

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

UNDERGROUND INJECTION CONTROL

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No.	UI-0000012
Owner:	Audubon Materials LLC
Address:	2200 Courtney Road, Sugar Creek, MO 64050
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Audubon Materials LLC – Sugar Creek Plant
Facility Address:	2200 Courtney Road, Sugar Creek, MO 64050
Legal Description:	See pg. 2
UTM Coordinates:	See pg. 2
Receiving Stream:	Subsurface to Missouri River
First Classified Stream and ID:	Missouri River (P) (356)
USGS Basin & Sub-watershed No.:	(10300101-0306)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

Underground Injection – SIC #1629

The project purpose is to stabilize the former underground limestone mine at the Lafarge North America, Inc. - Sugar Creek Cement Plant. Fly ash, fly ash mixed with scrubber residue from air pollution control equipment, cement kiln dust is mixed with water to form a slurry before being placed in subsided areas or injected into the underground mine space through boreholes.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

April 1, 2013
Effective Date


Sara Parker Pauley, Director, Department of Natural Resources

March 31, 2018
Expiration Date


John Madros, Director, Water Protection Program

Monitoring Wells 1, 2, & 3 – Abandoned and plugged

Monitoring Well 4

Legal Description: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T50N, R32W, Jackson County
UTM Coordinates: X = 377420, Y = 4333870
Receiving Stream: Subsurface to Missouri River
First Classified Stream and ID: Missouri River (P) (356)
USGS Basin & Sub-watershed No.: (10300101-0305)

Monitoring Well 5

Legal Description: N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 14, T50N, R32W, Jackson County
UTM Coordinates: X = 377726, Y = 4334260
Receiving Stream: Subsurface to Missouri River
First Classified Stream and ID: Missouri River (P) (356)
USGS Basin & Sub-watershed No.: (10300101-0305)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 3 of 4	
					PERMIT NUMBER UI-0000012	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Monitoring Wells 4 & 5</u>						
Aluminum, Total Recoverable	µg/L	*		*	once/year	grab
Antimony, Total Recoverable	µg/L	*		*	once/year	grab
Arsenic, Total Recoverable	µg/L	*		*	once/year	grab
Boron, Total Recoverable	µg/L	*		*	once/year	grab
Cadmium, Total Recoverable	µg/L	*		*	once/year	grab
Chromium III, Total Recoverable	µg/L	*		*	once/year	grab
Chromium VI, Total Dissolved	µg/L	*		*	once/year	grab
Cobalt, Total Recoverable	µg/L	*		*	once/year	grab
Copper, Total Recoverable	µg/L	*		*	once/year	grab
Iron, Total Recoverable	µg/L	*		*	once/year	grab
Lead, Total Recoverable	µg/L	*		*	once/year	grab
Manganese, Total Recoverable	µg/L	*		*	once/year	grab
Mercury, Total Recoverable	µg/L	*		*	once/year	grab
Nickel, Total Recoverable	µg/L	*		*	once/year	grab
Selenium, Total Recoverable	µg/L	*		*	once/year	grab
Thallium, Total Recoverable	µg/L	*		*	once/year	grab
Zinc, Total Recoverable	µg/L	*		*	once/year	grab
Total Ammonia Nitrogen	mg/L	*		*	once/year	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2014</u> .						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 4 of 4	
PERMIT NUMBER UI-0000012						
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OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Synthetic Precipitation Leaching Procedure Test (See Note 1).	µg/L	*		*	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>JULY 28, 2013</u> .						
Tons of ash injected. See Special Conditions for map requirement.	tons	*		*	once/year	report
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2013</u> .						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

* Monitoring requirement only.

Note 1 – Perform a Synthetic Precipitation Leaching Procedure Test, EPA Method 1312 on a composite sample of fly ash. Aliquots shall be taken daily from each power plant that supplies fly ash and combined to create the monthly composite sample. Evaluate for the following metals: Aluminum, Antimony, Arsenic, Boron, Cadmium, Chromium III, Chromium VI, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Thallium, & Zinc.

C. SPECIAL CONDITIONS

- No discharge of storm water containing fly ash is authorized by this permit.
- Once per year permittee must submit a one inch equals 1000 feet map on a USGS topographic base showing where the ash was injected during the preceding year.
- There shall be no release of polychlorinated biphenyl compounds (PCBs) to waters of the state at or above the level of quantification currently defined as 1 µg/L or 1 ppb.
- When a new well is constructed or abandoned submit a Class V Inventory for to the Division of Geology and Land Survey, Economic Geology Unit.
- This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved: contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - controls any pollutant not limited in the permit.
 - Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list. The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

Missouri Department of Natural Resources
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
UI-0000012
AUDUBON MATERIALS LLC – SUGAR CREEK MINE STABILIZATION PROJECT

The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of storm water from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended). MSOPs are issued for a period of five (5) years unless otherwise specified.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)2.] a Factsheet shall be prepared to give pertinent information regarding the applicable regulations, rationale for the development of effluent limitations and conditions, and the public participation process for the Missouri State Operating Permit (operating permit) listed below.

Part I – Facility Information

The project purpose is to stabilize the former underground limestone mine at the Lafarge North America, Inc. - Sugar Creek Cement Plant. Fly ash or fly ash mixed with scrubber residue from air pollution control equipment is mixed with water to form a slurry before being placed in subsided areas or injected into the underground mine space through boreholes. The entire mine fill project comprises Sections 13, 14, 22, 23, T50N, R32W.

They have a beneficial use exemption from the Solid Waste Management Program. They are in the process of improving the effectiveness of their groundwater monitoring program. They have submitted a Groundwater Monitoring Program Work Plan to DGLS for approval. DGLS has recently begun review of the proposed work plan.

Application Date: March 8, 2010
Expiration Date: September 8, 2010

OUTFALL(S) TABLE:

OUTFALL	FLOW (CFS)	TREATMENT LEVEL	EFFLUENT TYPE	DISTANCE TO CLASSIFIED SEGMENT (MI)
Monitoring wells	none	none	groundwater	0.1

Part II – Rationale and Derivation of Effluent Limitations & Permit Conditions

ANTI-BACKSLIDING:

A provision in the Federal Regulations [CWA §303(d)(4); CWA §402(c); 40 CFR Part 122.44(I)] that requires a reissued permit to be as stringent as the previous permit with some exceptions.

☒ - Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit.

Not Applicable ☒

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

As per [10 CSR 20-2.010(78)], the amount of pollutant each discharger is allowed by the Department to release into a given stream after the Department has determined total amount of pollutant that may be discharged into that stream without endangering its water quality.

Not Applicable ☒;

WATER QUALITY STANDARDS:

Per [10 CSR 20-7.031(3)], General Criteria shall be applicable to all waters of the state at all times including mixing zones. Additionally, [40 CFR 122.44(d)(1)] directs the Department to establish in each NPDES permit to include conditions to achieve water quality established under Section 303 of the Clean Water Act, including State narrative criteria for water quality.

Part III – Effluent Limits Determination

OUTFALL “MONITORING WELLS 4 & 5” – DERIVATION AND DISCUSSION OF LIMITS:

- **(Aluminum, Antimony, Arsenic, Boron, Cadmium, Chromium III, Chromium VI, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Thallium, & Zinc) Total Recoverable, Total Ammonia Nitrogen.** Since the last renewal of this permit, EPA has identified these metals as pollutants of concern associated with coal combustion residuals. Total Ammonia Nitrogen is included because it is a pollutant of concern associated with dry scrubber ash. Therefore monitoring requirements are being placed in the permit.

Part IV – Administrative Requirements

On the basis of preliminary staff review and the application of applicable standards and regulations, the Department, as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions contained herein and within the operating permit. The proposed determinations are tentative pending public comment.

PUBLIC NOTICE:

The Department shall give public notice that a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in and water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing.

The Department must issue public notice of a pending operating permit or of a new or reissued statewide general permit. The public comment period is the length of time not less than 30 days following the date of the public notice which interested persons may submit written comments about the proposed permit.

For persons wanting to submit comments regarding this proposed operating permit, then please refer to the Public Notice page located at the front of this draft operating permit. The Public Notice page gives direction on how and where to submit appropriate comments.

☒ - The Public Notice period for this operating permit was from August 3, 2012 to September 3, 2012. Responses to the Public Notice of this operating permit did not warrant the modification of effluent limits and/or the terms and conditions of this permit. Two comment letters were received and the department responded in writing directly to the commenters.

Part V – Summary of comments received while the permit was on Public Notice

Here are the comments received from URS Corporation, followed by the Department's response:

1. URS requested a change in owner address. The new owner address was placed in the permit.
2. URS requested that the facility description be modified to also include cement kiln dust. The facility description was changed to include the placement of cement kiln dust.
3. URS requested additional information on why Synthetic Precipitation Leaching Procedure, EPA Method 1312 (SPLP) test was being placed in Underground Injection Control (UIC) Permits. The major objective of the SPLP is to determine the mobility of inorganic phases present in waste materials in the presence of naturally occurring groundwater. The concentrations of pollutants in SPLP leachate can be measured and compared to groundwater quality criteria to determine if groundwater contamination is likely. The requirement for SPLP testing is a condition for this UIC permit only and is not meant to be inferred as a required substitution for TCLP tests required by other regulatory agreements in place at your facility.
4. URS stated the current testing frequency per the Quality Assurance Plan for TCLP testing is once every three months but the draft permit calls for SPLP testing once per month and this increase in frequency does not appear to be warranted based on over ten years of data. The monitoring frequency in the permit was therefore changed to quarterly instead of monthly.

Here are the comments received from the Great Rivers Environmental Law Center (GRELC), followed by the Department's response:

1. The GRELC stated that there is no competent proof of structural stability for this material.
This permit and its requirements are not established based on the stability characteristics of the ash being placed. This permit is being issued in accordance with Federal Regulations regarding Class V injection wells. As per *Curd v. Clean Water Commission* the permit merely reflects full compliance with the Clean Water Law Standards imposed by 204.051.3 RSMo (1973)
2. The GRELC stated that the Compliance Schedule is insufficient.
There is no Schedule of Compliance in this permit because the permittee will be able to meet all permit requirements the day it is issued. The Compliance Schedule mentioned by DGLS is referring to a Compliance Schedule that the applicant and our Enforcement Section agreed to for purposes of correcting the damage from the previous fly ash spill.
3. The GRELC stated the permit should require the submittal of a Class V Inventory Form to DGLS when a new well is constructed or abandoned.
Special Condition Number 4 requires the permittee to submit the above mentioned form to DGLS whenever a new well is constructed or abandoned.
4. The GRELC stated that the long-term impact of fly ash activities on Underground Sources of Drinking Water must be determined by Geochemical Modeling.
The Department is requiring the use of the Synthetic Precipitation Leaching Procedure (SPLP) test instead of the TCLP test. The SPLP test will give a more accurate determination of potential contamination from the fly ash. This data will be evaluated at renewal and additional testing/modeling will be performed as appropriate.
5. The GRELC stated the permit should require adequate testing of fly ash used for mine backfilling operations.
The TCLP test has indeed been removed from the permit. It was replaced by the SPLP test because the leaching media used in the SPLP test is designed to simulate acid rain; a more appropriate media to reflect the environment that the fly ash will encounter. The leaching media in the TCLP test is intended to emulate leachate in a solid waste landfill – an environment the fly ash is not encountering. The testing of composite samples will provide an adequate screening tool to determine if individualized testing of each power plant's fly ash is justified.

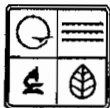
6. The GRELC stated that the permit should require that limits be placed on the composition of the fly ash injected into the mine & geochemical modeling should be used to determine those limits.
There is no statutory requirement requiring limits be placed on fly ash. Geochemical modeling is a valuable tool in predicting leaching results from water/mineralogical interactions. The Program however is discovering that no software has been created for modeling water/fly ash systems or if it has, we have been unable to locate this software through our contacts in government and industry. Please keep in mind that when the Geological Survey Program (GSP) provided this comment to the Water Protection Program (WPP), they were aware of difficulties we were having in locating appropriate software for modeling water/fly ash systems. Both Programs are continuing to seek an acceptable model. In the meantime though, GSP is reviewing and overseeing the implementation of a groundwater monitoring program at this site to ensure protection of the groundwater.
7. The GRELC stated that a schedule of compliance should require geochemical modeling and groundwater monitoring of groundwater flow after mine stabilization activities are discontinued.
The permittee is already implementing a groundwater monitoring program, as required with their Settlement Agreement with our Enforcement Section. Once mine stabilization activities have ceased the permit will be modified to require groundwater monitoring. Please see comments above regarding geochemical modeling.
8. The GRELC stated that the Department should decide whether or not to protect the Pennsylvanian Aquifer from injection activities not included in the exemption from protection as a USDW.
At this time there are no Clean Water Commission regulations preventing the development of Class V wells at this site. Monitoring is being required to determine if this activity will impact the Pennsylvanian aquifer. The GSP recommendation refers to WPP policy that is not part of this permitting action and cannot be addressed at this time.

DATE OF FACT SHEET: AUGUST 6, 2012

COMPLETED BY:

ALAN MOREAU, ENVIRONMENTAL SPECIALIST III
INDUSTRIAL PERMITS UNIT
WATER PROTECTION PROGRAM
(573) 522-2553
alan.moreau@dnr.mo.gov

AP 13720



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
(SEE MAP FOR APPROPRIATE REGIONAL OFFICE)
APPLICATION FOR TRANSFER OF OPERATING PERMIT

10 Check

FOR AGENCY USE ONLY	
CHECK NO.	
DATE RECEIVED	FEE SUBMITTED

NOTE

PLEASE READ THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM.

1.00 - 4.00 TO BE COMPLETED BY CURRENT PERMITTEE (PRESENT OWNER/SELLER). THE FOLLOWING ITEMS PRESENTLY APPLY TO THIS FACILITY: (SEE INSTRUCTIONS FOR APPROPRIATE FEE TO BE SUBMITTED WITH APPLICATION.)

1.00 FACILITY

NAME Lafarge North America, Inc. - Sugar Creek Plant		TELEPHONE NUMBER (816) 257-5178	
ADDRESS 2200 Courtney Road	CITY Sugar Creek	STATE MO	ZIP 64050

2.00 CURRENT OWNER

NAME Lafarge North America, Inc.		PHONE (816) 257-5178	
		E-MAIL	
ADDRESS 2200 Courtney Road	CITY Sugar Creek	STATE MO	ZIP 64050

3.00 CONTINUING AUTHORITY: (If same as owner, write same.)

NAME Same		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP

4.00 SIGNATURE

I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION GIVEN ABOVE, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE, AND UNTIL TRANSFER APPROVAL, I AGREE TO CONTINUE TO ABIDE BY THE MISSOURI CLEAN WATER LAW AND ALL RULES, REGULATIONS, ORDERS AND DECISIONS, SUBJECT TO ANY LEGITIMATE APPEAL AVAILABLE UNDER THE MISSOURI CLEAN WATER LAW, OF THE MISSOURI CLEAN WATER COMMISSION.

NAME AND OFFICIAL TITLE (TYPE OR PRINT) Bill Miller, Secretary <i>Vice President</i>	PHONE NO. (AREA CODE & NO.) (703) 480-3613
SIGNATURE <i>[Signature]</i>	DATE SIGNED <i>11/2/12</i>

RECEIVED

NOV 05 2012

KANSAS CITY REGIONAL OFFICE

THE FOLLOWING ITEMS (5.00-10.00) WILL APPLY AFTER COMPLETION OF TRANSFER (SALE) AND ARE TO BE COMPLETED BY THE APPLICANT FOR TRANSFER OF OPERATING PERMIT (BUYER) OR AUTHORIZED AGENT.

5.00 FACILITY

NAME Audubon Materials LLC - Sugar Creek Plant		NPDES NUMBER MO UI-0000012	TELEPHONE NUMBER (816) 257-5178	
ADDRESS 2200 Courtney Road	CITY Sugar Creek	STATE MO	ZIP 64050	

6.00 FUTURE OWNER

NAME Audubon Materials LLC		TELEPHONE NUMBER 816-257-5178	
ADDRESS 2200 Courtney Road	CITY Sugar Creek	STATE MO	ZIP 64050

7.00 CONTINUING AUTHORITY: (if same as owner, write same)

NAME Same		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP

8.00 FACILITY CONTACT

NAME Steve Kidwell		TELEPHONE NUMBER 816-257-3607
TITLE Environmental Manager		

9.00 ADDITIONAL INFORMATION

ANTICIPATED EFFECTIVE DATE OF TRANSFER IN OWNERSHIP
11/30/2012

ARE ANY CHANGES IN PRODUCTION, RAW MATERIALS OR IN THE QUANTITY OR QUALITY OF THE DISCHARGES FROM THIS FACILITY PLANNED OR ANTICIPATED?

☐ YES ☒ NO IF YES EXPLAIN (IF ADDITIONAL SPACE IS REQUIRED, ATTACH SHEET)

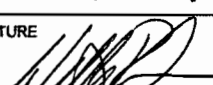
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NOV 05 2012

10.00 SIGNATURE

KANSAS CITY REGIONAL OFFICE

I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION GIVEN ABOVE, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE, AND UPON TRANSFER APPROVAL, I AGREE TO ABIDE BY THE MISSOURI CLEAN WATER LAW AND ALL RULES, REGULATIONS, ORDERS AND DECISIONS, SUBJECT TO ANY LEGITIMATE APPEAL AVAILABLE UNDER THE MISSOURI CLEAN WATER LAW, OF THE MISSOURI CLEAN WATER COMMISSION.

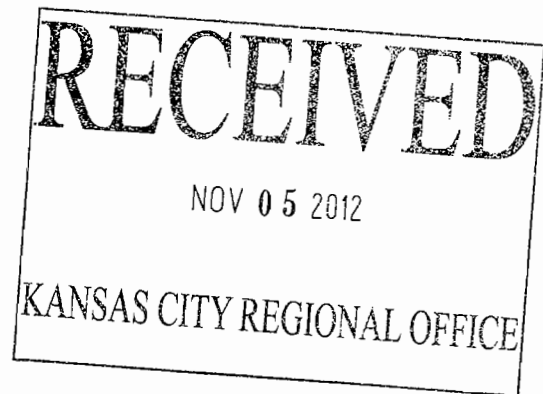
NAME AND OFFICIAL TITLE (TYPE OR PRINT) James Graess, Secretary William R. Devlin (VICE PRESIDENT)	PHONE NO. (AREA CODE & NO.) 214-432-2000
SIGNATURE 	DATE SIGNED 11-2-12



November 2, 2012

VIA FEDEX

Kansas City Regional Office
Missouri Department of Natural Resources
500 NE Colbern Road
Lee's Summit, MO 64086-4710



RE: Eagle Materials Inc. and Lafarge North America, Inc.
Transfer of Underground Injection Control Permit - Sugar Creek Mine
Permit Number: UI-0000012

Dear Sir/Madam:

Eagle Materials Inc., is hereby requesting transfer of the Missouri Underground Injection Control Permit at the Lafarge North America, Inc. ("Lafarge") Sugar Creek facility. Lafarge North America, Inc. currently holds the permit at this facility. Lafarge has entered into an agreement providing for the sale and transfer of certain of its assets, including the above-referenced facility, to Eagle Materials Inc. or one of its subsidiaries. Eagle Materials Inc. ("Eagle") is a public company based in Dallas, Texas whose common stock is traded on the New York Stock Exchange under the symbol "EXP." In connection with the sale, we request that you transfer Lafarge's permit to Eagle's subsidiary, Audubon Materials LLC as of the closing date of November 30, 2012.

The facility name will become Audubon Materials LLC at the transfer closing date. Please note that since the UIC permit renewal is currently under review by the Department, a transfer fee is not required at this time.

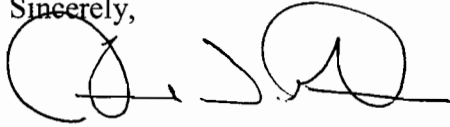
Please note that while this sale will affect the ownership of the permitted facility, Eagle does not expect it to have an effect on day-to-day operations under the Agreement.

The transfer of the permit is contingent on the closing of the transaction. We will keep the agency advised of any changes in, or more definitive information concerning, the proposed transfer date. If the transaction does not close, this request to transfer the permit shall be deemed withdrawn and any consent to the transfer will be of no force or effect whatsoever. Eagle and Lafarge will provide you written confirmation that the closing has occurred and will also notify you should the closing date of the sale change.

MDNR
November 2, 2012
Page 2

Thank you for your time and consideration of this matter. If you have any questions about the transfer, please contact me at 214-432-2015.

Sincerely,

A handwritten signature in black ink, consisting of a large 'F' followed by a stylized 'G' and a horizontal line.

Franklin Green
Vice President - Engineering

Enclosure

cc:

