



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Lanny E. Erdos, Chief
Ohio Department of Natural Resources
Division of Mineral Resources Management
2045 Morse Road, Building H-2
Columbus, OH 43229-6693
Phone: (614) 265-6893; Fax: (614) 265-7999

June 19, 2017

Mad River Township
260 East Main Street
P.O. Box 34
Enon, Ohio 45323

Dear Mad River Township Trustees,

Please accept this letter as a formal response to your letter received by the Division of Mineral Resources Management (Division) on May 15, 2017. Your letter references continued concerns the Mad River Township Trustees (Trustees) have regarding an Amendment Application request (A-340-1) for permit IM-340 to amend the existing permit and consolidate already permitted ground on Permit IM-375 onto existing Permit IM-340 and creating one permit (IM-340), and the Modification Application request (IMM-340-4) for permit IM-340 to increase the mining depth and modify the existing water drawdown plan. With exception to the two recent application requests just mentioned, please be reminded that Enon Sand and Gravel (Operator) still currently holds approved and issued permits IM-340 and IM-375 to mine sand/gravel and limestone. It is also important to reiterate that it remains the responsibility of the Operator to obtain approvals from all other federal, state, and/or local regulatory authorities having jurisdiction over activity that does not fall within the scope of Ohio Revised Code (ORC) Chapter 1514, which defines the role of the Division in regulating Surface Industrial Mineral Mining in Ohio. The following is a list of Division responses to trustee's continued concerns regarding the amendment request and modification request as described above:

1. The Division has received the report completed by Brent Huntsman on behalf of the Trustees on May 15, 2017. Mr. Huntsman's report will be taken into consideration during the comment period relative to what concerns may or may not fall within the scope of ORC 1514. A formal response letter from the Division's technical review staff will be forwarded to Mr. Huntsman and the Trustees following this letter and after the review is complete.
2. The Ohio Environmental Protection Agency (OEPA) and the United States Army Corps of Engineers (USACE) have authority over wetlands. The Division has sent notification letters to these regulatory authorities as a courtesy to inform them of the operator's applications requesting to amend and modify their existing permits and that the proposed activities may fall within the scope of their regulatory authority. It remains the responsibility of the operator to obtain approvals from all other federal, state, and/or local regulatory authorities having jurisdiction over activity that does not fall within the scope of ORC Chapter 1514.

3. The Division continues to review the Operator's proposed modifications to the existing water drawdown plan for compliance with ORC Chapter 1514. During mining, the Operator is to take measures to ensuring contamination from mining of any underground water sources is prevented. Any person who feels a water supply for domestic, agricultural, industrial, or other legitimate use from groundwater has been impacted as a result of mining operations on the permit(s) can notify the Operator and the Division of their complaint about water concerns. The Operator is required to provide an explanation to the Division how they have or will resolve the water complaint. A temporary water source is also required to be supplied within 72 hours of the Operator receiving a complaint. The Division may also conduct its own investigation afterwards to determine if impacts have occurred. If it is determined impacts to a water supply have occurred, the Operator is required to provide a permanent water supply replacement within 28 days after receipt of the complaint. Both the temporary and permanent water sources provided by the mining company must be comparable in quality and quantity.

4. ORC 1514 requires the Operator to include a statement in an application that the applicant will comply with any applicable zoning resolutions of ordinances. It is the responsibility of the operator to obtain approvals from all other federal, state, and/or local regulatory authorities having jurisdiction over activity that does not fall within the scope of ORC Chapter 1514. Chapter 1514 does not require applications to contain verification of compliance with any applicable zoning resolutions or ordinances, and per ORC 1514.023, the Chief of the Division shall not enforce such zoning resolutions or ordinances.

5. The Division appreciates the efforts of the Mad River Township Trustees in providing this information.

All surface mine applications, amendments and modifications are reviewed and issued with the condition that the applicant meets the requirements of Ohio's surface mining laws found in Chapter 1514 of the Ohio Revised Code and complies with the approved mining and reclamation plan. The law mandates that the Division issue a permit when the application meets the requirements of Ohio's surface mining laws. Issuance of a permit by the Division does not, however, relieve the operator of any obligation to meet other federal, state, and local requirements.

So that you may stay informed, any decisions made in regard to the above mentioned permit modification request will be immediately communicated to the Mad River Township Trustees and Clark County Commissioners by our Division.

Mad River Township Trustees
June 19, 2017
Page 3

If you have any further questions, please feel free to contact me in our New Philadelphia field office at 330-339-2207.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyson Lamielle". The signature is fluid and cursive, with the first name "Tyson" and last name "Lamielle" clearly distinguishable.

Tyson Lamielle
Field Supervisor

cc: Lanny Erdos, Chief-ODNR, Division of Mineral Resources Management
Dave Crow, Deputy Chief-ODNR, Division of Mineral Resources Management
Mike Mitchell, Inspector-ODNR, Division of Mineral Resources Management
Karl Hildebrand, ES 1- ODNR, Division of Mineral Resources Management