

Missouri LICA NEWS

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The Missouri Land Improvement Contractors Association

October/November 2005



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WPA Dam Cut, Lake Drained

By Brian Kelling, Higginsville Advance Staff Writer



↑ **Bob and Leo Cretzmeyer, right, watch as Brent Limback, at the controls of the trackhoe, continues to widen his cut through the old WPA dam. [Photo by Brian Kelling/Advance]**

At the end of August, almost 70 years of history was uncovered when Bob and Syble Cretzmeyer opened the lake dam on their property along Wallace Chapel Road in southern Lafayette County.

C.W. Hook, who watched the proceedings, also remembers when the dam was built. "It's just part of history going down," he said. "It put a lot of food on the table back in those days." As a youngster, Hook used to walk across the dam every morning with Margaret Lee Williams on their way to the Chihuahua School.

The dam was cut at 5 p.m. on Wednesday, August 31 after the preparatory work of bulldozing a channel on the outside and gaining access to the rock core. As onlookers gathered, a trackhoe made final excavations and pulled out portions of the core. Water soon flowed through the cut and ran across the land below, eventually finding its way to Davis Creek. When the cut was expanded, water came out with the sound and appearance of a waterfall, then made small rapids farther below.

The lake, located on what had been the Williams' place, had been around since 1937 and covered about three and one-half

to four acres. Originally, it was a water supply for locals, who dipped water out with buckets and barrels, or filled containers at a valved line that was located in a well-like structure below the dam.

Later on, the county erected elevated pipes so that people could pull their wagons or vehicles under the pipes and fill containers with greater ease.

In addition, the lake served as a local swimming hole until WWII. Some recall that every night, a crowd of neighbors would come to cool off from the summer's heat.

Work on the dam was started in 1936 as a WPA project. Rock for the core was quarried near the Cedar Grove Church. After laying up the stone core for the dam, large mounds of dirt were piled against both sides. That may not sound too difficult today, but consider that the work was all accomplished using teams of horses.

John Marth was a kid when the dam was built, but he remembers. "There was many a horseload of dirt moved in to make that dam." Marth said that even scraping dirt

Missouri LICA NEWS



Missouri Land Improvement Contractors Association

The *Missouri LICA NEWS* is the official bi-monthly publication of the Missouri Land Improvement Contractors Association, dedicated to the professional conservation of soil and water. LICA was founded in Missouri in 1941 and became a national trade association in 1951. Today, LICA is comprised of twenty-four chapters across the continental United States.

The *Missouri LICA NEWS* welcomes your comments and articles.

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WPA Dam *(From page 1)*

from the future lake bottom was done with teams, which were sometimes three or four horses at a time.

It's said that quite a few people from Higginsville went out and worked on the project. One man used to walk out from Higginsville, stay there all week as he worked, and then walk back for the weekend.

The Cretzmeyers drained the lake so that they can enlarge and rebuild it. A new dam

will be erected farther to the east and the size will be increased to about eight or nine acres.

Bob Cretzmeyer said he will also reclaim the silt in the old pond and spread it back on the land to improve the existing dirt. He said it may take a few years for the mud to dry enough to be able to do that.

[Editor's Note: This article is re-printed with permission from the *Higginsville Advance*. Bob & Syble Cretzmeyer and Brent Limback are MLICA members.]



← *This well-like object, located below the dam, was where a valved water line came up from the pond. In the concrete top is enscribed, Higginsville, MO., 1937. Other inscriptions include F. Williams, M.L.W., L. McKay, N.H. and G.W. [Photo by Brian Kelling/Advance]*

→ *(Pictured left to right) Downhill from the opening, Garrett Riekhof dips water in a bucket as Doug Christie and Donald DeGraffenreid watch for fish. [Photo by Brian Kelling/Advance]*



↑ *C.W. Hook, right, watches as Brent Limback, in the trackhoe, cuts away part of the dam that Hook used to walk across as a boy on his way to Chihuahua School. [Photo by Brian Kelling/Advance]*

Welcome to LICA!

The following members have joined Missouri LICA since the last newsletter. Why not give them a call and welcome them aboard?! And, don't forget to keep working on signing up new members ... we're only as successful as our membership is strong!

NEW CONTRACTOR:

Phillip Woods

P & C Trucking and Excavating
24267 Highway 98

Boonville, MO 65233-3112

District: 3 County: Cooper

Phone: 660-882-6963

Work Categories: DI,EC,EMC,EXG,LL,LS,
ODW,PD,R,SEP,SP,SWU,TH,TW

Equipment: BH,DZ,EX,GR,LD,SC,TR

Sponsor: Benchmark Insurers

NEW COMPANY MEMBER

Missouri One Call System, Inc.

MLICA Contact: John Lansford
728 Heisinger Road
Jefferson City, MO 65109-4711

District: 5 County: Cole

Phone: 573-635-1818

Fax: 573-635-8402

Email: johnl@mo1call.com

Sponsor: Debbie Dickens

NEW SUPPORTING MEMBER

Randall Hubbard

Missouri Auto Auction

421 N. Rangeline Road
Columbia, MO 65201-9692

District: 2 County: Boone

Phone: 573-886-0032

Fax: 573-474-3914

Sponsor: Tyson Hash



The 2004 Insurance Dividend Is Out!

Missouri LICA's staff is pleased to announce that the 2004 dividend for the LICA Safety Insurance Group - \$20,640.14 - has finally arrived! The overall percentage for the dividend is 3.5% of what the qualifying contractors paid in premium during 2004. If you believe you were in the LICA Safety Insurance Group in 2004 and have not received a letter and/or check from the state office, please call Debbie at 573-634-3001.



November

- 02 Larry LaFollette
- 03 Philip Sayer
- 05 Olin Struchtemeyer
Bennie Young
- 06 John Bestgen
- 08 Bill Schafer
- 15 Doug Davis
- 17 Gene Bell
- 18 Terry Daub
- 25 Clint Levings
Leland Struchtemeyer
- 28 Helen Kleinsorge

December

- 01 Bob Cretzmeyer
- 06 Butch Cooper
- 10 Larry Slayden
- 12 Caryl Lance
- 18 Steve Milne
- 20 Terry Guinn
- 21 Eric Levings
- 23 Rod Schottel
- 27 Roger Limback
Wendell Rechterman
- 29 Randy Acker
- 30 Phillip Mather

Happy Anniversary!



Rosalie and Albert Balkenbusch celebrated their 60th wedding anniversary on October 30, 2005. Rosalie and Albert are such fine, easy-going people, it's easy to see how they could be a match made in Heaven. Congratulations!

Directory Changes

Bud Ward Construction has a new address and phone. They are: R.R.#2 - Box 89A; Lancaster, MO. 63548-9533; Phone: 660-457-8538; Cell: 660-216-5262.

Ray Garrett, Stinger Construction has moved. Their new contact information is: 5201 NE 115 Road; Easton, MO 64443-4281; Phone: 816-262-2400; Fax: 816-667-9186; Email: Ray@Garretthomesandconstruction.com

Attention Septic Installers



As you know, in order to retain your Septic Installers license, you are required to take 20 hours of Continuing Education Units (CEU) during your three-year license period.

In order to help our members achieve this goal, Missouri LICA will be providing CEUs at its 2006 Winter Convention. We have contacted speakers who are in the process of getting their presentations approved by the Missouri Department of Health and Senior Services. We are hoping to provide 8-10 hours.

So, watch your mail for more details and make your plans to attend the 2006 MLICA Winter Convention, January 5-7, at the Hilton Garden Inn in Independence, Missouri!



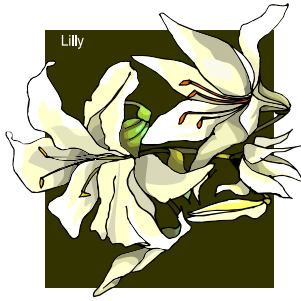
Is Someone Looking for You?

Has your address or phone number changed? Have you updated your information at the local County Field offices?

While compiling a list of contractors from the county level, we have noticed that several County Field Offices have the information for our LICA contractors listed incorrectly.

Make finding you easier.

Update your information in your County Office today!

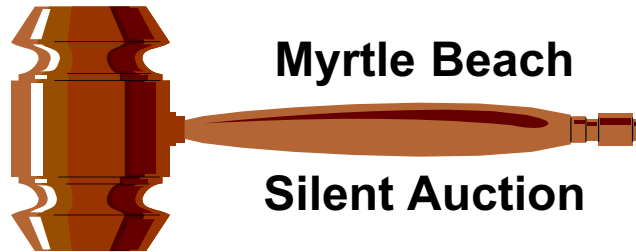


With Sympathy

We extend our deepest sympathies to the families and friends of the following members of the LICA family who have passed away:

Bob Bestgen, the son of Garland Bestgen, died over the Labor Day Weekend. You can send your sympathy to Garland & Helen Bestgen; 416 N. West Street; Cameron, MO 64429

Ruth Akers, Agri Drain Corp's long-time Office Manager, passed away on September 23, 2005. If you would like to share your sympathies with the Agri Drain family, you can send them to: 1462 340th Street; P.O. Box 458; Adair, IA 50002-0458.



Myrtle Beach

Silent Auction

The National Ladies Committee will be hosting a silent auction at the 2006 National LICA Winter Convention in February, 2006. The funds generated from this auction will be used toward the scholarship program, children's

programs, and ladies' programs. Any donations for this silent auction will be greatly appreciated. You can either bring the donations with you or send them to Linda Rule, LICA Ladies Committee President; 444 West Main Street; Arcade, NY 14009; Phone: 585-492-2120; or bring them with you to Missouri LICA's Winter Convention in January and we'll make sure they get to Myrtle Beach!



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HDPE Pipe 4" to 48"

NDS Plastic Catch Basins

Miradrain Wall Drains

Miscellaneous

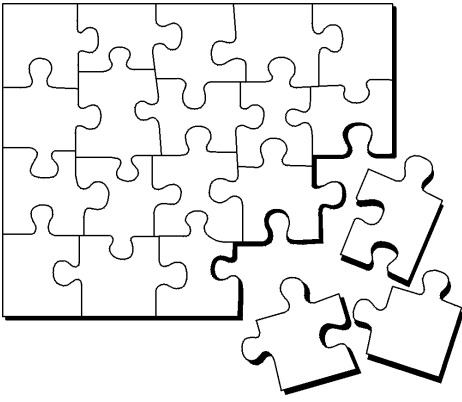
Pond Liners - PVC, HDPE, LDPE
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When You Fit These LICA Events Into Your Life, You Will Benefit!

November, 2005

28-30 Missouri Soil and Water Districts Commission and Missouri Association of Soil and Water Conservation Districts 2005 Training Conference

For more information, contact Bill Wilson (573-751-4932) or go to: www.dnr.mo.gov/wpscd/swcp/index.html.

December, 2005

- 3 District #3 Christmas Party**
For more information: Grant Matthews (660-747-8624)
- 10 MLICA LEADERSHIP CONFERENCE
ALL DISTRICT OFFICERS INVITED**
10:00am - 4:00pm, Lunch Included
Mortimer Kegley's; 115 E. High Street; Jefferson City
For more information: Debbie Dickens (573-634-3001)
- 14 MLICA District #1 Christmas Party**
6:30pm; Hoof & Horn Restaurant; St. Joseph, Mo.
For more information: Dennis Brinton 816-424-3266

January, 2006

- 5-7 MLICA Winter Convention**
Hilton Garden Inn; Independence, MO
For more information: Debbie Dickens (573-634-3001)

February, 2006

- 2-3 MLICA Driangage Workshop**
Comfort Inn; Macon, MO
Watch your mail for details!
- 20-25 National LICA Winter Convention 2006**
20 & 21 Pre-Tours; 22-25 Winter Meeting
Radisson Plaza Hotel; Myrtle Beach, SC
For more information: Paul Sandefur (270-274-3403)

The one thing that unites all human beings, regardless of age, gender, religion, economic status or ethnic background is that, deep down inside, we all believe that we are above average drivers.

*Things That It Took Me 50 Years To Learn,
By Dave Barry*



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The Overdimension/Overweight (OD/OW) Program

[Editor's Note: This information was gathered from the Missouri Department of Transportation's website and is intended to provide information for carriers traveling in the state of Missouri. The original copy can be found at: http://www.modot.state.mo.us/mcs/OD_OW.htm.]

The Overdimension, Overweight (OD/OW) program provides information about legal load limits for Missouri highways and allows motor carriers to purchase permits for transportation of loads exceeding certain weight and size requirements.

MoDOT's Permit Office operating hours are Monday-Friday (7:30a.m.-4p.m.). Permits may be applied for from 7:30a.m.-3:45p.m. For information or to order a permit, call 866-831-6277 or 573-751-7100.

Frequently Asked Questions:

How can I apply for permits on-line?

If you have an escrow account, you can apply for permits on-line. No more time spent waiting on hold. All you need to do is complete the Escrow Fax Agreement Form, obtain a "user id" assigned by Motor Carrier Services, and get the tel-net client software available from the internet. This service allows you to order permits, check your account balance and see all activities in your account. To learn more, ask one of our qualified motor carrier agents when you call to order a permit or call 866-831-6277, or 573-751-7100. [Editor's Note: You can complete an Escrow Fax Agreement Form online at: http://www.modot.state.mo.us/mcs/OD_OW_documents/faxagr.pdf.]

What is legal in Missouri?

Width -- 8 feet on all Missouri highways. The exceptions are on interstates, the designated highway system or within 10 air miles of these where the legal width is 8 feet 6 inches.

Height -- 13 feet 6 inches on all Missouri highways. The exceptions are on interstates, the designated highway system or within 10 air miles of these where the legal height is 14 feet.

Weight -- 80,000 lbs. (40 tons) on Missouri highways. However, there are bridges posted for less than 40 tons on state highways. All bridge load postings must be complied with.

Length -- There is no overall length restriction for a tractor/semi-trailer combination on interstate and the designated highway system or within 10 air miles of these. However, in a tractor/semi-trailer combination, the trailer including load cannot exceed 53 feet.

When more than 10 miles from interstate or designated highway system, a tractor/semi-trailer combination may not exceed an overall length of 60 feet. Legal length for single unit is 45 feet.

What is the maximum size and weight Missouri will routinely permit?

(Limited to physical width restrictions and/or height of underpasses and bridge rating capacity.)

- Width: 16 feet
- Height: 16 feet
- Weight:
 - ♦ 5 axles - 92,000 lbs. (1-2-2) - at least 51 feet of axle spacing
 - ♦ 6 axles - 112,000 lbs. (1-2-3) - at least 43 feet of axle spacing

- ♦ 7 axles - 132,000 lbs. (1-3-3) - at least 55 feet of axle spacing OR (1-2-3-1, 1-3-2-1, 1-2-2-2) - at least 69 feet of axle spacing
- ♦ 8 axles - 132,000 lbs. (1-3-4) - at least 61 feet of axle spacing
- ♦ 8 axles - 152,000 lbs. (1-3-3-1, 1-3-2-2) - at least 75 feet of axle spacing
- ♦ 9 axles - 152,000 lbs. (1-3-4-1, 1-3-3-2) - at least 75 feet of axle spacing.
- Length: 150 feet overall length - 60 feet single unit

How can I obtain a Missouri permit?

Permits may be obtained by telephone, mail or in person by visiting the Support Center in Jefferson City or one of our 10 District Offices listed below. Faxed applications will NOT be accepted.

- Support Center: 1320 Creek Trail Dr., Jefferson City
866-831-6277 or 573-751-7100
- District 1: 3602 N. Belt Highway, St. Joseph
816-387-2350
- District 2: US 63, Macon
660-385-3176
- District 3: Highway 61 South, Hannibal
573-248-2490
- District 4: 600 Northeast Colbern Rd, Lee's Summit
816-622-6500
- District 5: 1511 Missouri Blvd, Jefferson City
573-751-3322
- District 6: MoDOT Transportation Management Center
14301 S Outer 40 Road, Town & Country
314-340-4100
- District 7: 3901 E 32nd Street, Joplin
417-629-3300
- District 8: 3025 E Kearney, Springfield
417-895-7600
- District 9: 910 Springfield Road, Willow Springs
417-469-3134
- District 10: 201 North Main Street, Sikeston
573-472-5333

What is considered a superload in Missouri?

- Width: Over 16 feet
- Height: Over 16 feet
- Length: Over 150 feet overall length
- Weight: Over 152,000 lbs. gross

What is the procedure for obtaining a superload permit?

Missouri requires written application for superload permits and are only issued through the Support Center. Turnaround time is approximately two weeks. Once the application is received in the Support Center Permit Office, a structure analysis and feasibility study is done to ensure that bridges and roadways can withstand the load capacity before issuance.

What You Should Know Before You Begin: A Worksheet

Use this worksheet to help determine if a permit or complying with state regulations is required for your project. A "yes" answer in any category means that you may need to obtain a permit or other approval from the Missouri Department of Natural Resources. "No" answers mean that you may not need a permit or approval under ordinary circumstances. You should check with the Environmental Assistance Office (EAO) if you have any doubts (573-526-6627 or 1-800-361-4827).

DRINKING WATER SUPPLIES

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Will your water supply system provide water for human consumption to 15 or more services connections or dwelling units? |
| <input type="checkbox"/> | <input type="checkbox"/> | Will your water supply system provide water to an average of 25 individuals daily at least 60 days out of the year? (Examples: employees, office tenants or customers) |
| <input type="checkbox"/> | <input type="checkbox"/> | Will you be constructing water lines to connect your projects to an existing community water system? |

WASTEWATER

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Will you be constructing sanitary sewer lines to connect your project to an existing community sewer system? |
| <input type="checkbox"/> | <input type="checkbox"/> | If your development is industrial, will it produce large quantities of wastewater or concentrated wastes? (Pretreatment may be required.) |

WASTE WATER (CONTINUED)

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Will wastewater or cooling water be produced or will wastewater or sludge from a business or public entity require disposal? |
| <input type="checkbox"/> | <input type="checkbox"/> | If your project is residential, will it serve more than one family unit? |
| <input type="checkbox"/> | <input type="checkbox"/> | Will your development offer to sell, lease or rent more than six lots in a subdivision? |
| <input type="checkbox"/> | <input type="checkbox"/> | Will your project involve dredging, filling or any construction within or on the banks of a waterway or wetland? |
| <input type="checkbox"/> | <input type="checkbox"/> | Will a groundwater heat pump injection/withdrawal system serving more than eight households be installed? |

STORMWATER

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Will your project disturb one acre or more of land? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is your development an industrial facility that will have items stored outside exposed to stormwater? (Some industries are required to submit a no-exposure certification.) |
| <input type="checkbox"/> | <input type="checkbox"/> | Is your development a hazardous waste treatment, storage or disposal facility, landfill, land application site, open dump, recycling facility, steam electric power generation facility or domestic sewage and wastewater treatment facility with a design flow of 1 million gallons per day or more? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is your development a transportation or postal service project that will be involved in vehicle maintenance, equipment cleaning operations or airport deicing operations? |

SOLID WASTE

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Will any of the following materials require disposal: municipal waste, demolition or construction wastes, large brush and wood wastes, water or wastewater treatment sludges, asbestos-containing material or cut, chipped or shredded tires? (A permit is not required, but these materials must be properly handled and disposed of in permitted solid waste disposal facility.) |
| <input type="checkbox"/> | <input type="checkbox"/> | Will any of the following materials require disposal: regulated hazardous waste, radioactive materials, explosives, polychlorinated biphenyls (PCBs), bulk liquids, highly flammable or volatile substances, |



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"Worksheet" >p8

Worksheet (From page 8)

SOLID WASTE (CONTINUED)

Yes No

septic tank pumpings, major appliances, waste oil, lead-acid batteries, whole waste tires or yard waste? (These items are excluded from sanitary landfill disposal under most circumstances and require special approval or other treatment or disposal methods.)

- Has dumping or burying of waste already occurred on the property?
- Will your facility generate or store soiled medical dressings and bandages, used medical needles or similar wastes?

HAZARDOUS WASTE

- Will your facility generate, store or dispose of any wastes that are corrosive, ignitable, reactive or toxic?
- Will your facility generate, store or dispose of spent photographic or printing chemicals (including x-ray chemicals)?
- Will your facility generate, store or dispose of other spent chemicals such as those found in dry cleaning fluids, paint products, insecticides, herbicides, solvents or swimming pool products.
- Will any hazardous wastes be treated on the property?
- Will there be any underground storage tanks (USTs) on the property? (A permit is not required, but USTs must be registered.)
- Will your facility generate used oil? (A permit is not required, but regulations must be followed.)

AIR

- Will the finished non-residential structure vent any particles or fumes to the atmosphere, aside from standard plumbing heating systems' vents, fireplaces, or residential wood stoves? Will your facility use large amounts of wood, coal, natural gas, LP gas, fuel oil or waste oil for fuel?
- Is your development an industrial project, such as a stone quarry, bulk petroleum facility, sawmill, grain elevator, asphalt plant, concrete plant, cotton gin, grain or feed handling operation or fertilizer blending facility?
- If your development is an industrial project, will solvents be used?
- Is your business a gas station located in the counties of Jackson, Clay, Platte, St. Charles, Franklin, Jefferson or St. Louis or the city of St. Louis?
- Will your project have an incinerator?
- Will you be burning brush and trees at the construction site in a non-residential area or a residential area in St. Charles, Franklin, Jefferson or St. Louis counties?

AIR (CONTINUED)

Yes No

- Will the facility have a boiler rated over 10 MMBTU/hr or an emergency generator?
- Will large quantities of chemicals be stored on site?

DAM SAFETY AND WELLS

- Is your dam or will your dam be at least 35 feet in height?
- Are you drilling a public, commercial, private, heat pump, mineral exploration, injection or monitoring well?

SPCC – SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

(Regulated by multiple agencies)

- Will there be any above ground tanks that store oil (petroleum, synthetic, animal, fish or vegetable)? Is the total volume of oil in tanks greater than or equal to 1,320 gallons?
- Will you have any underground tanks that have a capacity greater than 42,000 gallons and will not be covered by the UST regulations?
- Is there secondary containment around tanks?



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www.dnr.mo.gov

ENVIRONMENTAL ASSISTANCE OFFICE

P.O. Box 176
Jefferson City, MO 65102-0176
(573) 526-6627 or 1-800-361-4827

KANSAS CITY REGIONAL OFFICE

500 N.E. Colbern Rd.
Lee's Summit, MO 64086-4710
(816) 622-7000

NORTHEAST REGIONAL OFFICE

1709 Prospect Dr.
Macon, MO 63552-2602
(660) 385-8000

ST. LOUIS REGIONAL OFFICE

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SOUTHEAST REGIONAL OFFICE

2155 North Westwood Blvd.
Poplar Bluff, MO 63901-1420
(573) 840-9750

SOUTHWEST REGIONAL OFFICE

2040 W. Woodland
Springfield, MO 65807-5912
(417) 891-4300

STATE HISTORIC PRESERVATION OFFICE

For information on possible historical preservation or cultural resources conflicts call (573) 751-7858.

GEOLOGICAL SURVEY & RESOURCE ASSESSMENT DIVISION

For more information about land surveys, well drilling (private, heat pump, mineral exploration or injection), well driller permits, construction permits for new dams or registering existing dams contact:

Department of Natural Resources
Geological Survey and Resource Assessment Division
111 Fairgrounds Rd.; P.O. Box 250
Rolla, MO 65402
(573) 368-2100

OTHER RESOURCES

If the property you are developing or buying is located in a city or county with its own requirements (e.g., planning and zoning regulations) you may need to obtain some permits and approvals from the city or county in addition to those required by the Department of Natural Resources. In some instances certain permits or approvals from local governments replace permits or approvals ordinarily obtained from the department. Check with city or county officials first. For example, in air pollution matters, the following local governments have authority to operate their own permit and variance programs:

Kansas City Air Pollution: (816) 513-6314
St. Louis City Air Pollution: (314) 613-7300
St. Louis County Dept. of Health: (314) 615-8924
Springfield Air Pollution: (417) 864-1662

ARMY CORP OF ENGINEERS

The United States' Army Corp of Engineers needs to be contacted for:

- Any work or structure in, over, or under a "navigable water of the United States" (this may include stormwater projects).
- Discharges of dredged material or fill into any "water of the United States", including isolated waters and wetlands.

Kansas City District: (816) 983-3990
Little Rock District: (501) 324-5295
Memphis District: (901) 544-3471
Rock Island District: (309) 794-5370
St. Louis District: (314) 331-8574

US FISH AND WILDLIFE SERVICE & MO DEPARTMENT OF CONSERVATION

Contact the U.S. Fish and Wildlife Service, (573) 876-1911, and the Missouri Department of Conservation, (573) 751-4115, to request a search for rare and endangered species in the project area.

MO DEPT OF HEALTH & SENIOR SERVICES

The Department of Health and Senior Services regulates domestic waste water systems with a design capacity of less than 3,000 gallons per day and discharged to an approved soil absorption system, a holding tank or a lagoon serving a single-family residence. Phone: (573) 751-6095.

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Minimum Wage and Overtime Violations

29 CFR 578.3 - What types of violations may result in a penalty being assessed?

- (a) A penalty of up to \$1,000 per violation may be assessed against any person who repeatedly or willfully violates section 6 (minimum wage) or section 7 (overtime) of the Act; Provided, however, that for any violation occurring on or after January 7, 2002 the civil money penalty amount will increase to up to \$1,100. The amount of the penalty will be determined by applying the criteria in Sec. 578.4.
- (b) Repeated violations. An employer's violation of section 6 or section 7 of the Act shall be deemed to be "repeated" for purposes of this section:
- (1) Where the employer has previously violated section 6 or 7 of the Act, provided the employer has previously received notice, through a responsible official of the Wage and Hour Division or otherwise authoritatively, that the employer allegedly was in violation of the provisions of the Act; or
 - (2) Where a court or other tribunal has made a finding that an employer has previously violated section 6 or 7 of the Act, unless an appeal therefrom which has been timely filed is pending before a court or other tribunal with jurisdiction to hear the appeal, or unless the finding has been set aside or reversed by such appellate tribunal.
- (c) Willful violations.
- (1) An employer's violation of section 6 or section 7 of the Act shall be deemed to be "willful" for purposes of this section where the employer knew that its conduct was prohibited by the Act or showed reckless disregard for the requirements of the Act. All of the facts and circumstances surrounding the violation shall be taken into account in determining whether a violation was willful.

- (2) For purposes of this section, an employer's conduct shall be deemed knowing, among other situations, if the employer received advice from a responsible official of the Wage and Hour Division to the effect that the conduct in question is not lawful.
- (3) For purposes of this section, an employer's conduct shall be deemed to be in reckless disregard of the requirements of the Act, among other situations, if the employer should have inquired further into whether its conduct was in compliance with the Act, and failed to make adequate further inquiry.

29 CFR 578.4 - Determination of penalty.

- (a) In determining the amount of penalty to be assessed for any repeated or willful violation of section 6 or section 7 of the Act, the Administrator shall consider the seriousness of the violations and the size of the employer's business.
- (b) Where appropriate, the Administrator may also consider other relevant factors in assessing the penalty, including but not limited to the following:
- (1) Whether the employer has made efforts in good faith to comply with the provisions of the Act and this part;
 - (2) The employer's explanation for the violations, including whether the violations were the result of a bona fide dispute of doubtful legal certainty;
 - (3) The previous history of violations, including whether the employer is subject to injunction against violations of the Act;
 - (4) The employer's commitment to future compliance;
 - (5) The interval between violations;
 - (6) The number of employees affected; and
 - (7) Whether there is any pattern to the violations.



Don't Let This
Happen To
You ...
**THINK
SAFETY
FIRST!**

← An excavator on a flatbed truck crashed into the Moore Road overpass while heading south on Interstate 390 in Rochester, NY.



New Research = New Work!

Find out how at the MLICA Drainage Workshop February 2 & 3, 2006

If subsurface drainage has been around for years, why in the world would Missouri LICA be sponsoring a Drainage Workshop? There is a rising demand for patterned, subsurface drainage systems, but

according to the Natural Resources Conservation Service (NRCS) and the University of Missouri (MU) researchers, very few systems have been installed in Missouri and only a few contractors know how to design or install them.

Economic situations have caused several Missouri farmers to re-evaluate production systems that maximize yield and maintain environmental sustainability. Agricultural drainage is not a new concept; however, utilizing drainage as part of an integrated water management system (IWMS) is a relatively new concept that has been shown to improve water quality and sustain agricultural viability. Subsurface drainage water from agricultural lands contributes to the quantity and quality of water in receiving streams when properly implemented water management systems are adopted.

It is estimated that there are 2.5 million acres of land in Missouri which would benefit from subsurface drainage. Subsurface drainage improves aeration of the soil, workability of the soil, and allows timely field operations. Soils with subsurface drainage have reduced surface water runoff, reduced compaction, warm up earlier; reduced disease problems; earlier planting dates, extended days for planting, improved root and micro-organism growth, increased nutrient availability, and extended days for harvest.

Dr. Kelly Nelson, Agronomist with the University of Missouri's Greenley Research Center, has been conducting research for the last four years to determine the benefits of installing subsurface drainage systems.

This MU research has focused on upland, flat claypan soils with a seasonal perched water table from November to May which is caused by an impermeable underlying clay layer that restricts internal drainage. Research in other states has reported increased crop production using IWMS's that incorporate subsurface drainage and subirrigation. The MUDS (MU Drainage and Subirrigation) research project was initiated to determine the suitability of claypan soils for drainage (DO) and a drainage/subirrigation (DSI) integrated water-table management system and to evaluate the effect of these systems on corn and soybean grain yield at different drain tile spacings compared to non-drained claypan soil.

In this research, soybeans were planted an average of five days earlier in soils with subsurface drained compared to a non-drained treatment in the past four years. Results from 2002–2004 have shown that subsurface drainage alone increased corn and soybean grain yield 24 and 16 bu/acre, respectively. Drainage with a dual-

purpose subirrigation system increased corn grain yield 41 bu/acre and soybean grain yield 15 bu/acre.

Recent yield data in 2005, during a severe drought, has shown an increase in soybean yield of 7 bu/acre with drainage only and 16 bu/acre increase with a drainage/subirrigation system. Similarly, corn grain yield (See Figure 1 on page 12) increased 22-28 bu/acre (nearly two fold increase) with drainage only and drainage/subirrigation increased yield up to 109 bu/acre (four fold increase). Additional economic analysis, nitrogen utilization, and historical drainage yield information will be provided at the Drainage Workshop.

In other words, subsurface drainage systems work! Many landowners are now becoming aware of the tremendous benefits to these systems. Quality design and installation is critical for the success of a subsurface drainage system.

It will be the wise MLICA contractor who spends a little time and a little money to learn how to increase his customer base with the increased knowledge of new techniques, machinery options, and design/installation options presented at the Drainage Workshop. And, because subsurface drainage systems also impact water quality in Missouri, there may be incentive funding from NRCS available to the farmers.

“Drainage Workshop” >p12

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Drainage Workshop

(From page 11)

What Will I Get out of the Drainage Workshop?

The MLICA Drainage Workshop will provide hands-on exercises in design. In addition, each attendee will receive:

- a reference/resource notebook containing up-to-date information on drainage issues; and
- a certificate of completion.

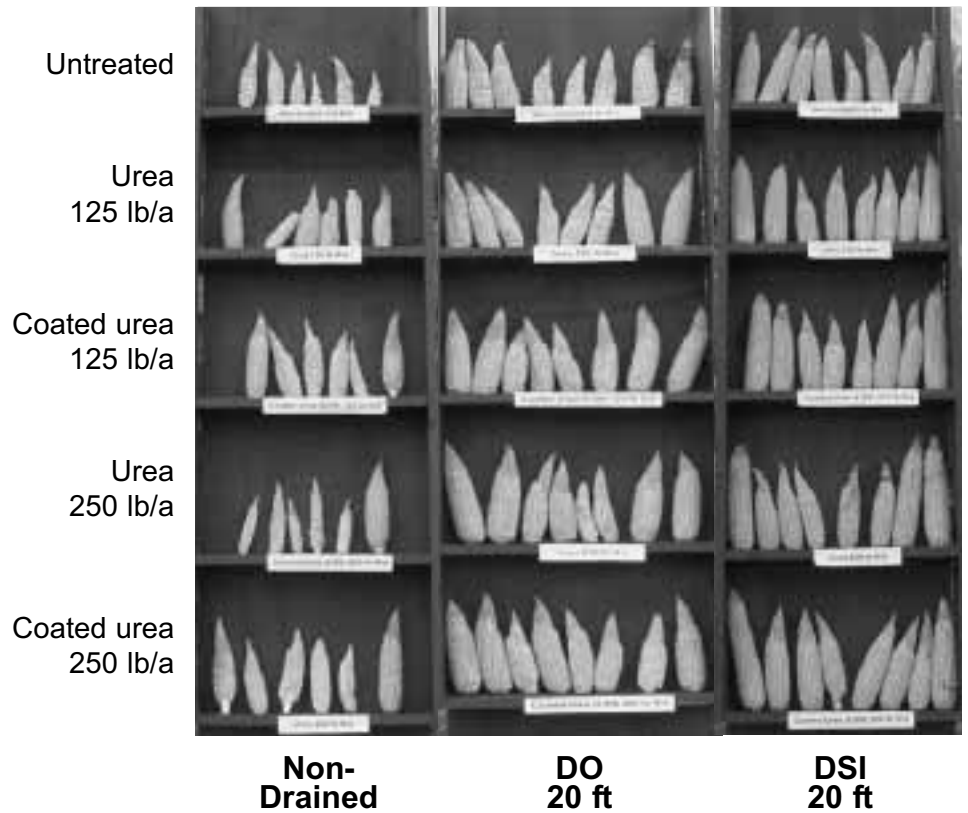
After attending the MLICA Drainage Workshop, you will be able to:

- design simple ag subsurface drainage systems; and
- recognize the potential of various water table management strategies to reduce adverse environmental effects of subsurface drainage and improve agricultural production.

The MLICA Drainage Workshop will take place February 2 & 3, 2006 at the Comfort Inn in Macon, Mo. For more information or to pre-register, go to www.MLICA.org or call Debbie at 573-634-3001.

Figure 1 (Below):

Field observations of non-drained, 20 ft. drainage only (DO), 20 ft drainage/subirrigation (DSI) and nitrogen treatments in 2005.



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