on Energy and Natural Resources
HB 2911: concerning quarrying

Presented by Charlene A. Stinard, Program Director

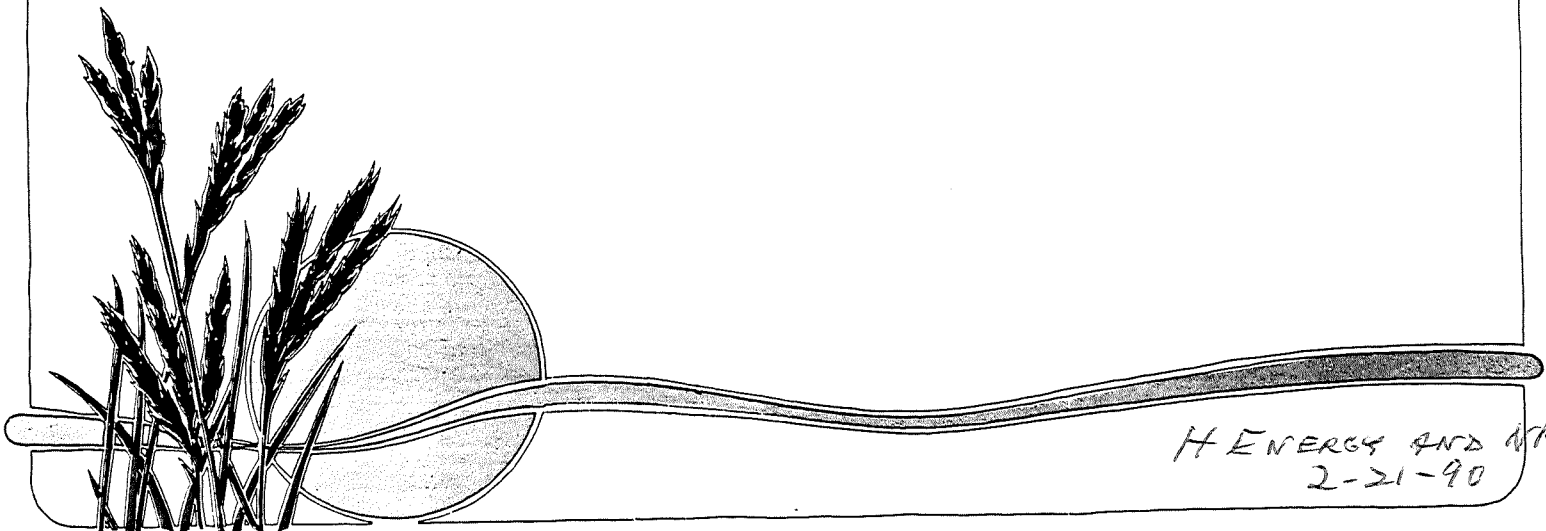
February 21, 1990

My name is Charlene Stinard, and I represent the Kansas Natural Resource Council, a private, non-profit, research and public education organization whose 800 members promote sustainable natural resource policies for the state of Kansas.

Environmental stewardship is grounded in a concept of inter-generational justice -- an ethical and aesthetic understanding of the relationship between ancestors and progeny.

Kansas has been blessed with a rich bounty of natural resources -- minerals, oil, natural gas, fertile soil, rivers and streams, and groundwater aquifers. It is our responsibility -- to ourselves and to future generations -- to use these resources wisely, to damage the earth as minimally as possible in their extraction, and to restore the environment we degrade.

HB 2911 is a proposal to bring certain currently exempted quarrying activities under the regulations which govern surface mining. We support this proposal to bring good stewardship practices to lands damaged in quarrying, and urge you to vote for HB 2911.



H ENERGY AND NR
2-21-90

1516 Topeka Avenue • Topeka, Kansas 66612 • (913) 233-6707

ATTACHMENT 8



SIERRA CLUB

Kansas Chapter

Contact: Scott Andrews
(913) 862-0739

Testimony to House Energy and Natural Resources
Committee
HB 2911 - Quarried-land Conservation and Reclamation

My name is Scott Andrews, I represent the 2500 members of the Kansas Chapter of the Sierra Club. Laws governing conservation and reclamation of quarried-lands are long overdue and this bill, HB 2911, is certainly needed. It would give the Dept. of Health and Environment oversight of quarry operations in order to protect public health and safety and the environment. It would also help reclaim quarried-lands in order that they may again serve a useful purpose. It is a simple idea, when we take from the Earth, we should put back. When we gouge holes to get at resources we need, we should help to heal those wounds.

I would like to commend the sponsors of this bill in their intent to fill the gap in environmental regulation into which quarrying has long fallen. I hope that the members of this committee will also support this attempt to fill that gap.

As I have said, HB 2911 is generally a good bill, the thrust of which we strongly support. We do, however, have some concerns. While we agree with the much needed environmental regulation by KDHE, the bill also discusses their oversight of reclamation of lands for fish, wildlife and recreation. We feel that the bill would be much improved with provision made for oversight and management of these resources by the Dept. of Wildlife and Parks. This is particularly true in making the decision to acquire and manage an abandoned quarry for conservation or recreation.

In short, while HB 2911 may need some fine tuning, we support it and urge this committee's favorable consideration.

H ENERGY AND NR
2-21-90
ATTACHMENT 9

WHY H.B. 2911 IS NECESSARY:

- 1) enormous disparity of resources between aggregate industry and private citizens;
- 2) special use permits viewed as temporary, yet usually are granted for 10 years, with provision for extension;
- 3) different standards for special use permits than for zoning changes;
- 4) lack of expertise of local planning/zoning boards and municipality governing boards;
- 5) duty of government to protect lives of citizens, including quality of those lives.

Derek Shofer

*H ENERGY AND NR
2-21-90*

ATTACHMENT 10



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Environment

(913) 296-1535

FAX (913) 296-6247

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

Testimony Presented to
House Energy and Natural Resource Committee
by
The Kansas Department of Health and Environment
House Bill 2911

House Bill 2911 provides for regulation of quarries. The bill as written is a modification of K.S.A 49-403 et seq. This provides the Department of Health and Environment with the authority to regulate coal mining. The laws and regulations cover all phases of coal mining from permitting, operation, reclamation, enforcement and closure. The regulatory process requires public comments and the participation of "any interested party".

House Bill 2911 would regulate quarries in the same manner as coal mining. Some of those requirements especially for reclamation may not be possible for quarry operations. Quarries may operate in the same area for long periods of times. Often, the quarry cannot be returned to the approximate original contour or productivity.

Kansas is one of the few states in the mid-continent region that does not regulate the kinds of operations cited in House Bill 2911. The Department does support the idea of regulating these operations. However, the departmental position on this particular bill is neutral, because it may not be enforceable, as written. We stand ready to assist the sponsors and the Committee in drafting language that would accomplish the goals of the sponsors and also be enforceable. The states in the mid-continent region may be able to provide valuable insight based on regulatory experience. The question of quarry regulation and what degree of regulation might be better achieved by:

- (1) determining what other states have done;
- (2) determining if it is applicable to Kansas;
- (3) and drafting a bill to achieve the sponsors goal's within those frame works.

*H ENERGY AND NR
2-21-90*

ATTACHMENT 11

Time remaining in this legislative session is limited. The Committee may wish to consider this as an interim topic.

The attached fiscal note on House Bill 2911 is based on experience with the Mined Land Office.

Attached: Fiscal Note

Testimony presented by: Ron Fox Director
 Bureau of Environmental Quality
 Division of Environment

February 21, 1990

FISCAL NOTE
HB 2911

Staffing Requirements:

FACT: There are about 310 quarries operating in the State of Kansas. Most are located in the Eastern one third of the state. In order to achieve the requirements of the bill the following would need to be done.

1. All quarries would have to prepare and submit for approval a detailed mining/reclamation plan. The review of the plan would require the addition/expansion of technical staff. The review and approval of such plans, if done in a timely manner, would require the following staff.

PERMITTING SECTION

<u>Position</u>	<u>No.</u>	<u>Salary</u>
KDHE Section Chief	(1)	\$43,179
Civil Engineer III	(1)	\$37,608
Civil Engineer II	(2)	\$68,646
Hydrologist III	(1)	\$35,913
Environmental Geologist I	(2)	\$71,826
Environmental Tech IV	(2)	\$57,292
Environmental Tech III	(2)	\$50,118
Office Assistant I	(2)	\$32,498
Secretary II	(1)	\$21,025

2. Once permitted, the facility would require inspections at least once each quarter. This would be necessary to insure compliance with the approved permit. One inspector could do 2 facilities per week.

Field Staff (Inspection & Enforcement)

<u>Position</u>	<u>No.</u>	<u>Salary</u>
Environmental Tech V	(1)	\$32,799
Environmental Tech IV	(4)	\$114,584
Environmental Tech III	(8)	\$200,472

Sub Total (27) \$765,960

Operation Requirements:

Communications (\$1,675/person)	\$45,225
Rent (\$1,838/person)	\$49,626
Equipment	
Desk, etc (\$715/person)	\$19,305
Computers (12)	\$45,832
Travel	\$53,900
Supplies	\$10,000

Sub Total \$223,888

TOTAL ESTIMATED COST FOR PROGRAM \$989,848

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
NONPOINT SOURCE MANAGEMENT PLAN**

VII. RESOURCE EXTRACTION

- A. **Problem and Needs:** Surface and underground mining for coal in southeast Kansas in the early 1900's left 48,000 acres of abandoned mines which have adversely impacted local streams. Strip mining for coal continues today under regulation by both state and federal government. The mining process exposes overburden which when subject to the weathering process creates acids and leachates. These acids and leachates effect both surface and ground water in the vicinity of the mines.

Lead and zinc mining in southeast Kansas started in the late 1800's and continued until the 1950's. This mining was done without our present day concerns for the environment and left behind large areas of "moon-scape" devoid of vegetation, subject to collapse, and contain many shafts and pits. The lead and zinc mining process, like the coal, exposes material to oxidation and weathering which creates acids and leachates. This has created an environment of streams not meeting aquatic life uses, groundwater not suitable for drinking water, increased soil erosion due to lack of vegetation, and public hazards due to open shafts and pits.

Exploration, extraction, refining, transportation and storage of petroleum and natural gas products represents a significant pollution threat to fresh and usable surface and groundwater. Kansas has approximately 43,000 producing oil wells, 11,000 producing gas wells, 5,000 abandoned oil and gas wells, 6,200 re-pressuring and brine disposal systems, 84 crude and refined petroleum and natural gas pipeline systems, 2,000 locations where crude oil or refined products are stored in large quantities plus an unknown number of small storage tanks. The crude and refined products and the mineral brines associated with their production or handling have a serious and long-lasting pollution potential if allowed to enter an aquifer or stream. Cleanup of these substances is often infeasible and generally costly.

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
NONPOINT SOURCE MANAGEMENT PLAN**

Kansas has numerous other mining activities which are not regulated for environmental impacts except as it may relate to other permitting activities such as NPDES. Other mining activities and their potential to create nonpoint problems are listed below.

1. Sand and Gravel Dredging - increase stream turbidity, bed degradation and unstable banks
2. Limestone Quarries - sediment from overburden stockpiles, rock fines deposited in streams, dangerous highwalls, and groundwater recharge
3. Clay (brick) Mining - sediment runoff
4. Salt mining (both solution and underground) - escape of salt into other geological formations or surface or ground waters, and collapses
5. Gypsum Mining - escape of material to surfaces waters, collapses, and waste disposal
6. Other - New mining activity in Kansas is unregulated and does not have a requirement restoration, environmental protection, or public safety.

Generally, other mining activities and their nonpoint impacts are unknown. There is a need to inventory, assess, and evaluate these potential pollution sources.

B. Short - Term Objectives

1. Inventory the location, size, and environmental impacts of other mining activities and study potential remedial actions.
2. Prioritize abandon coal mines for remediation of any nonpoint pollution contribution.
3. Continue current coal, petroleum, and gas regulatory activities to prevent, maintain, and enhance the quality of the states water's.

C. Long - Term Objectives

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
NONPOINT SOURCE MANAGEMENT PLAN**

1. Develop a program to regulate all resource extraction activities to protect the environment, maintain public safety, and improve the quality of the state's waters
2. Monitor, protect, restore and enhance water quality impacted by resource extraction activities.
3. Reclaim abandon mines to protect public safety, enhance ground and surface water quality, and return land to valuable production.

D. Action Plan 1. - Continue enforcement of Mined Land Reclamation Act

The current program administrate by state and federal government is addressing environmental problems and the restoration of lands. The continuation of this program will help insure that active coal mines do not create additional environmental problem which might have to be addressed at alate date.

Lead agency: Kan. Dept. of Health and Environment,
Mining Section

Cooperating agencies: Office of Surface Mining, SCS,
Fish & Wildlife Ser., Kan. Wildlife & Parks

Funding: National Surface Mining Reclamation Fund

Schedule: 1/90 - 12/90

Milestones: - Monthly inspections of all active
 coal mines.
 - Abatement of inspection viola-
 tions, compliance with permit re-
 quirements

E. Action Plan 2. - Enhance Reclamation of Abandon Coal Mines

Current the program administered by the state tries to address abandon coal mine problems which relate to health and safety of the public. Enhancement of this activity would be in the area of implementing non-point source control measures as part of the reclama-tion activity.

Revised 12/11/89

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
NONPOINT SOURCE MANAGEMENT PLAN**

Lead agency: Kan. Dept. of Health and Environment,
Mining Sec.

Cooperating Agencies: SCS, Fish and Wildlife Ser.,
Kan. Wildlife and Parks

Funding: Abandon Mine Land Fund and 319 funds

Schedule: 1/90 - 12/90

Milestones:

- Sept. 89 identify sites from AML Inventory identified NPS problems
- Prioritize and complete cost study on sites
- Develop plan for reclamation/-remediation of top 5 sites on list.
- Completion of reclamation projects for environmental reasons

F. Action Plan 3. - Continue Regulation of Oil and Gas Producers

Lead agency: Kan. Corporations Commission

Cooperating agencies: Kan. Dept. Of Health and Environment

Funding: State General Funds

Schedule:

Milestones: - Inspect Abate problems

G. Action Plan 4. - Monitoring Program

This program would develop and maintain a network of chemical and biological monitoring stations in the vicinity of resources extraction activities for the purpose of monitoring both point and nonpoint discharges and insuring compliance with state water quality standards.

Lead Agencies: KDHE, BEQ

Cooperating Agencies: USGS

Funding: State Water Plan Funds and 319 funds

Schedule: 1/90 - 5/91

Milestones:

- Design Program, All selected monitoring sites would be sampled once monthly. Data made available through storet, annual water quality assessment of state waters.

Revised 12/11/89

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
NONPOINT SOURCE MANAGEMENT PLAN**

- H. Action Plan 5. - Develop a program to regulate all resource extraction activities.

Kansas currently has several resource extraction activities that are unregulated. The impact of these unregulated activities on the environment and public health and safety is undocumented and potential exist for sever impacts. Current impacts need to be assessed and potential new mining activities need to be controlled.

Lead Agency: KDHE, Mining Section

Cooperating Agencies: Wildlife & Parks, Ks. Dept. of
Commerce

Funding: State Water Plan Funds and 319 funds

Schedule: 7/90 - 5/92

Milestone: Completion of Inventory/Assessment
report. Adoption of appropriate control
measures.

STATEMENT
of
The Kansas Aggregate Producers Association
before the
HOUSE ENERGY and NATURAL RESOURCES COMMITTEE
Topeka, Kansas
February 21, 1990
Regarding

HB2911 an act concerning quarrying; enacting the quarried-land conservation and reclamation act.

My name is Edward R. Moses. I am the Managing Director of the Kansas Aggregate Producers Association. Our Association represents over 250 aggregate, concrete, and associate member firms in the Kansas construction industry.

I would like to commend the members of this committee for convening this hearing to examine the status of mine legislation and regulation in the state of Kansas. I would caution you, however, to look beyond the emotional issues normally associated with the regulatory control of an industry and focus your attention on the true issues before you--the questions of how best to fulfill our obligations to future generations with regard to the wise use of our state's lands and the conservation of its natural resources. Crushed stone, or more generally construction aggregates, are indeed one of this state's valuable natural resources. Without the basic construction materials necessary to our economy or the multitude of consumer and agricultural products which depend upon stone production, the very foundations of our standard of living would be undermined.

I would like to pause for a moment and consider some interesting points.

- In 1982 our nation consumed 790 million tons of crushed stone. Estimates of 1989 consumption rest at 1.22 billion tons and projections for the year 2000, just 10 years from now, call for 1.65 billion tons annually. That is about a 35 percent increase in annual demand forecast for the next decade. Similar trends can be developed for our state.

- Crushed stone consumption parallels population concentration. The more people in as given area the more stone demanded and used.

- Rocks don't have baby rocks! That is another way of saying that stone, is a nonrenewable resource. It is also a resource which does not respect political boundaries, that is, it is located where the Creator put it not necessarily where you or I might have preferred to find it!

- Finally, carefully conceived and executed mineral resource development plans must be established if we, as a state, are to become wise stewards of the natural resources with which we have been endowed.

The above stated principles are tried and true and can be generally accepted without debate. Referring to the final point, the regulatory control of mining activities, including the general siting of the mines and mined land reclamation planning, are a proper perview of governmental entities, for it is our governmental entities that are charged with the preservation and enhancement of the public good and welfare. The question remains, however, which level of government should be so charged?

We of the Kansas Aggregate Producers believe the proper level of government to be the local level. The level at which the needs of the community and its residents can be reconciled with the needs of the same community for crushed stone products. Consequently, as an industry, we are opposed to H.B.

2911 primarily because we feel the bill neither addresses the needs of the community or the crushed stone industry. We have more specific reasons for our opposition.

1. HB 2911 is a redraft of the "mined-land" reclamation act. Legislation developed and passed many years ago to deal with the problems of strip mining in Southeast Kansas, as "strip mining" and "open pit" type of mining (the method most commonly used in our industry) are two very different methods of extraction. Trying to apply strip mining regulation to quarry operations would be like pouring gas on fire. The results could be quite devastating and unexpected

2. Your predecessors have spent many years studying and enacting a good body of "land-use" law. In almost all cases this law has vested authority to administer "land-use" provisions at the local level., the level best equipped to uniquely deal with local "land-use" problems. As strip mining is multijurisdictional in nature it is the one notable exception.

3. Our industry is already regulated well beyond the relatively primitive environmental provisions of HB 2911. To apply these provisions to our current regulatory scheme would be confusing and wasteful.

The legislature has periodically studied quarry reclamation legislation in the past and we feel it is appropriate for you to do so now. We sincerely suggest you do not heighten these problems by passing the "strip mining" bill which is before you today.

We thank you for the opportunity to appear before you today and discuss these issues.

RECLAMATION PLAN DATA

Exhibits detailing proposed reclamation concepts will follow. It should be noted, however, it is the intent of Martin Marietta Aggregates to establish a reclamation plan which is "concurrent" with mineral extraction. This plan will reference reclamation practices employed during the past several years. The slope stability, seeding and water treatment activities performed during those years demonstrate Martin Marietta Aggregates' commitment to reclamation and to making these quarried properties productive, where possible, as well as visually compatible with surrounding areas.

The operations plan presented in the preceding pages, and the reclamation plan which follows, appropriately address existing regulations. As in the past, and as a routine practice, Martin Marietta Aggregates addresses concerns presented to them by representatives of the community, regulatory agencies, local government and neighbors of their operations.

Since 1986 several changes, and voluntary projects, undertaken at the quarry have contributed to improving the operation. Some of these are:

- 1) Sophisticated blasting techniques have been employed, such as the use of a sequential timer with more precise detonators. This enables blasting to be done with reduced sound and impact reaction to minimize, as nearly as possible, attention and concern.

- 2) Seeding has established reclaimed areas while at the same time assisting in erosion and dust control. These reclaimed areas are currently used for productive agricultural purposes. Two areas, northeast and south of the plant site, have or are being reclaimed. Both of these areas will be suitable for agricultural or a similar use.
- 3) The entrance to the plant and office site has been rebuilt and is aesthetically pleasing. This project involved construction of a small berm, stone pillars, planting of trees and shrubs and installation of approximately 5,000 feet of fence.
- 4) Construction of ponds and waterways on the quarry property has been completed. These projects will control surface water runoff to prevent material from entering Tecumseh Creek or nearby waterways. Disturbed areas related to these projects were seeded.
- 5) Currently, at the quarry, material is being moved to the area northwest of the plant. This project involves shaping and terracing the material to connect with the existing land contours. When completed, this area with its contours and slopes will be stabilized and blended in with the surrounding areas. After all material has been placed and shaped the area will be vegetated in compliance with plan specifications.
- 6) Roads in the quarry have state approved dust control surfactants, such as calcium chloride, or water applied to control dust from vehicular traffic.

14-2

Martin Marietta Aggregates has demonstrated efforts to mitigate environmental, aesthetic and community concerns; adherence to Federal, State and County regulations and the application of the most modern techniques and technology to assure the elimination of "harm to the public health, public safety and general welfare" and legitimate interests of nearby properties. Future expansion of this site to its proposed limits, as outlined in the mining and reclamation plans, will allow sufficient distance to all residences to maintain minimal impact on them. The distance and regulations imposed on this type of operation, by various state and federal agencies, all work to ensure the interests of both the operator and the public are protected.

We are confident these changes and projects, combined with our mining and reclamation plans as contained in our presentation, when approved, will "protect affected public and private rights against undue interference."

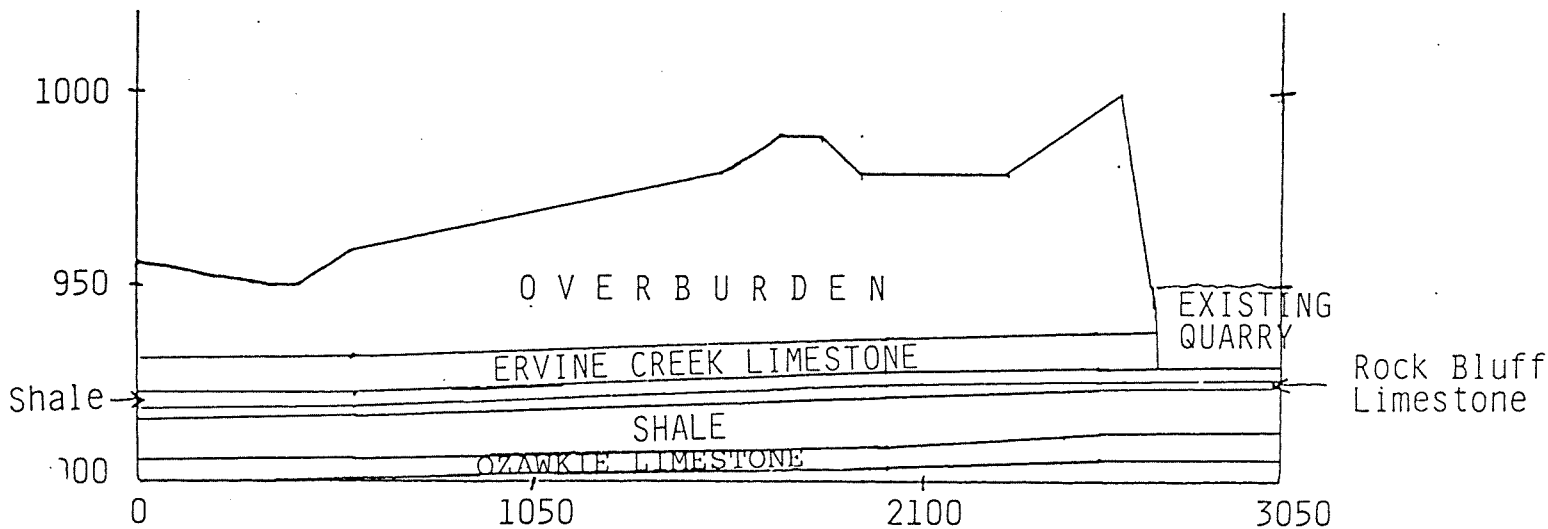
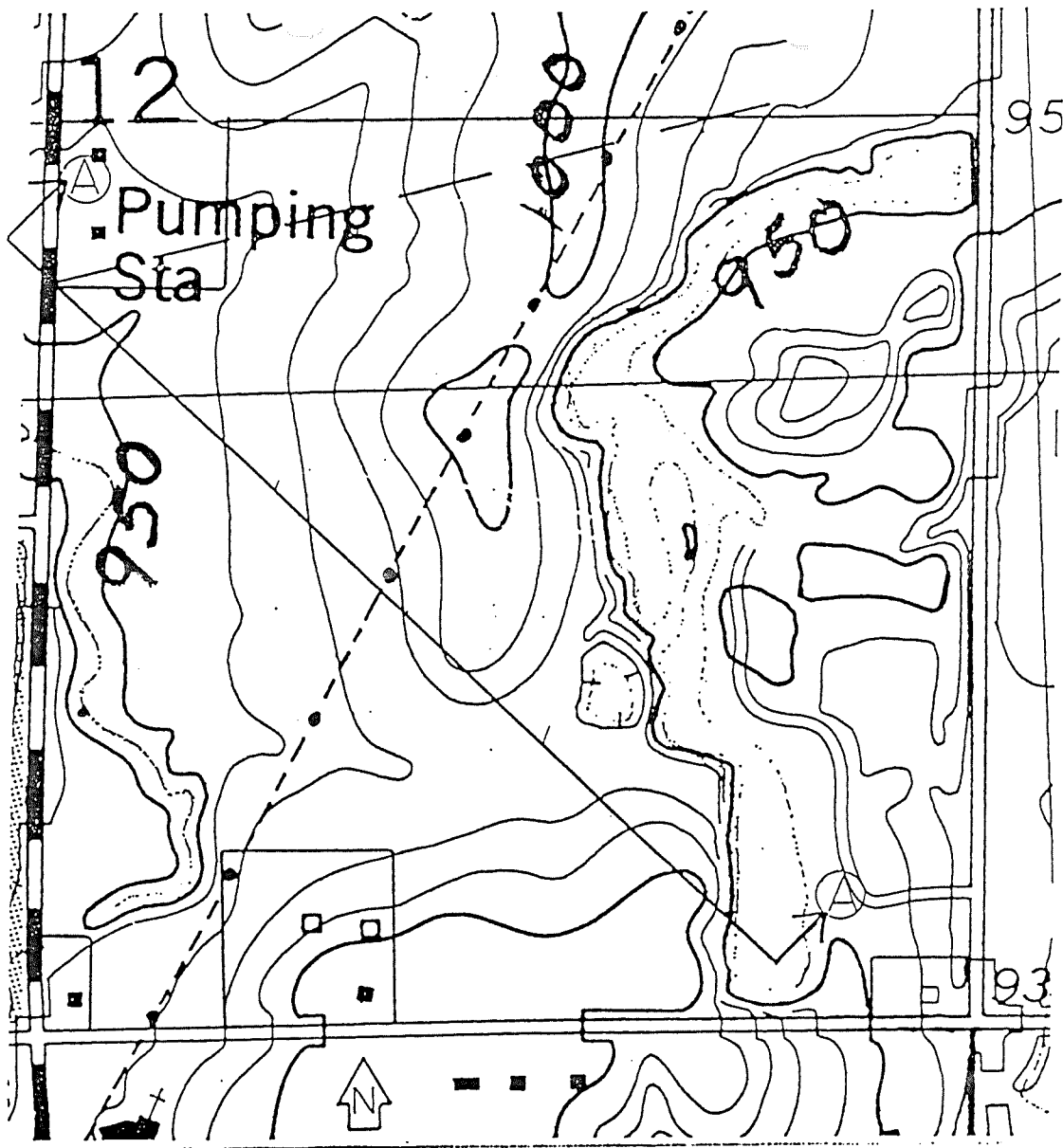
Our reclamation concepts, as proposed, are achievable and will result in a site which is safe, attractive, and conducive to productive new uses.

The reclamation plan we are submitting is part of an "interim mining plan" focusing on the areas disturbed by mining activities conducted on the Witt property. The use of the property is mining and will remain that for at least the next ten years or until limestone reserves are depleted. A final plan, or end use of the quarry, would not be practical to propose at this time as this site will continue to operate as a quarry for the next several years.

This time frame is dependent upon geologic conditions, production and demand.

Reclaimed areas and placement of overburden will be in accordance with appropriate engineering and environmental practices. Perimeter berms and final overburden storage areas will be graded so there are no slopes greater than 3:1. These slopes will be terraced or benched to insure slope stability, control surface water runoff, allow for maintenance, and seeded using the most appropriate seed mixtures. These practices will provide for wildlife habitat or agricultural use with minimum visual intrusion. Seeding will be performed during the most practical seasons of the year. (Refer to Exhibit 13, 14, 15, 16.)

Martin Marietta Aggregates understands that when approved, this Special Use Permit will be valid for ten years and can only be renewed upon application and approval by the Topeka-Shawnee County Metropolitan Planning Commission. We also understand the Commission or its representatives has the right to inspect the site to ensure compliance with the conditions of the permit.

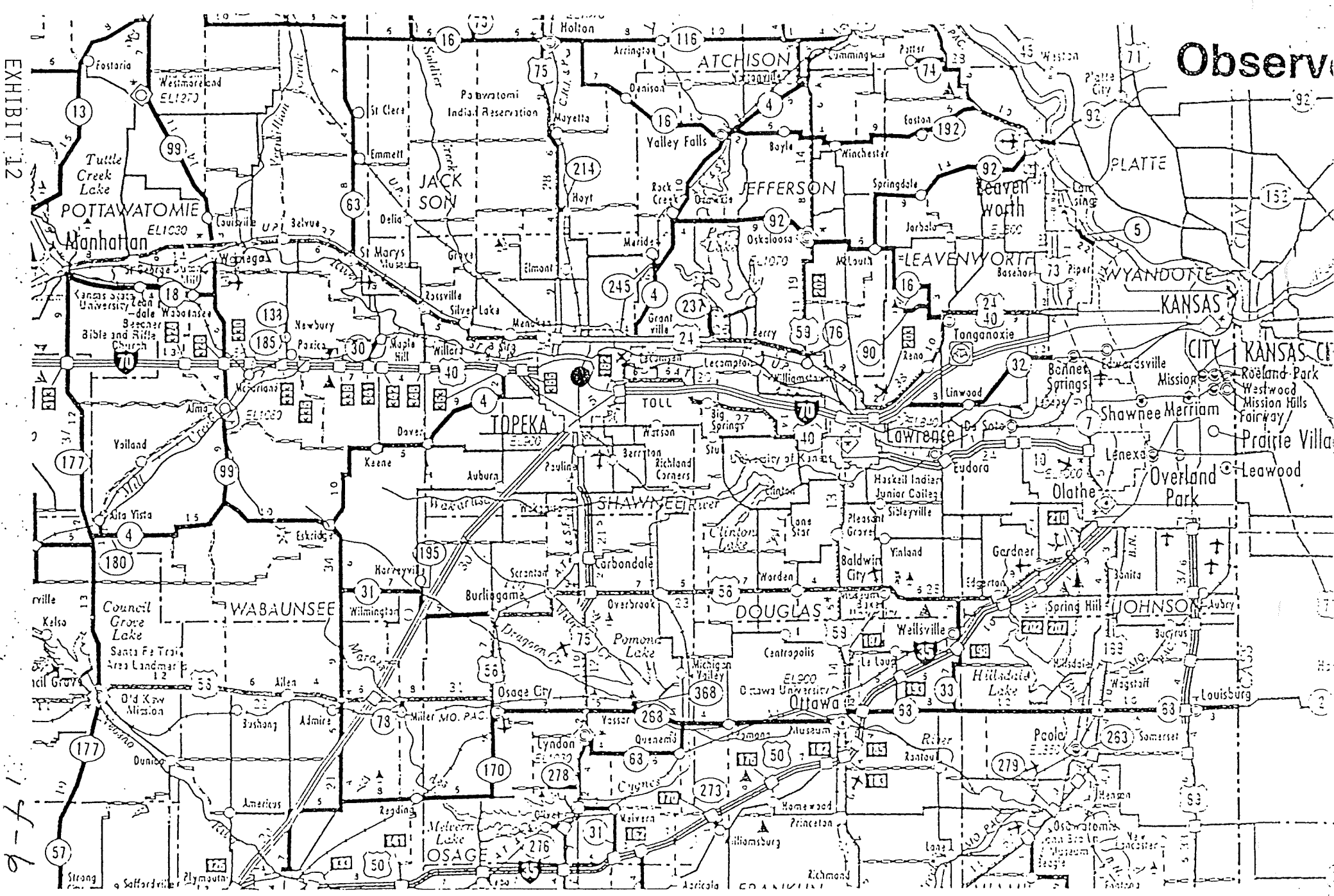


SECTION A - A
 1" HORIZ. = 525', 1" VERT. = 50'

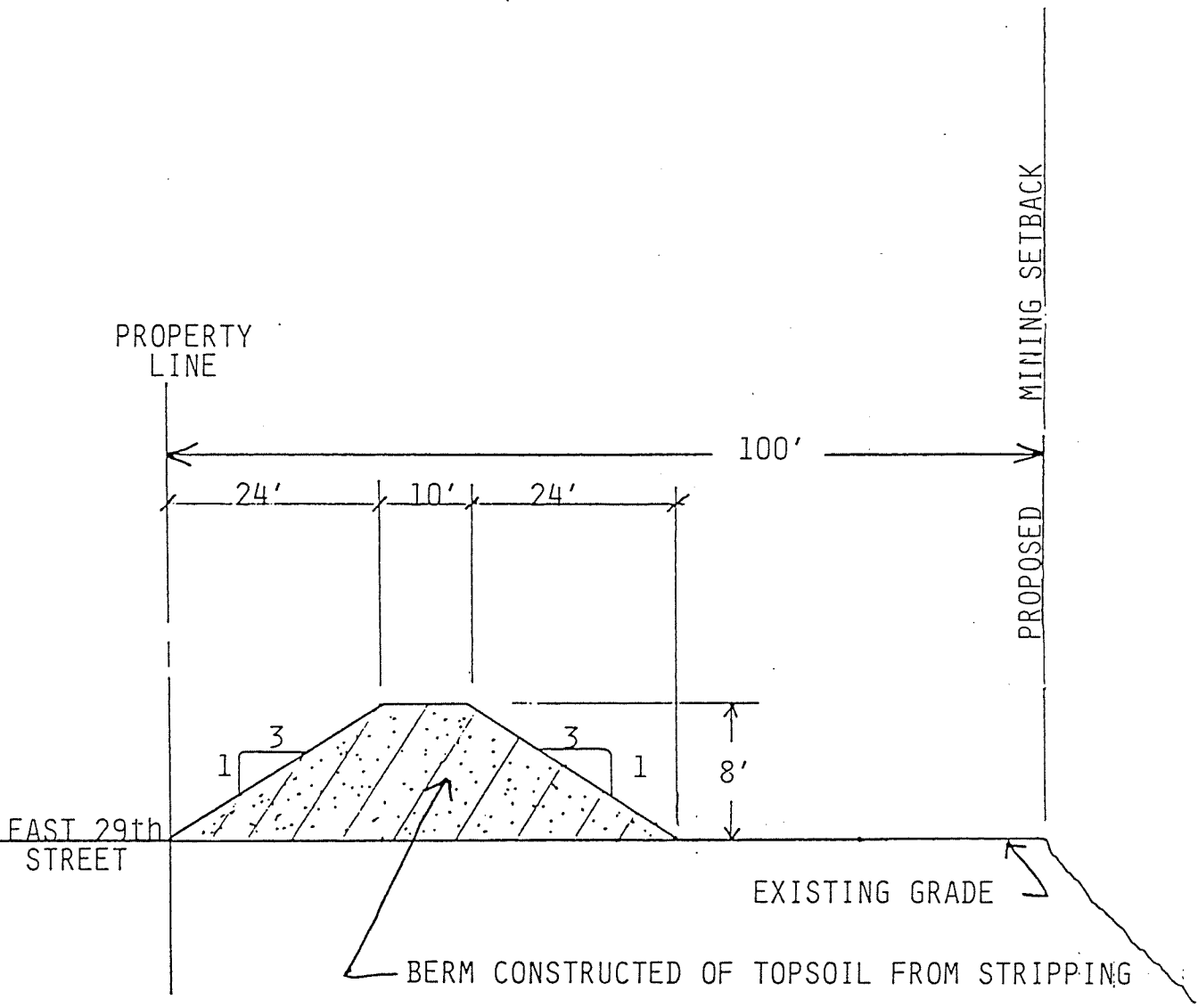
14-5

EXHIBIT 12

Observ



17-6

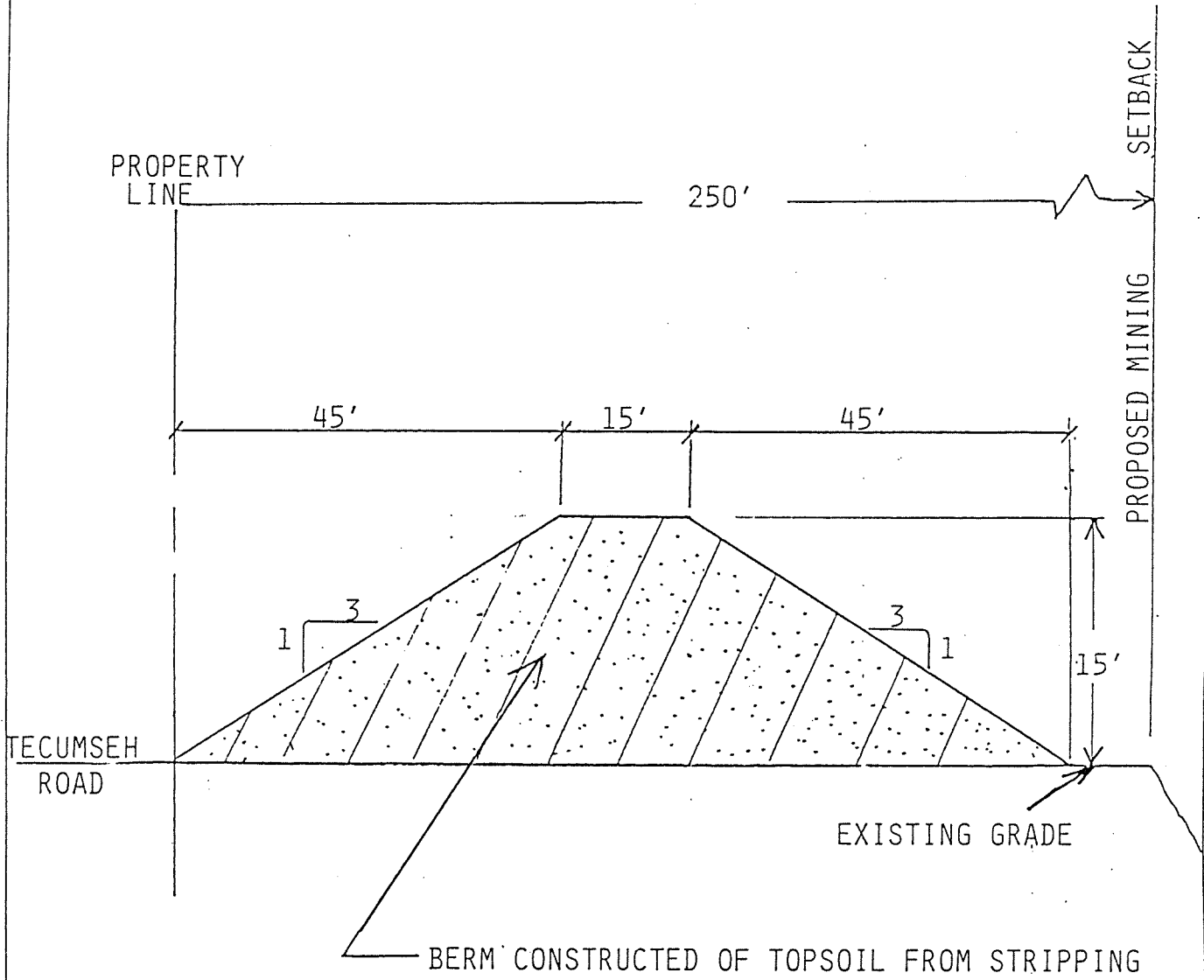


Scale: 1" = 20' Horiz.
 1" = 10' Vert.

TYPICAL BERM ALONG EAST 29TH ST.

EXHIBIT 13

14-7



Scale: 1" - 20' Horiz.
 1' = 10' Vert.

TYPICAL WEST BERM ALONG
 TECUMSEH ROAD

EXHIBIT 14

14-8

PROPERTY
LINE

EXISTING GROUND ELEV.

39'

(OVERBURDEN)

3

1

31'

20'

WATER LEVEL

BOTTOM OF QUARRY

(No Scale)

TYPICAL FINAL RECLAMATION SLOPE

EXHIBIT 15

14-9

MARTIN MARIETTA
AGGREGATES

EAST TOPEKA QUARRY EXPANSION
PREMINING SITE ANALYSIS
AND MITIGATION REPORT
SEPTEMBER, 1989

PREPARED BY DENNIS L. LAW, ASLA
MANHATTAN, KANSAS

EXHIBIT 16

14-10

MARTIN MARIETTA AGGREGATES
East Topeka Quarry Expansion Proposal

HISTORY OF RECLAMATION

The Martin Marietta East Topeka Quarry has a reputation in reclamation excellence. Martin Marietta has had its operation here for 37 years and areas mined are in excellent environmental condition where the reclamation processes are complete. There are many environmental concerns relative to stone or rock quarries. Most fall into three categories: spoils handling, revegetation, and hydrologic concerns.

Spoils Handling. If spoils are not properly handled, severe erosion problems could occur. In addition, the development of poor growing medium for reclamation plantings are likely. Any toxic soils that are identified should be isolated and sealed with a clay layer to be buried out of reach of hydrologic regimes or root zones. There are no toxic soils to be found in the geologic formations effected by quarrying.

The separation of soils by structure is critical to the rehabilitation process. Topsoils should be preserved and reused in critical areas to be revegetated. The soils lying below topsoils are known as selective overburden and should be placed in the same relationship to the topsoil as they were before disturbance. These soils generally support root growth but are not of the quality of topsoil.

Stockpiling of topsoil is important because the quality of the soil can be diminished if care is not taken. Topsoils should be distributed in layers and care should be taken to prevent unnecessary compaction. Populations of microorganisms inherently present in the soils should be preserved.

Revegetation. While revegetation has aesthetic appeal, it really serves as the best defense against accelerated erosion. Vegetation with fibrous root systems serve this purpose best. Native species that are found in the natural environment prior to disturbance offer resilience against natural enemies,

diseases, and climatic extremes. With proper planting processes, the natural successional stages that give long-lasting stability to a site are shortened, sometimes by centuries.

Hydrology. The balance between soils, climate, vegetation, and hydrological patterns is well-documented. With surface levels greatly altered in a mining process, there is an opportunity to create real problems with surface and groundwater systems. Not only can the patterns of drainage be changed, but there is opportunity for the quality of the water to be seriously threatened. Therefore, it is critical that the water patterns in the mining area be well-designed for the prevention of difficulties downstream. The quantity of water flowing through an area, as well as the rate of flow, should be maintained in post-mining settings. In addition, the water should move through systems that insure that the sediment yield is satisfactory. If handled properly, the quality of water can actually be better after flowing through a disturbed area.

Martin Marietta's Reclamation Techniques. All of the concerns that are listed here are equally the concern of Martin Marietta. A tour of the quarry located in East Topeka will reveal a high standard of reclamation excellence for past accomplishments in disturbed areas. The soils are handled in an efficient and safe manner. Topsoil is stockpiled according to acceptable standards for preserving the quality of the material. Care is taken to prevent damage to the quality during the process of removing, moving, storing, and restoring the soils. In some cases, especially if the quarry is making efficient use of the movement of materials, the soils are immediately redistributed onto rehabilitated sites which negates the need to stockpile the soil. Microorganisms are left intact and the soils readily contain ungerminated seeds which will immediately provide some cover and protection.

14-12

Revegetation is complicated to say the least. Yet Martin Marietta's operation serves as an example of the way it should be accomplished. The soils are prepared as they should be and there is an on-going effort to use plants and planting techniques that will give immediate results. The final product of the site improvements, as seen on lands already revegetated, is a thick cover of species that are ecologically sound, and that form an integral part of the ecosystem of the area. The vegetation is stable, subject to environmental stresses, and self-sustaining.

Limestone quarries are unique in that they sometimes create internal drainage because of the amount of mineral deposit removed. With some minerals, the result could be disastrous because the pools of water created from the internal drainage could be a collecting point for hazardous minerals or chemicals. However, the geologic formations that provide limestone seldom have dangerous chemicals or elements that could pose a hazard. On the other hand, limestone quarry pools are usually clear with an alkaline pH at levels far below toxicity. A large number of fish thrive in the water and this provides opportunity for the proliferation of terrestrial species of wildlife. Martin Marietta has traditionally insured the purity of water from increased sediment yield by employing sedimentation ponds. Even sediment flowing from off-site onto the quarry is removed before the water continues downstream. In these cases, the water is higher in purity downstream from the mine than it is above.

EAST TOPEKA QUARRY EXPANSION PROPOSAL

Site Description. Martin Marietta proposes to move their quarry westward into a quarter section of land generally defined by Ratner Road on the east, East 29th Street on the south, and Tecumseh Road on the west containing 153 acres (see Exhibit 2 & 3). The east 1/3 of the proposed quarry expansion has already been mined approximately 30-40 years prior to this proposal. A major KPL power

line traverses the site on a line entering the site in the middle of the north property line and commencing southwestward to the southwest corner of the site. A five-acre parcel containing the Williams Pipeline Company is located in the northwest corner of the proposal. A large underground pipeline moves eastward and toward the north from the pipeline company property. The southeast corner of the proposed quarry is the location of an old stone school building. A large homestead is located in the west 1/3 of the south property line with another small, 1-acre single family dwelling in the extreme southwest corner of the proposed site. All these properties are outside of the property boundaries of the proposed quarry.

A tributary begins in the southwest corner of the site and flows northward to flow west and off the site approximately half way between the north and south property lines (see Exhibit 2). Large stands of trees and vegetation are located along both sides of this tributary.

The abandoned mine has generally revegetated. However, some areas lack sufficient cover to prevent erosion and there are many instances of inferior species that have invaded the site. Additionally, some of the soils were left in piles too steep to get proper stands of vegetation started and these need to be regraded to acceptable standards. The southern half of the abandoned quarry has very adequate reclamation progress but the northern half should be addressed.

The quality of the water in the ponds left by the previous quarry operations is excellent. There are no noted toxicities in the water which contains many fish. The previous operation, however, did leave some highwalls along the west side of the ponds which will be leveled out as mining operations are conducted.

14-14

Surrounding Land Use. The surrounding properties are generally open. The properties to the north are undeveloped and currently under cultivation. To the east, including the lands to the northeast and southeast, the Martin Marietta East Topeka operation is located. In most areas, the land has been reclaimed or is under current reclamation processes. The Martin Marietta processing plant is located southeast of the proposed site. The property to the south is sparsely developed. A funeral home is located at the southeast corner of the intersection of East 29th and Tecumseh Road. A fairly new housing development is located on the west side of Tecumseh Road. In summary, the developed areas with populations of people are located primarily to the south and to the west.

Mining Plan. Martin Marietta Aggregates plan on mining the site in phases (see Exhibits 2 through 9). Phase one will encompass the area generally bounded by East 29th Street on the south, the ponds on the east and the 6-acre homestead on the west. The sequence of mining will generally begin at the southeast corner and move northwestward.

The phase two plan is to include the areas immediately north and west of the phase one quarry. The sequence for mining will be from south to the north. Phase three moves again to the north and west with the sequence beginning at the east, next to the ponds and moving westward toward Tecumseh Road. The Phase four plan includes the area bounded by the northern boundary of the phase three excavation on the south, the pipeline on the north, and the abandoned mine on the east. If Martin Marietta determines that the abandoned mine contains sufficient economic deposit to warrant removal, then the quarry will move into additional phases to complete the mining sequence.

There is an approximate average of forty feet of overburden to be removed to mine twenty feet of rock. Given an average of twenty percent for volumetric

expansion of excavated soils, there is an anticipation of only twelve feet of drop in elevation to existing ground surfaces. This is computed by adding 8 feet to the forty feet of overburden for volumetric expansion of excavated soils and then by subtracting twenty feet of limestone to be removed, leaving a negative twelve feet for an average.

POST-MINING LAND USE CONCEPTS:

There are four potential alternatives for post-mining land use that would be acceptable to the owners of adjacent properties. These include agriculture, housing, active recreation, and passive recreation.

RECLAMATION PLANS:

Any reclamation plan should take into account several factors. These include:

- A. Mitigating measures to insure safe operating conditions during the mining operation.
- B. Mitigation measures relative to post-mining land uses.
- C. Mitigation measures that insure sound ecological integrity for generations in the future.

Mitigation During Mining Operations. Of initial concern is the protection of adjacent property owners. Major concerns from adjacent property owners center primarily around visual quality, haul truck traffic, noise, and dust. The following are suggestions related to these concerns:

- A. A minimum of a 75-foot buffer should be designated along property lines in undeveloped areas. The property to the south should have a minimum of a 100 foot buffer and the property to the west a minimum of 250 feet buffer. The highest density of development is to the west and the 250 feet also corresponds to the width of

natural plantings in that area. All buffer zones are to be left undisturbed.

- B. In addition, it is suggested that excavated materials be stockpiled into berms on the south and west to screen mining operations. The berms should be planted in grasses with an appropriate seeding mixture of warm and cool season grasses, stoloniferous and fibrous grasses, all of which are native to the region. In areas around the projected entries to the proposed post-mining concept, trees capable of becoming large should be planted with shrub masses. However, the location and type of plantings should not impede the sight lines for traffic flow.
- C. Permanent berms should not be steeper than 3:1 slope to prevent potential erosion. Berms are to be immediately planted at the first opportunity for grasses to become naturally established. If this is not possible, then the berm should be mulched to reduce erosion until the grasses can be planted.
- D. The haul road is to be of sufficient width and base to be safe in all seasons. Instead of leaving the site on the south, the haul road should cut across existing pond to leave the site on the proposed road north of the old stone school where a small road now exists.
- E. The site lines must be absolutely clear to a minimum of 150 feet in both directions where the haul road enters Ratner Road. Signs warning of truck traffic should be posted on Ratner Road and along East 29th Street where haul trucks will cross getting to the plant to the east.

14-17

- F. Slopes leading toward the ponds should be finished with gentle gradient. Highwalls next to ponds should be avoided if possible. Existing highwalls next to ponds in the abandoned mine should be regraded during the mining operation. This should be easy to accomplish since there will be an attempt to recover the same geologic layer as was done in the previous operation.

Mitigation Accommodating Post-Mining Concepts.

- A. Internal drainage ponds created by projected mining operations should be tied into the existing ponds wherever possible.
- B. The existing power transmission line should be avoided by leaving a 150-foot square area undisturbed under each of the support poles. Mining should be able to be completed beneath these lines and between posts.
- C. Landform lines including shorelines along the edges of ponds should be graded to appear natural. Slopes should have contours that match the surrounding, undisturbed landscape.
- D. Reclaimed areas should be regraded, topsoiled and planted as quickly as possible after the mineral has been removed.
- E. Drainage should be controlled. If drainage potentially flows off the disturbed areas into adjacent landscapes, sedimentation ponds should be employed.
- F. Topsoil should be uniformly distributed onto reclaimed lands. However, topsoil should not be placed in areas where ponds will form. In addition, projected post-mining roads and structure sites

do not need topsoil. Topsoil could be potentially thicker in areas where shrub plantings are anticipated.

- G. In areas along the periphery of the excavation, a natural highwall will occur. These should not be left as highwalls but graded down to the water level.

Mitigation For Ecological Preservation. There is tremendous opportunity to expand the quality of the ecosystem in this area. The following mitigation measures should be taken to insure ecological preservation:

- A. Wildlife habitat could be enhanced by employing several techniques. These include:

1. Plantings of shrubs and trees that produce edible fruits and berries. These should primarily be located next to open spaces (edge) and next to the ponds.
2. Ponds should have shallow areas as well as deep zones to encourage a wider range of habitats for species to potentially inhabit the site.
3. Sentries for raptors which include large trees or overhead lines. If large trees have been removed in the mining process, then stumps can be hauled on-site to serve this purpose.
4. Linear overstory plantings should be made that traverse from the interior of the site to the adjacent lands. This will encourage migration of species.
5. Stream tributaries and ponds finished from reclamation efforts should be protected from continual mining operations.
6. The reclaimed area beneath the overhead powerlines should be planted with species that mature at low height. With

anticipated thick stands that provide competition to invasion species, these plants will eliminate the necessity for use of chemicals to control the plants that may interfere with the lines.

Post-Mining Mitigations. Following the mining and reclamation processes, the entire site should be completed with the following mitigating steps taken:

- A. The entire area should have been regraded to correspond to slopes, landform, and lines of surrounding, undisturbed landscapes.
- B. All land surfaces that will not be located beneath ponds or paved areas should be topsoiled. Topsoiling should be applied using acceptable reclamation standards to insure quality control.
- C. Unless there is a special need in some areas being developed, the area should be revegetated using a seeding formula with proven success in previous reclamation efforts in the area.
- D. Sloped areas subjected to erosion should be protected by the employment of adequate mulch cover until such time that vegetation cover can occur.
- E. Water channels should be stabilized, either with vegetation, or, in areas where water is concentrated or anticipated velocity is high, with energy dissipating devices.
- F. Ponds should be stocked with game fish to encourage species development for post-mining land uses. In addition, all habitats should be reconstructed to insure a stable ecosystem on the site at the earliest time frame possible.
- G. Abandoned haul roads should be regraded to a level equal to the surrounding levels.
- H. All finish slopes should have a maximum of a 3:1 slope. Slopes in

excess of these standards must be mulched until thick stands of vegetation become established.

CONCLUSIONS

Martin Marietta has been a vital part of Topeka's economy during the past few decades. With the rapid expansion of Topeka that is now occurring, the demand for crushed limestone has greatly increased. Martin Marietta has mined millions of tons of stone throughout the past few decades while still maintaining high standards of excellence in mining and reclamation. They strongly feel that they are and want to continue to be good citizens in Topeka's industrial community. The quality of energy devoted to placing the reclaimed land back into a condition that is ecologically safe, aesthetic, and highly productive.

The mining plan for the East Topeka expansion is very sound. They have investigated heavily the site for its economic and ecological potential. In working for various mining and quarrying operators across the country, I have found that they are proud of the reclamation efforts completed to date. In my own opinion after having spent quite a bit of time reviewing the philosophy, work ethic, and reclamation success of the Martin Marietta Corporation nationwide, I have found them to be good neighbors. They are concerned about their community and are sympathetic to the concerns of citizens affected by their operation. The East Topeka personnel are to be especially commended. On several occasions the corporation has financially supported reclamation research to be undertaken by students in landscape architecture at Kansas State University. Some of the areas reclaimed are very well established and only an expert would recognize that the land had at one time been completely excavated to remove this mineral. Historically, Martin Marietta has complied with

reclamation standards and their record should add credibility to any applications for expansion.

The mitigation standards that are outlined in this document are, in reality standard rehabilitation practices employed by Martin Marietta. Their contributions to the reclamation effort will actually enhance the quality of life of those that will use the land in the next decade.

15

THE KANSAS CONTRACTORS ASSOCIATION, INC.



OFFICERS

HOWARD SHERWOOD, President
Wichita, Kansas

STAN SCUDDER, Vice President
Newton, Kansas

BYRON R. BRAYMEN, Treasurer
Topeka, Kansas

GLENN R. COULTER, Manager
DANIEL W. RAMLOW, Assistant Manager
EDWARD R. DESOIGNIE, Public Affairs Director
CRIS MILLARD, Office Manager
CARRIE KRUSOR, Bulletin Editor

316 WEST 33RD ST. P.O. BOX 5061
TOPEKA, KANSAS 66605
PHONE (913) 266-4152
FAX (913) 266-6191

TESTIMONY

BY THE

KANSAS CONTRACTORS ASSOCIATION

Before the House Energy and Natural Resources Committee
Regarding House Bill 2911; An Act Concerning Quarrying

DIRECTORS

DICK BROWN
Salina, Kansas
R. H. KISTNER
Marysville, Kansas
DENIS KURTENBACH
Paola, Kansas
DONALD POPEJOY
Ulysses, Kansas
TOM RITCHIE
Wichita, Kansas
ORVILLE SPRAY, JR.
Great Bend, Kansas
CHARLES STRYKER
Topeka, Kansas
WAYNE VAN METER
Kansas City, Missouri
ROBERT WALSHIRE
Topeka, Kansas

Mr. Chairman, and members of the House Energy and Natural Resources Committee.
Thank you for the opportunity to appear before you to provide some brief comments
on House Bill 2911.

My name is Ed DeSoignie. I am the Public Affairs Director of the Kansas Contractors Association. Our Association represents over 300 heavy, highway, and municipal-utility contractor and associate member firms in the Kansas construction industry.

The Association appears before you this afternoon questioning the need for House Bill 2911. The present procedures for either opening a new quarry or expanding an existing quarry, require operators to obtain the approval of a number of governmental entities from the county level to state and federal agencies. Local zoning authorities, whether city or county exercise a considerable degree of control in the approval process for authorizing quarrying operations. We concur with this approach since it places the controls where they should be - at the local level. This ensures that the concerns of the local citizenry are taken into consideration in the decision-making process.

We feel that House Bill 2911 preempts the authority of local zoning bodies. At the same time it duplicates some of the procedures already in existence. For these and other reasons we voice our opposition to House Bill 2911.

H ENERGY AND NR
2-21-90

ATTACHMENT 15

TIMONY

ore House Energy & Natural Resources Committee

Re: House Bill 2911

Page Two

During the next 10 to 15 years our counties and state will have a tremendous need for aggregates because of the outstanding comprehensive highway program passed by you ladies and gentlemen during the 1989 Legislative Session. It is very important to all citizens that our counties and state have adequate stone to meet this demand.

Thank you for the opportunity to provide these comments. This concludes my prepared remarks.

H.B. 2911

Presented to: House Energy and Natural Resources Committee

February 21, 1990

Prepared by: Kansas Department of Wildlife and Parks

H.B. 2911 would bring active and abandoned quarries under the regulating and permitting authority of the Kansas Department of Health and Environment. These quarries are essentially unregulated at this time. Intent of the bill is to establish a permitting and regulating system which would allow for planning, permitting, and reclamation in such a manner that will consider state, local and public interests. The department supports the intent of this bill and the objectives proposed in section 2.

It appears that this bill is similar in some respects to state law governing surface or strip coal mining; and as such, may have inherent problems due to the differences between quarries and surface mining. The department is also concerned that fish, wildlife and recreation are considered as program objectives, but the Secretary of Wildlife and Parks is not provided with authority or responsibility to help attain those objectives. Review of permit applications and involvement with preparation of reclamation plans would appear to be two areas where the department's assistance would be of value to the Secretary of Health and Environment in meeting program objectives.

This bill has merit and does address a problem area. The department believes; however, that considerably more review and input from all affected interests is needed. We would be pleased to offer our assistance in that review process.

HENERGY AND NR
2-21-90
ATTACHMENT 16