



SURFACE MINE RENEWAL PERMIT

Under the authority of Chapter 1514 of the Revised Code, the Chief of the Division of Mineral Resources Management hereby orders and grants a renewal to Ohio Surface Mine Permit: IM-340.

Issued To: DEMMY CONSTRUCTION INC
4324 FAIRFIELD PIKE
SPRINGFIELD, OH 45502

Telephone: (937) 325-9429

Permit Number: IM-340

Application Number: IMR-0340-3

Acreage: 21.80

Effective: 04/25/2007

Expires: 04/24/2022

Type of Operation: Surface

Mineral Types: Gravel, Sand, Limestone

LOCATION OF PERMIT AREA

NAME OF LANDOWNERS	T	R	SECTION	LOTS	TOWNSHIP	COUNTY
Daniel E. Demmy	4N	8E	23		MAD RIVER	CLARK

The issuance of this permit means only that the application to conduct a surface mining operation meets the requirements of Chapter 1514 of the Revised Code, and as such DOES NOT RELIEVE the operator of any obligation to meet other federal, state or local requirements

This permit is conditioned upon the compliance of the permittee with Chapter 1514 of the Revised Code and rules adopted pursuant thereto, and performance of the measures set forth in the Mining and Reclamation Plan in a timely manner, and upon the right of the Chief, division inspectors, or other authorized representatives of the Chief to enter upon the premises at reasonable times for the purposes of determining whether or not there is compliance with Chapter 1514 of the Revised Code.

Signature: John F. Husted by Dr. Crow **Date:** 02/28/2008
Chief, Mineral Resources Management

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OHIO DEPARTMENT OF NATURAL RESOURCES
Division of Mineral Resources Management

☐ NEWAPPLICATION


☒ RENEWAL APPLICATION

**Surface Industrial Mineral Mining Permit Application
Cover Sheet**

To Be Completed and Submitted by the Applicant

I, RAYMOND J. BEACH, GEOLOGIST, on behalf of DEMMY CONSTRUCTION, INC.

do hereby submit a Surface Industrial Mineral Mining Permit Application including all required attachments as indicated on page 2 of the application cover sheet. All information and data provided in this application, maps and attachments thereto are true and correct to the best of my knowledge. Comments made or questions about this application are to be directed to me, at the address and phone listed below:

Signed: 

Address: 4378 MAHONING AVENUE, P. O. BOX 4620

City, State, Zip: YOUNGSTOWN, OHIO 44515

Phone: 330-792-2271

Fax: 330-792-2271

Email: rjb0601@aol.com

RECEIVED

FEB 27 2008

**DIVISION OF MINERAL
RESOURCES MANAGEMENT**

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**Surface Industrial Mineral Mining Permit Application
Checklist of Required Attachments**

The following items should be included in a surface industrial mineral mining permit application and mailed to ODNR/Division of Mineral Resources Management, 2045 Morse Road, Building H-3, Columbus, OH 43229-6693. Please review your application package carefully to insure that all required attachments are included. Failure to include one or more required item will result in a processing delay:

- ☒ THREE copies of an application map prepared in accordance with section 1514.02 (A)(1 1) & (12) of the Revised Code. See *Operator Guidelines for map checklist & requirements*.
- ☒ THREE COPIES of the completed surface mining permit application that has been prepared in accordance with section 1514.02(A) of the Revised Code and in accordance with rules adopted pursuant to Section 1514.08 of the ORC. At least one copy of the application must have original signatures on the completed signature page. (Please use blue ink). Each copy of a completed application must include ONE copy of each of the following items:
- ☒ Geological Data Report. This information shall be kept confidential and not made a matter of the public record, except that the chief, in any legal action in which the truthfulness of the information is material, may disclose the information.
- ☒ Include cross sections of existing and final land forms for each mining area and identify by name or number. Submit additional cross sections for any significant dissimilar final land configurations (see surface mine rule 1501:14-4-02).
SEE THE "GROUNDWATER MODEL INVESTIGATION" SUBMITTED PREVIOUSLY.
- ☒ Certificate of Public Liability Insurance in accordance with Section 1514.02(A)(1 3) of the Revised Code. It should bear an original signature. Insurance must include coverage in the amounts of:
 - \$100,000 for all damages because of bodily injury sustained by one person as the result of any one occurrence, and \$300,000 for all damages because of bodily injury sustained by two or more persons as the result of any one occurrence.
 - \$100,000 for all claims arising out of damage to property as the result of any one occurrence, with an aggregate limit of \$300,000 for all property damage to which the policy applies.
- ☒ Actual lease, deed or Lease/Deed Affidavit for each surface owner listed on the application other than the applicant that documents the right of entry upon the land proposed to be mined.
- ☐ Public Notice Requirement:
 - ☐ Copy of zoning variance and/or certificate and proof-of-publication for public notice.
 - ☐ Copy of any required advertisement or public notice text that will be published to verify compliance with applicable public notice requirements identified in Section 1514.022 of the ORC, if no zoning resolution or ordinance applies.
 - ☐ Copy of any applicable zoning ordinance(s) allowing mining for the area in which the proposed surface mining operation is located.
- ☒ Notarized, sworn statement that during the term of any permit issued under Chapter 1514 of the Revised Code or of any renewal of such a permit, the applicant will comply with all applicable zoning resolutions and/or ordinances that are in effect.
- ☒ Statement certifying that the applicant has communicated with the county engineer regarding roads within the county engineer's jurisdiction that will be used by vehicles entering or leaving the proposed surface mining site. Include a copy if communication was via letter.
- ☒ Signed copy of any and all consent forms to mine within 50 feet of the right of way of a public road fully executed by the local road authority.
- ☐ Signed copy of any an all consent forms to mine within 50 feet of adjacent property executed between the operator and the landowner.

OHIO DEPARTMENT OF NATURAL RESOURCES
Division of Mineral Resources Management

Surface Industrial Mineral Mining Permit Application

FOR DIVISION USE ONLY:

Date Received: 3-14-2007
Application No: IMP-0340-3
Region: West
Permit Number: IM-340

APPLICANT Information

1. Name of Applicant: DEMMY CONSTRUCTION, INC.

Mailing Address: 4324 FAIRFIELD PIKE

City: SPRINGFIELD State: OHIO Zip Code: 45502

Business Telephone: 937.325.9429 Fax Number: 937.323.5016 E-mail: NONE

Federal Tax ID# [REDACTED]

2. Business Structure:

☐ Sole Proprietorship ☐ Partnership ☒ Corporation ☐ Other:

3. List the names of owners, partners, all corporate officers, directors or other persons who have a right to control or in fact control the management of the applicant or the selection of officers, directors or managers of the applicant (If additional persons are to be shown, please list on a separate sheet)'.

Name: DANIEL E. DEMMY
Title: PRESIDENT
Address: 4995 S. TECUMSEH ROAD
City: SPRINGFIELD State: OHIO Zip: 45502

Name: ANNE C. DEMMY
Title: VICE PRESIDENT
Address: 4995 S. TECUMSEH ROAD
City: SPRINGFIELD State: OHIO Zip: 45502

Name: _____
Title: _____
Address: _____
City: _____ State: _____ Zip: _____

Name: _____
Title: _____
Address: _____
City: _____ State: _____ Zip: _____

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This application is hereby ☒ approved, ☐ disapproved by the Chief, Division of Mineral Resources Management.

Date: February 28, 2008 Signed: John F. Husted by DM Crow
Chief, Division of Mineral Resources Management

4. List below the names of additional persons duly authorized to sign for the applicant with regard to the administrative paperwork required by the Division of Mineral Resources Management. STACEY PICOLO

5. If the business structure is a corporation, please provide the name, address and telephone number of your Ohio statutory agent:

Name: PAUL R. VALENTE, ATTORNEY Telephone Number: 937.325.9000
Address: 10 SOUTH SPRING STREET
City: SPRINGFIELD State: OHIO Zip: 45502

6. Identify by the appropriate permit number any other surface mining, in-stream mining or coal mining permits now held by the applicant in this state.

☐ If applicant holds no other mining permits, check here.

Permit Number	County	Permit Number	County
IM-375	CLARK		
IM-2073	CLARK		

7. Has the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact, controls the management of the applicant of the selection of officers, directors or managers of the applicant ever had a surface coal or industrial mineral mining permit or an in-stream mining permit issued by this or any other state suspended or revoked or ever forfeited a surface coal or industrial mineral mining bond, cash or security deposit in lieu of bond? ATTACH a separate sheet providing details surrounding any suspension, revocation or bond forfeiture.

☐ Yes ☒ No

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LANDOWNER Information

8. List the names and addresses of the owners of surface rights for the land upon which the applicant proposes to conduct surface mining operations. (If surface rights in the land are not owned by the applicant, submit a copy of the lease, deed or Lease/Deed Affidavit form which documents the applicant's right of entry upon such land by the applicant by his/her agents.)

Surface Owners	T/R	Section/Lot VMS	Township	County	Municipal Corporation
NAME: DANIEL E. DEMMY	T-4N, R-8E	SEC: 23	MAD RIVER	CLARK	-----
ADDRESS: 4995 S. TECUMSEH ROAD		LOT:			
CITY: SPRINGFIELD		VMS:			
STATE, ZIP: OHIO 45502					
NAME:		SEC:			
ADDRESS:		LOT:			
CITY:		VMS:			
STATE, ZIP:					
NAME:		SEC:			
ADDRESS:		LOT:			
CITY:		VMS:			
STATE, ZIP:					
NAME:		SEC:			
ADDRESS:		LOT:			
CITY:		VMS:			
STATE, ZIP:					

9. During the course of mining and/or reclamation, do you anticipate having to remove any boundary, section corner, government or other survey monuments? ☐ Yes, ☒ No If yes, describe how and when you intend to reestablish such monuments.

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PERMIT & GEOLOGIC Information

- 1 0. List each mineral to be produced and the estimated annual rate of production. Also identify the estimated total production for each mineral during the life of the mine.

Mineral	Estimated Annual Production (in tons)	Estimated Total Production
LIMESTONE	50,000	750,000
SAND & GRAVEL	10,000	150,000

- 1 1. Provide a report of the result of test borings that the operator has conducted on the proposed permit area, or otherwise has readily available, as required by Section 1514.02(A)(9) O.R.C. and 1501-14-4-01 O.A.C. Provide test boring and geological data on a Geological Data Report, and attach the completed form as an appendix to the surface mining permit application. *Such information will be kept confidential and is not a matter of public record.*

List the number of Geological Data Reports that are attached. ONE (1)

12. Are there any underground or deep mines within or under any of the proposed permit areas?
☐ Yes, ☒ No If "yes," describe what practice will be employed to permanently seal opened mine works when and if they are intercepted by surface mining activity under this permit in order to prevent contamination of surface or underground water supplies- (Use a separate sheet if needed.)

13. Provide the following estimates:

Total acres in the permit application area	21.8
Total number of separate and distinct mining areas in the proposed permit area (mining areas MUST be identified by name or number and shown on the application map)	1
Total acres proposed to be affected during the first year of operations (for new permit applications only)	NA (30TH. YEAR RENEWAL)
Total acres estimated to be affected during life of the mine	21.8

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LAND USE/ZONING

14. Is there a zoning resolution or ordinance in effect for the county, township or municipal corporation in which the proposed permit area is located? ☒ Yes, ☐ No If "yes," list the county, township or municipal entity and contact name, title and telephone number where they can be reached. CLARK COUNTY ZONING, 25 WEST PLEASANT STREET, SPRINGFIELD, OHIO, 45502, PHONE: 937.328.2496.

PUBLIC NOTICE REQUIREMENTS

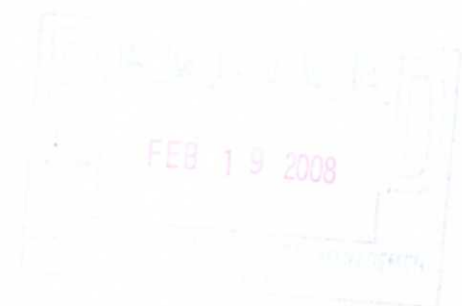
- ☒ If Renewal, mark "X" and skip to question 16.

- 15.A. Were you granted a zoning variance or conditional use certificate that allows mining within 365 days of your submission of this application?

☐ Yes. Submit a copy of the variance or certificate and proof of publication of the public notice for that purpose.

☐ No. Follow instructions listed in "B" below:

- B. If there is no zoning or if no zoning resolution or ordinance applies to the proposed surface mining permit application area, attach a draft copy of the required advertisement (refer to Operator Guidelines).
- C. If the plan of zoning specifically allows for mining at the proposed location, no public notice is required. The applicant must provide a copy of the respective portions of the ordinance allowing mining.



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WATERCOURSE Information

Restrictions apply to mineral excavation and all other mining activities along designated wild, scenic & recreational rivers and all other watercourses with drainage areas of more than 25 square miles. The restrictions are as follows:

Designated wild, scenic & recreational rivers

No EXCAVATION w/in 120' of high water mark

No MINING ACTIVITIES w/in 75' of high water mark

Watercourses with a total drainage area greater than 100 square miles

No EXCAVATION w/in 75' of high water mark

No MINING ACTIVITIES w/in 75' of high water mark

Watercourses with drainage area between 25 & 100 square miles*

No EXCAVATION w/in 50' of high water mark

**Under limited circumstances, the chief may grant a variance to this provision per 1501:14-5-04 ORC*

No MINING ACTIVITIES w/in 50' of high water mark

16. Is a named watercourse identified on the application map for the proposed permit area? ☐
Yes, ☒ No If "yes," provide the following information:

- a. Name of watercourse: NA
- b. What is the total drainage (in square miles) of the named watercourse (refer to the "Gazetteer of Ohio Streams")? NA
- c. Proximity of the watercourse to your final proposed permit boundary: NA (feet)
- d. Describe all activities that will be occurring nearest to the watercourse:

NA



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MINING PLAN Information

17. Identify all methods of mining that will be employed within the permit area:

- ☒ Quarrying (Limestone, dolomite, sandstone)
☐ Dredging (sand and gravel)
☒ Open Pit (Sand and gravel, clay, shale, topsoil)
☐ Other - please describe:

18. Identify and describe the equipment that will be used during the proposed mining and reclamation activity (include excavating, dredging, hauling and pumping equipment). Be specific and include an additional sheet if more space is needed.

ONE (1) CATERPILLAR 235-C TRACK HOE, 3 CU. YDS.; ONE (1) CATERPILLAR 980 FRONT END LOADER, 5 CU. YDS.; ONE (1) CATERPILLAR 988 FRONT END LOADER, 6 CU. YDS.; ONE (1) TRACK HOE WITH HYDRAULIC HAMMER; ONE (1) WATER PUMP, CAPACITY: 4", 160 GAL/MIN.

19. For each mining area, describe the sequence of mining in detail. Include information on topsoil removal, storage and protection as required in 1501-14-3-08 O.A.C. and the typical sequence of events that will be undertaken to extract minerals.

There is only one (1) mining area for this operation & it is designated #1. About ninety-five (95) per cent of the Permit area has already been affected by mining & all of the top & subsoil has been removed & stored in the form of berms along the perimeter of the Permit. In view of the foregoing, the typical sequence to extract the minerals will be removing/mining the remaining quality sand & gravel, transporting same to the plant for processing then marketing same, then mining the underlying limestone by blasting, processing & selling.

20. Identify the methods that will be used to control surface drainage on land areas so that soil erosion, sedimentation, flooding, flood hazards and landslides are prevented during the proposed surface mining activity. *Be specific in describing (on additional sheets) how each method is to be used.*

☐ Sediment Ponds Locate on map and identify by name and number. (Submit a Pond/impoundment Design for each sediment pond and attach plan views or cross-sections when needed as supplemental information.)

NO SEDIMENT WILL BE CONSTRUCTED. ALL WATER WILL BE CONTAINED ON-SITE. HOWEVER, IF SEDIMENT OR SUMP PONDS ARE DETERMINED NECESSARY THEY WILL BE INSTALLED.

☐ Diversions Locate on map and describe by plan views or cross-sections.

NO DIVERSION DITCHES WILL BE CONSTRUCTED. HOWEVER, IF THEY ARE DETERMINED NECESSARY IN ORDER TO PREVENT EROSION & SEDIMENTATION, THEY WILL BE INSTALLED.

☒ Protective Cover ☒ Temporary Vegetation Species Pounds per Acre

RYE/WHEAT

2 BU/AC

☒ Mulch

☐ Dikes ☐ Locate on map and give dimensions. (Attach plan views and cross sections when needed as supplemental information.)

NA; DIKES WILL NOT BE NECESSARY.

☐ Other ☐ Describe:

NA

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21. Identify measures to be taken by the applicant to provide for public safety in and around the proposed mine site.

☒ Berm Construction

☒ Fencing

☒ Warning Signs

☐ Traffic Control

☒ Screen Plantings

☒ Blast Warning Signals & Signs, and
"Blasting Area" Signs

☐ Guardrails

☐ Other (describe):

22. Will explosives be used to facilitate the mining and reclamation process? ☒ Yes, ☐ No If
"yes," submit Industrial Minerals Blasting Plan.

GROUNDWATER PROTECTION

23. Do acid-forming strata exist within the proposed permit area? ☐ Yes, ☒ No If "yes," list the
acid-forming strata to be affected in the permit area. Describe in detail the specific practices
to be employed during mining and reclamation, including any treatment procedures and
facilities to minimize acid water drainage and the accumulation of acid water and to prevent
damage to adjoining property resulting from such drainage or accumulation.

ACID-FORMING STRATA: List in detail any and all potentially acid forming strata found on the proposed permit area.	NA	NA
	NA	NA
	NA	NA

Identify and describe the practices that you will employ to prevent acid water damage and
the accumulation of acid water. Be specific.

NA

24. To ensure contamination, resulting from mining, of underground water supplies is prevented,
describe how the applicant will:

A. Promptly seal all auger holes-, NA

B. Cover acid-producing materials-, NA

C. Seal all shafts, boreholes, wells and other openings which are intercepted during mining-,
NA

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D. Seal intercepted underground mines.

NA

GROUNDWATER MODELING Information

☒ If Renewal, mark "X" and skip to question 26.

25. Will you be pumping and discharging water to facilitate mining?

☐ Yes, ☐ No If "yes," submit groundwater modeling attachment(s) as outlined in the Operator's Guidelines. Section 1514.02(A)(16) of the Revised Code requires that an applicant submit a compilation of data in a form that is suitable to conduct ground water modeling to establish a projected cone of depression.

RECLAMATION PLAN & SCHEDULE

26. For each mining area, specifically identify the future intended land use and fully describe the sequence of steps that will be used to prepare the land for its future intended use. Also describe steps that will be taken to achieve soil stability, prevent landslides, erosion and sedimentation. Be specific in addressing the use of overburden, backfilling, grading, terracing, contouring, degree of final slopes and any other related activity.

As stated previously, there is only one (1) mining area for this operation & it is designated #1. After mining is completed in the Permit area, a private permanent water impoundment will be left/constructed which will be the intended future use of the area. All areas above the final highwalls will be graded to 3:1 slopes or less (leaving no overburden/high walls), resoiling these same areas with at least six (6) inches of a combination of top & subsoil then seeding same with grasses & legumes. Diversion ditches & mulching will be installed/applied if necessary in order to achieve soil stability, prevent landslides, erosion & sedimentation. There will be no backfilling of highwalls.

27. Identify and describe the anticipated timeframe between the completion of mining in an area and the completion of all grading and planting.

A. Will grading, resoiling and planting be completed within one year following the completion of mining in an area? ☒ Yes, ☐ No If "no," describe the reason for requesting additional time.

NA

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B. Will permanent planting be completed immediately following any required grading and resoiling of an area affected, or during the next growing season following resoiling?

☒ Immediately following grading and resoiling

☐ During next growing season

If "during next growing season," describe the reason for requesting additional time.

NA

C. Will permanent vegetation be established and maintained for two (2) growing seasons following planting? ☒ Yes, ☐ No If "no," describe the reason for requesting additional time.

NA

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- D. Will ALL reclamation requirements be completed within three years following the completion of mining in an area? ☒ Yes, ☐ No If "no," describe the reason for requesting additional time.

NA

28. Will permanent impoundments be left following mining and reclamation? ☒ Yes, ☐ No If ((yes," complete the table below, including information for all proposed permanent impoundments. Add additional sheets if necessary.

	Impoundment #1	Impoundment #2	Impoundment #3
Estimated elevation of high water mark in ft/msl	949' MSL'		
Estimated Surface Area	12 ACRES		
Estimated Average Depth	13'		
Estimated Maximum Depth	20'		
Is the Impoundment Designed to Discharge'	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Primary Water Source: Ground or Surface Water	SURFACE WATER	FEB 19 2008	

¹ For EACH impoundment designed to discharge water into a stream or other drainage area, the applicant MUST complete a **Pond/impoundment Design**. Also, impoundments designed to discharge may require NPDES permits from the Ohio Environmental Protection Agency. The issuance of a surface mining permit does NOT exempt operators from obtaining all other necessary state and federal permits.

29. Describe all measures that you will take to prevent contamination of water in each of the impoundments described above.

Surface water resulting from the mining which contains substances in amounts or concentrations that are harmful to persons, aquatic life, etc. will be prevented from flowing into the impoundment. Frequent inspections of on-site equipment and any fuel tanks will be made so that leaks or accidental spills will be prevented from entering the impoundment.

30. A. What measures will you take upon completion of mining and reclamation to restrict access where access is not required by the intended future use of the impoundment?
 "DANGER/NO TRESPASSING" SIGNS WILL BE POSTED AT FREQUENT INTERVALS COMPLETELY AROUND THE PROPOSED IMPOUNDMENT IN ORDER TO RESTRICT ACCESS. A LOCKED GATE WILL BE MAINTAINED AT THE ENTRANCE & THE ENTIRE IMPOUNDMENT WILL BE FENCED.
- B. What measures will be taken to provide for safe and adequate egress from the impoundment?

A RAMP WILL BE CONSTRUCTED & MAINTAINED AT A 12 DEGREE GRADE INTO THE PIT/IMPOUNDMENT IN ORDER TO FACILITATE EGRESS (OR INGRESS).

31. Will highwalls be included in the final land form? ☒ Yes, ☐ No If "yes," applicants must provide the following information.

A. Estimated proposed height of final highwall (in feet): TWENTY FIVE (25) FEET

B. If an impoundment is the proposed final land form, what will be the maximum height of exposed highwall above the high water mark of the impoundment?

0 FEET

- C. Describe in detail, the specific practices that will be employed to stabilize all remaining highwalls. Include information about the site-specific geological formation.

BLASTING WILL BE REDUCED WHEN APPROACHING THE FINAL HIGHWALL(S) SO FRACTURING OF SAME WILL BE KEPT TO A MINIMUM. ANY LOOSE/FRACTURED ROCK OCCURRING ON THE FINAL HIGHWALL(S) FACE(S) WILL BE REMOVED.

- D. What provisions will be made to provide for public safety and to restrict access to highwalls from above and provide egress from the pit area?

"DANGER/NO TRESPASSING" SIGNS WILL BE POSTED WHERE NECESSARY ABOVE THE FINAL HIGHWALL(S). FENCING WILL BE INSTALLED WHERE DETERMINED NECESSARY ABOVE THE FINAL HIGHWALL(S) TO RESTRICT ACCESS TO THE HIGHWALL(S) WHEN APPROACHED FROM ABOVE. A RAMP WILL BE CONSTRUCTED/MAINTAINED INTO THE PIT AREA AT A GRADE OF 3:1 OR LESS TO FACILITATE EGRESS FROM THE PIT AREA.....OR INGRESS.

RESOILING/REPLANTING PLAN

32. What material(s) will be used for resoiling upon completion of mining?

Check All That Will Be Used	Material	Average Depth on Permit Area	Depth to be Redistributed for Reclamation
<input checked="" type="checkbox"/>	TOPSOIL	ONE (1) FOOT	COMBINATION OF SIX (6) INCHES TOP & SUBSOIL.
<input checked="" type="checkbox"/>	SUBSOIL	FIVE (5) FEET	COMBINATION OF SIX (6) INCHES TOP & SUBSOIL
<input type="checkbox"/>	SUBSTITUTE* <i>Specify below</i>		

*If sufficient quantities of topsoil and subsoil do not exist for reclamation, specify what substitute resoiling material will be utilized to insure successful reclamation of the site? (*Identify stratum or mixture to be utilized and include evidence that the substitute resoiling material will support vegetation capable of self-regeneration and plant succession, including a standard soil test analysis.*)

NA; SUFFICIENT QUANTITIES OF TOP & SUBSOIL EXISTS WITHIN THE PERMIT AREA FOR RECLAMATION PURPOSES.

33. Describe the plan for redistribution of topsoil and/or subsoil on all graded areas. Be specific.

THE FRONT END LOADERS WILL BE USED TO REDISTRIBUTE THE TOP & SUBSOIL. AT LEAST SIX (6) INCHES WILL BE REDISTRIBUTED OVER ALL GRADED AREAS.

34. Describe how the seedbed will be prepared, planted and protected. (Include- equipment, lime and fertilizer to be used per soil test results, moisture retention and erosion control methods to be employed.)

THE TOP & SUBSOIL WILL BE DISCED OR HARROWED IF NECESSARY. LIME AND FERTILIZER WILL BE ADDED IN AMOUNTS AS DETERMINED BY SOIL TESTS. DIVERSION DITCHES WILL BE INSTALLED IF NECESSARY FOR EROSION AND SEDIMENTATION CONTROL PURPOSES, AND MULCHING WILL BE APPLIED IF NEEDED TO ENHANCE MOISTURE RETENTION.

35. Identify the species and the amount of grasses, legumes and nurse crops that will be planted to vegetate areas affected by the surface mining operation:

RECLAMATION PLANTING LIST

GRASSES (specify a minimum of 2 species)	Pounds Per Acre to be Planted
ORCHARD GRASS	10 #/AC.
KENTUCKY 31 FESCUE	10 #/AC.
LEGUMES (specify a minimum of 2 species)	Pounds Per Acre to be Planted
RED CLOVER	10 #/AC.
ALFALFA	10 #/AC.
NURSE CROPS (fast growing species to establish quick cover)	Bushels/Pounds Per Acre to be Planted
OATS	2 BU/AC
TREES (list species)	Seedlings Per Acre to be Planted
MAPLE, WHITE PINE, LOCUST & SYCAMORE	8' X 8'
OTHER (Agricultural crops, Wildlife Species, etc.)	Seeding/Planting Rate
NONE.	NA



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Signature Page and Statement of Accuracy

ALL INFORMATION AND DATA PROVIDED IN THIS APPLICATION, ANY APPLICABLE EXHIBITS AND ATTACHMENTS THERETO ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed on this 11 day of March, 2007

Signed: _____

Printed Name and Title: DANIEL E. DEMMY, PRESIDENT

Submit three (3) copies of any new surface mining permit application with at least one containing all necessary original signatures to:

Ohio Department of Natural Resources
Division of Mineral Resources Management
Permitting Section
2045 Morse Road, Building H-3
Columbus, OH 43229-6693

New permit applications forwarded directly by the applicant to the DMRM regional office(s) will result in a delay in the review and processing of the application.

Renewal permit applications should be submitted in triplicate to the appropriate regional office.

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LEASE/DEED AFFIDAVIT

Applicant/Operator Demmy Construction, Inc.

Pursuant to 1514.02, O.R.C., I(we) Daniel E. Demmy
as authorized representative(s) of Demmy Construction, Inc. (company) attest
to the fact that I(we) have consent to mine the following minerals on the following location by virtue of a lease
or deed or other document that is available for submission to ODNR, if requested.

PROPERTY LOCATION:

COUNTY	TOWNSHIP	SECTION	LOT	T-, R-	ACRES
Clark	Mad River	23		T-4 R-8	21.8

Mineral Owners of Property:

Name: Daniel E. Demmy
Address: 4995 South Tecumseh Road
Springfield, Ohio 45502

Surface Owners of Property:

Name: Same
Address:

Minerals to be Mined:

Sand & Gravel, Limestone

Further Description of Property:

3905 Fairfield Pike, Springfield, OH 45502

Mining Rights Authorized by Virtue of:

Lease ☒ Dated Oct. 23, 1990 for a period of 20 years beginning Oct. 23, 1990
and ending Oct. 23, 2010. Is lease assignable? Yes ☒ No

Deed ☐ Dated

Other ☐ Describe:

[Signature]
Signature of Affiant Daniel E. Demmy

Sworn to before me and subscribed in my presence this

President
Title

9th day of April, 19 97.

April 9, 1997
Date

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[Signature]
Notary Public

Ohio Department of Natural Resources
Division of Mineral Resources Management

Permit No. IM-340

Appl. No. ^{or} R-0340-3

Industrial Minerals Blasting Design

Applicant's Name: DEMMY CONSTRUCTION, INC.

1. Place an "X" in the box next to each paragraph that describes the general type(s) of blasting to be used.

- ☒ **Limestone, dolomite or sandstone production blasts**, with typical hole depths of about 20 to 120 feet, drilled vertically; hole diameters of about 4 to 8 inches; burdens and spacings ranging from about 10 to 20 feet (depending largely on hole diameter, rock and explosive types); explosives consisting of bulk or bagged ANFO, emulsions or blends, and cast primers with delay detonators; stemming with drill cuttings or crushed stone; and delay separations between holes and rows.
- ☐ **Overburden blasts** in rock materials above the production blasts, with design criteria similar to the production blasts described above.
- ☒ **Cap rock blasts or shallow production blasts** (e.g., less than about 15 feet deep), in limestone, dolomite, clay, shale or sandstone, with smaller hole diameters, burdens and spacings than the production blasts described above.
- ☒ **Small-scale presplit blasts** for dimension stone, rip-rap, or final wall control, using closely spaced small-diameter holes (normally in a single row), decoupled explosive charges such as large-grain detonating cord or small-diameter cartridges, and short (or no) delay periods between holes.
- ☐ **Other:** *Describe below.*

2. Place an "X" in the box next to each paragraph below that applies to the method(s) to be used to demonstrate compliance with applicable ground vibration and airblast limits at dwellings, public or commercial buildings, schools, churches, or community or institutional buildings (outside the permit area and not owned by the permittee).

- ☒ A seismograph will be used beside the nearest dwelling or building to demonstrate that: 1) the ground vibration did not exceed the frequency-dependent particle velocity limits of Appendix B in the U.S. Bureau of Mines RI 8507 (1980); and 2) the airblast, measured with a two-hertz, high-pass system, did not exceed 133 decibels.
- ☒ If a seismograph is not used as indicated in the above paragraph, the maximum weight of explosives detonated per delay (within any period less than 8-milliseconds) will comply with the scaled distance equation, $W=(D/90)^2$, where W is the maximum allowable charge-weight per delay (in pounds), D is the distance (in feet) to the nearest dwelling or building and "90" is the required scaled distance factor.

ORIGINAL

- ☐ In applying the USBM limits to the nearest dwelling or building, the lower plateau (for plaster-on-lath) at 0.50 inches per second (ips) shall apply at its corresponding frequencies, unless the permittee submits site-specific evidence to support the application of the higher plateau (for drywall) at 0.75 ips, relative to a single dwelling/building or group of dwellings/buildings, as appropriate. **Place an 'X' in this box only if such evidence has been submitted as an addendum to this application item.**
- ☐ The ground vibration and airblast limits may be waived by the current owner or controlling authority of a dwelling or building. **Place an "X" in this box only if such a waiver, in the form of a written consent, has been submitted as an addendum to this application item.**

3. **Place an "X" in the box next to each paragraph below that applies to the method(s) to be used to demonstrate compliance with applicable ground vibrations limits at the nearest structure not listed in item 2, above, such as oil/gas wells, oil/gas transmission and distribution lines, high-voltage steel transmission towers, public water lines, dams, silos, and unoccupied barns and pole buildings (outside the permit area, and not owned by the permittee).**

- ☒ A seismograph will be used beside the nearest structure (or above it, if buried) to demonstrate that a peak particle velocity of 2.0 ips was not exceeded.
- ☐ If a seismograph is not used as indicated in the above paragraph, the maximum weight of explosives detonated per delay (within any period less than 8-milliseconds) will comply with the scaled distance equation, $W=(DI40)^2$, where W is the maximum allowable charge-weight per delay (in pounds), D is the distance (in feet) to the nearest structure, and 40 is the required scaled distance factor.
- ☐ A peak particle velocity limit higher than 2.0 ips may be approved for a specific structure if supported by site-specific technical evidence. **Place an 'W' in this box only if such evidence has been submitted as an addendum to this application item.**
- ☐ The ground vibration limit may be waived by the current owner or controlling authority of a structure. **Place an 'W' in this box only if such a waiver, in the form of a written consent, has been submitted as an addendum to this application item.**

4. **In the space below or as an addendum to this application item, identify any site-specific conditions requiring special blasting considerations. (if none, write "NONE".) Then describe in detail, the blast design features, scheduling, traffic control, or other appropriate methods to accommodate the site-specific conditions. (As an example, blasting close to a major highway would be a site-specific condition, - methods to ensure the safety of the motoring public would include such things as blast design criteria to prevent flyrock, and traffic control measures suited to the type of highway.)**

WHENEVER THE BLASTER-IN CHARGE OR QUARRY FOREMAN DETERMINES THAT THE BLASTING AREA MAY EXTEND TO THE TRAVELED PORTION OF FAIRFIELD PIKE OR TECUMSEH ROAD; THE ROAD WILL BE CLOSED TO TRAFFIC DURING THE DETONATION OF THE BLAST. STOPPAGE OF TRAFFIC WILL BE CONDUCTED IN A SAFE MANNER, USING FLAGMEN, 2-WAY RADIOS, APPROPRIATE SIGNS, AND ASSISTANCE (IF REQUIRED BY LAW) FROM THE OHIO HIGHWAY PATROL OR OTHER APPROPRIATE ROAD AUTHORITIES. IF TRAFFIC IS STOPPED DURING BLASTING, SUCH ACTION WILL BE DOCUMENTED ON THE REQUIRED BLAST RECORD.



I, DANIEL E. DEMMY, PRESIDENT

ATTEST TO THE FACT THAT WE WILL COMPLY WITH ANY AND ALL APPLICABLE ZONING RESOLUTIONS AND ORDINANCES IN EFFECT AT THE TIME OF APPROVAL, AND FOR THE DURATION OF THIS PROPOSED

"RENEWAL SURFACE INDUSTRIAL MINERAL MINING PERMIT #IM-340"


Signature of Affiant

PRESIDENT

Title

Date

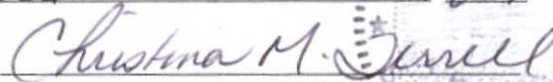
4-11-07

SWORN TO BEFORE ME AND SUBSCRIBED

IN MY PRESENCE THIS 11th DAY OF

April

2007



Notary Public



ORIGINAL

I, DANIEL E. DEMMY, PRESIDENT

ATTEST TO THE FACT THAT WE HAVE COMMUNICATED WITH THE APPROPRIATE
PUBLIC ROAD AUTHORITIES REGARDING ANY AND ALL STREETS AND ROADS IN
THE VICINITY OF OUR PROPOSED "SURFACE INDUSTRIAL MINERAL MINING PERMIT #IM-340"
THAT WILL BE USED BY OUR VEHICLES ENTERING AND LEAVING OUR MINING SITE; AND ALL
RULES & REGULATIONS IN EFFECT WILL BE COMPLIED WITH COMPLETELY.


Signature

PARTNER

Title

4.11.07
Date

SWORN TO BEFORE ME AND SUBSCRIBED IN MY

PRESENCE THIS 11th DAY OF

April

2007

Christina M. Muel

Notary Public



FEB 19 2008

ORIGINAL

50' CONSENT - PUBLIC ROAD

Applicant/Operator DEMMEY CONSTRUCTION, INC.

Pursuant to Sections 1514.02(B) and 4153.11 of the Ohio Revised Code, surface mining may not occur within 50' of the right of way of a public road without consent of the authority charged by law with the maintenance of that public road.

The above named operator proposes to conduct the following activities:

- ☐ Surface mine within _____ feet of the right of way.
☒ Store overburden within 50 feet of the right of way.
☐ Remove road. 26' REC
☐ Relocate road.
☐ Other (specify) _____

Public Road:

Township Road No. _____
 County Road No. 322
 State Route No. _____
 Other (identify) _____

Authority charged with maintenance of this road:

☐ Board of Township Trustees for _____ Township
☐ Board of County Commissioners for _____ County
☐ ODOT, Deputy Director District _____
☒ Other (identify) CLARK COUNTY ENGINEER

We, the authority charged with maintenance of this road, hereby give consent to these activities:

Robert P. Gault County Engineer 5/7/76
 Name Title Date

 Name Title Date

 Name Title Date

Attach: A) A photo copy of the surface mine permit map showing the road or portion thereof to which this consent applies. Highlight the area of the proposed activity.

B) A cross section (to scale) depicting the final land form which includes the edges of the pavement, the center line, the right of way line, and the limits of the consent.

This road permit is contingent upon ODNr approval and is valid only in conjunction with the Surface Mine Permit issued above. This consent form must bear original signatures or be a certified copy thereof. NOTE: Must be filed in triplicate.

FOR DIVISION USE ONLY

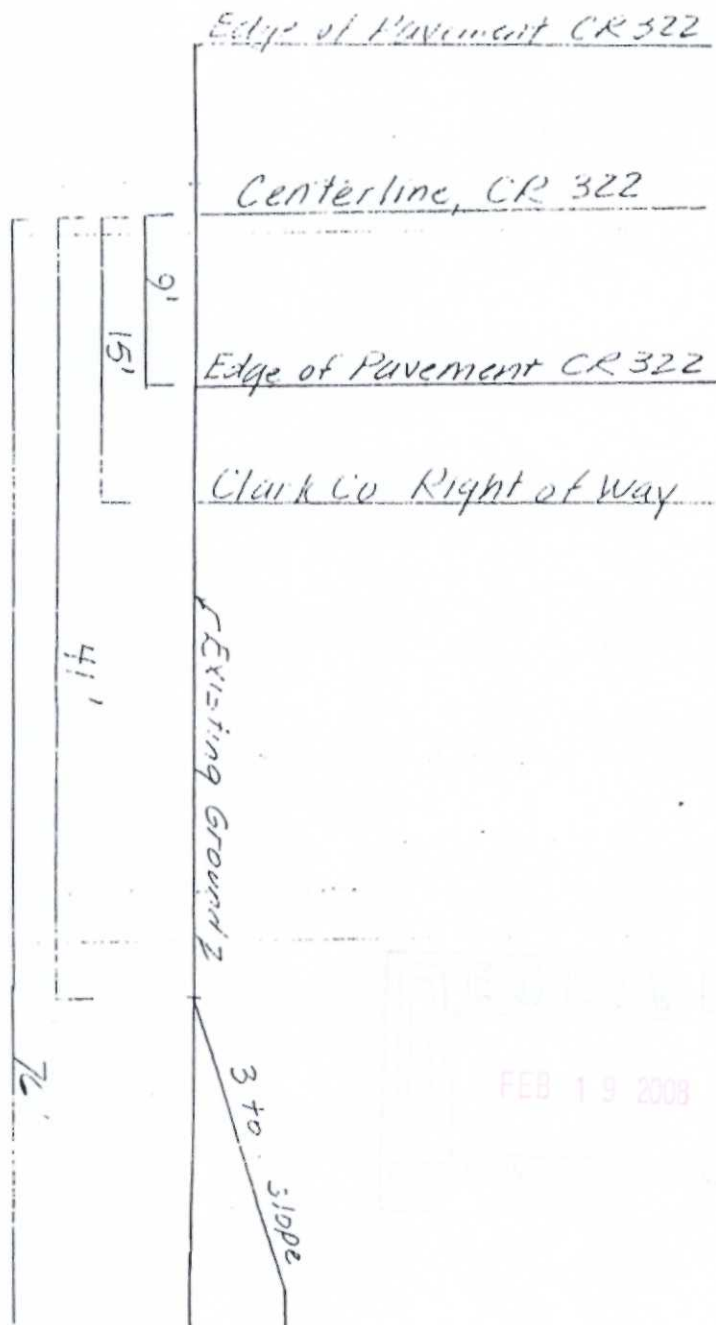
☒ Approved 7/12/96
☐ Disapproved

[Signature]
 Chief, Division of Reclamation
7/25/96
 Date

INSPECTOR
 ORIGINAL



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FEB 19 2008

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ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
11/08/2007

PRODUCER USI Midwest 312 Elm Street, 24th Floor Cincinnati, OH 45202 513 852-6300		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Demmy Construction, Inc. 3920 Fairfield Pike Springfield, OH 45502		INSURERS AFFORDING COVERAGE INSURER A: Westfield Insurance Co. INSURER B: Fireman's Fund Insurance Co. of Ohio INSURER C: INSURER D: INSURER E:	NAIC # 24112

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> PD Ded:1,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	CMM1902361	10/29/07	10/29/08	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$150,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 Stop Gap 1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Drive Other Car	CMM1902361	10/29/07	10/29/08	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$	CMM1902361	10/29/07	10/29/08	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$ \$ \$ \$ WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				
B	OTHER Leased/Rented Equip	ZI9710762	10/29/07	10/29/08	\$250,000. Limit \$1,000. Deductible

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

ORIGINAL

FEB 19 2008

CERTIFICATE HOLDER

For informational purposes only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Thomas W. Chaffin

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

State of Ohio
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

SURFACE MINE RENEWAL PERMIT

The Chief of the Division of Reclamation in accordance with and subject to the provisions, conditions, and limitations of Chapter 1514. of the Revised Code and rules adopted pursuant thereto hereby orders and grants to Denny Construction, Inc., 4324 Fairfield Pike, Springfield, Ohio 45502

a permit to conduct a Surface Mine Operation in Ohio pursuant to Application No. IM-0340 in compliance with Chapter 1514. of the Revised Code and rules adopted pursuant thereto for a period of ten years beginning April 27, 1997 and ending April 26, 2007

at the following described location for an estimated 21.8 acres of land.

PERMIT AREA DESCRIPTION

Names of Landowners	Township and Range (T—, R—)	Section or Lot	Township	County
Daniel E. Bemmy	4,8	23	Mad River	Clark
The issuance of this permit means only that the application to conduct a surface mining operation meets the requirements of Chapter 1514 of the Ohio Revised Code, and as such DOES NOT RELIEVE the operator of any obligation to meet other federal, state, or local requirements.				
Product: Limestone, Sand & Gravel				

This Permit is conditioned upon the compliance of the Permittee with Chapter 1514. of the Revised Code and rules adopted pursuant thereto, and performance of the measures set forth in the Mining and Reclamation Plan in a timely manner, and upon the right of the Chief, division inspectors, or other authorized representatives of the Chief to enter upon the premises at reasonable times for the purposes of determining whether or not there is compliance with Chapter 1514. of the Revised Code.

Date April 29, 1997

Lisa J. Morris
Chief, Division of Reclamation

(This permit shall be available for examination by any authorized representative of the Division of Reclamation)

Distribution: White-Operator Green-Division of Mines Canary-Inspector Pink-Permit File Goldenrod-Geological Survey

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION
SURFACE MINING PERMIT APPLICATION

RECEIVED

APR 11 1997

RECLAMATION
DISTRICT 7

To Be Completed and Submitted By The Applicant

I, Daniel E. Demmy, on behalf of Demmy Construction, Inc., do hereby submit a Surface Mining Permit Application including the required attachments listed below. All information and data provided on this application, maps, and attachments thereto are true and correct to the best of my knowledge. Comments made about this application are to be directed to me. I can be reached at (937) 325-9429.
Area Code/Phone Number

LIST OF REQUIRED ATTACHMENTS

- (1) A surface mining permit application which has been prepared in accordance with section 1514.02 (A) of the Revised Code and in accordance with rules adopted by the Chief pursuant to section 1514.08 of the Revised Code.
- (2) An application map which has been prepared in accordance with section 1514.02 (A) (10) & (11) of the Revised Code and in accordance with rules adopted by the Chief pursuant to section 1514.08 of the Revised Code.
- (3) Cross sections which depict the existing and proposed land form. (See surface mine rule 1501:14-4-02).
- (4) One copy of each Geological Data Report. All information included in this report shall be kept confidential and not made a matter of public record, except that the information may be disclosed by the Chief in any legal action in which the truthfulness of the information is material. (Form IM-2)
- (5) One copy of a Certificate of Public Liability Insurance in accordance with section 1514.02 (A) (11) of the Revised Code. (Form IM-3 or ACORD Form)
- (6) One copy of the actual lease, deed or Lease/Deed Affidavit form for each surface owner listed on the application other than the applicant, which documents the right of entry upon the land proposed to be mined. (Form IM-15)
- (7) If applicable, a 50' Consent - Public Road form with original signature, authorizing land to be affected closer than fifty (50) feet to the right of way of any public road. (Form IM-19)
- (8) If applicable, a 50' Consent - Adjacent Property form, with original signatures, authorizing land to be affected within fifty (50) feet of an adjacent property. (Form IM-20)

NOTE: — Three (3) copies of all documents, unless otherwise stated, are required for final submission.

- Any supplemental information that accompanies this application should be submitted on 8½" x 11" paper and should identify the page number and question to which it pertains.

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RENEWAL

2

Ohio Department of Natural Resources
Division of Mines and ReclamationSURFACE MINING PERMIT
APPLICATION
(To Be Filed In Triplicate)

FOR DIVISION USE ONLY

Date Received 4/11/97

Application No. _____

District CincinnatiPermit No. Im-340☐ NEW☒ RENEWAL

GENERAL INFORMATION

(1) Name of Applicant:

Business Name Demmy Construction, Inc.Mailing Address 4324 Fairfield PikeCity Springfield, State Ohio Zip Code 45502Business Telephone 937/325-9429

(2) Business Structure:

☐ Sole Proprietorship☐ Partnership☒ Corporation☐ Other _____

(3) List the name of owners, partners, all corporate officers, directors, or other persons who have a right to control or in fact control the management of the applicant or the selection of officers, directors, or managers of the applicant.

Name <u>Daniel E. Demmy</u> Title <u>President</u> Address <u>4995 S. Tecumseh Road</u> City <u>Springfield</u> State <u>OH</u> Zip <u>45502</u>	Name <u>Anne C. Demmy</u> Title <u>Vice President</u> Address <u>4995 S. Tecumseh Road</u> City <u>Springfield</u> State <u>OH</u> Zip <u>45502</u>
Name _____ Title _____ Address _____ City _____ State _____ Zip _____	Name _____ Title _____ Address _____ City _____ State _____ Zip _____

IF ADDITIONAL PERSONS ARE TO BE SHOWN, LIST ON SEPARATE SHEET

This application is hereby **APPROVED** by the Chief, Division of Mines and Reclamation.Date 4-21-97 Signed Wise Patricia M. P. Sterling
Chief, Division of Mines and Reclamation

The applicant is hereby informed that upon receipt of a filing fee of \$_____, the acreage fee of \$_____, and a bond of \$_____ for _____ acres estimated to be affected during the current year of operation, a permit or renewal permit to surface mine will be issued by the Division of Mines and Reclamation.

RENEWAL 2

- (4) List below the names of additional persons duly authorized to sign for the applicant with regard to the administrative paperwork required by the Division of Mines and Reclamation.

Louis A. Green

- (5) If the business structure is a corporation, give the name, address and telephone of the statutory agent.

Name N/A Telephone

Mailing Address

City State Zip

- (6) Identify by the appropriate permit number any other surface mining and/or coal mining permits now held by applicant in this state.

N/A

- (7) Has the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors or managers of the applicant ever had a surface mining permit or strip mining permit/license issued by this or any other state suspended or revoked or ever forfeited a surface or strip mining bond, cash, or a security deposit in lieu of bond?

☐ Yes ☒ No (If "Yes," explain circumstances of any suspension, revocation or forfeiture on attached sheet as supplemental information.)

SURFACE INFORMATION

- (8) List each mineral to be produced and the estimated annual rate of production.

One Mineral per Line	Estimated Production Rate (In Short Tons)
Sand & Gravel	50,000
Limestone	50,000

- (9) List the names and addresses of the owners of surface rights in the land upon which the applicant proposes to surface mine. *If surface rights in the land are not owned by the applicant, submit a copy of the lease, deed or Lease/Deed Affidavit Form which documents the right of entry upon such land by the applicant or his agents.*

SURFACE OWNERS	TOWNSHIP AND RANGE (T-, R-)	SECTION/ LOT/VMS	TOWNSHIP	COUNTY	MUNICIPAL CORP.
Name <u>Daniel E. Demmy</u> Address <u>4995 S. Tecumseh Road</u> City <u>Springfield</u> State <u>OH</u> Zip <u>45502</u>	T-4, R-8	SEC: 23 LOT: VMS:	Mad River	Clark	N/A
Name _____ Address _____ City _____ State _____ Zip _____		SEC: LOT: VMS:			
Name _____ Address _____ City _____ State _____ Zip _____		SEC: LOT: VMS:			
Name _____ Address _____ City _____ State _____ Zip _____		SEC: LOT: VMS:			
Name _____ Address _____ City _____ State _____ Zip _____		SEC: LOT: VMS:			

(10) Provide the following acreage information.

- (a) Total acres included in the permit area: 21.8
- (b) Number of separate and distinct mining areas in the permit area: 2
(mining areas must be identified by name or number and shown on the attached map)
- (c) Total acres proposed to be affected during current year of operation: 19

BLASTING**(11) Will explosives be used during mining?** ☐ Yes ☒ No

- (a) If "Yes," list the following information for a typical blasting plan:

- (1) Type of explosives used: _____
 - (2) Delay interval, in milliseconds, between detonations: _____
 - (3) Delay interval, in milliseconds, between holes: _____
 - (4) Delay interval, in milliseconds, between rows: _____
 - (5) Number of holes detonated per delay: _____
 - (6) Typical explosive weight per hole: _____
 - (7) Total explosive weight per delay: _____
 - (8) Total weight of explosives per blast: _____
 - (9) Depth of stemming: _____
 - (10) Depth of hole _____ Diameter of hole _____
 - (11) Typical burden _____ ft. Typical spacing _____ ft.
- (b) Will the weight of explosives used be in compliance with the formula $W=(D/50)^2$
[W=explosive weight/delay; D=distance to nearest structure; 50=scaled distance constant]? ☐ Yes ☐ No
- (c) If "No," supply seismographic evidence per surface mine rule 1501:14-3-04(B) to support a modified scaled distance constant.

GROUNDWATER

- (12) How will contamination of underground water supplies be prevented? No contaminants
to be introduced or encountered

(13) Do deep mines exist within or under any proposed mining area? ☐ Yes ☒ No

- If "Yes," answer the following:

Describe practices to be employed to permanently seal opened works when they are intercepted by mining to prevent contamination of underground water supplies. _____

- (14) Do acid forming strata exist within the permit area? ☐ Yes ☒ No

If "Yes," list the acid forming strata to be affected in the permit area. Describe the specific practices to be employed during mining and reclamation, including any treatment procedures and facilities, to minimize acid water drainage and the accumulation of acid water, and to prevent damage to adjoining property resulting from such drainage or accumulation.

- (a) Strata: _____

- (b) Practices: _____

MINING METHOD/EQUIPMENT

- (15) Indicate proposed mining method and equipment to be used.

- (a) Mining Method (Dry equates to mining above existing water level)

Open Pit

Wet X

Dry _____

Quarry

Wet _____

Dry _____

Other

- (b) Equipment

dragline

shovel (power)

bulldozer

front end loader

scrapers (pans)

dredge

pump size

other: _____

Capacity

_____ cubic yards _____ maximum vertical depth

 3 cubic yards

_____ model # D-8 & D-9

4, 5 & 6 cubic yards

_____ cubic yards

_____ tons per hour _____ maximum vertical depth

_____ gallons/minute

DRAINAGE CONTROLS

- (16) Indicate the methods to be used to control surface drainage to prevent soil erosion, sedimentation, flooding, landslides, and flood hazards during mining and reclamation.

- (a) Sediment ponds ☐ Locate on map and identify by name or number. Give dimensions (length, width, and depth) and capacity. (Attach plan views or cross sections when needed as supplemental information.)

_____ Drainage self contained on site. Ponds to be built

_____ as necessary. _____

(b) Diversions

☐ Locate on map and describe by plan views or cross sections.N/A

(c) Protective cover

☒ Temporary VegetationSpeciesPounds/acreRye25/acre☐ Mulch

(d) Dikes

☐ Locate on map and give dimensions. (Attach plan views and cross sections when needed as supplemental information.)

(e) Other

☐ Describe**LAND USE/RECLAMATION PLAN**(17) Does a zoning plan and/or other comprehensive plan governing land uses or the construction of public improvements or utilities apply to the permit area? ☒ Yes ☐ No

If "Yes," answer the following:

(a) Indicate the date such plan was adopted.

1964 (Pit pre-dates zoning)

(b) Identify the governmental unit administering the zoning or comprehensive plan.

Telephone No. (937) 328 - 2498

Clark County Zoning Board

(c) List the sections of the plan which are applicable to the permit area.

A-1

(d) List the uses designated by the zoning or comprehensive plan.

Agricultural(e) Does the future intended use (or uses) of any part of the permit area conflict with the zoning or comprehensive plan for the same area? ☐ Yes ☒ No

If "Yes," explain.

- (18) Indicate the post mining land use for the permit area. If more than one future use is proposed, explain in detail for each mining area. Include a general description if any structures or facilities are to be constructed.

Private recreational lake

- (19) For each mining area, describe the sequence of steps, mining through reclamation, that will be used to prepare the land for its future intended use and achieve soil stability, control landslides, erosion and sedimentation. (Address use of overburden, backfilling, grading, terracing, contouring, degree of final slopes, etc.)

All topsoil and subsoil have been stripped and sufficient quantities
are stockpiled on site in berms and storage area. Mining faces are to
be backfilled, graded, resoiled and seeded once mining is completed.

Slopes to be graded to 18 degrees or less.

- (20) Include typical cross sections of existing and final land forms for each mining area and identify by name or number. Submit additional cross sections for any significant dissimilar final land configurations.

- (21) Schedule for reclamation.

- (a) The approximate time frame between completion of mining and the completion of grading and planting on any mining area. Once mining is completed, slopes will be
backfilled, graded, and seeded within one year. Seeding to be done after
grading if weather is applicable, or next appropriate planting season.
- (b) The approximate time frame between the completion of grading and planting and the establishment of the permanent vegetative cover on any mining area.
Vegetative cover will be established within 2 years.

PERMANENT IMPOUNDMENTS

(22) Will permanent impoundments be included in the final land form? ☒ Yes ☐ No

If "Yes," identify by name or number and supply the following information for each impoundment.

(a) Indicate the estimated elevation of the high water mark for each impoundment.

949 feet

(b) Indicate proposed minimum and maximum depth of each impoundment.

Minimum 6 Ft. Maximum 25 Ft.

(c) Indicate the estimated surface area of each impoundment in acres. 12 acres

(d) What is the major contributing source of water for each impoundment?

☐ Groundwater ☒ Surface Water

(e) How will contamination of water in the impoundment be prevented?

No contaminants to be intercepted or introduced.

(f) To provide for public safety, what measures will be taken to:

1. Restrict access where access is not required by the intended future use?

Gate at entrance. Entire permit is fenced. No trespassing signs are posted.

2. Provide egress from the impoundment? Ramp to be constructed for egress

at 12° angle.

3. Insure public safety due to particular site conditions? N/A

4. Construct access areas for recreational use? Existing haul roads to be

developed for recreational access.

(g) Is the impoundment designed to discharge? ☐ Yes ☒ No

If "Yes," complete Form IM-21 Discharge Data Sheet for Permanent Impoundments.

HIGHWALLS

- (23) Will highwalls be included in the final land form? ☐ Yes ☒ No
(Highwalls can be left only in consolidated material).

If "Yes," answer the following:

- (a) Present maximum height of highwall: _____
- (b) Estimated height of final highwall: _____
- (c) State how highwalls are compatible with the intended future use of each mining area:

- (d) If an impoundment is the proposed final land form, what will be the maximum height of exposed highwall above the high water mark? _____ Ft.
- (e) State practices to be used to stabilize remaining exposed highwalls given the site specific geologic formation: _____

- (f) What provisions will be made to restrict access to highwalls from above and provide egress from the pit area? _____

- (g) What measures will be performed to insure public safety due to particular site conditions? _____

RESOILING/PLANTING PLAN**(24) What materials will be used for resoiling the permanent seedbed?**

- (a) Average depth of topsoil on permit area. 1 foot
- (b) Average depth of subsoil on permit area. 5 feet
- (c) To what depth will topsoil be redistributed for reclamation? 6 inches
- (d) To what depth will subsoil be redistributed for reclamation? 6 inches
- (e) If sufficient quantities of topsoil and subsoil do not exist for reclamation, what substitute resoiling material will be utilized. (Identify stratum or mixture to be utilized and include evidence that the substitute resoiling material will support vegetation capable of self-regeneration and plant succession.) N/A

- (f) Describe the plan for removal, storage and redistribution of topsoil, subsoil or alternate resoiling material. Topsoil and subsoil have been stockpiled around the permit area and will be used to resoil backfilled and graded slopes above the water level. (See question #19)
- (g) Describe how the seedbed will be prepared, planted and protected. (Include: equipment, lime and fertilizer to be used per soil test results, moisture retention and erosion control methods to be employed.) Once grading and resoiling is completed, the area will be disced, limed, and fertilized per standard soil test and grasses and legumes seeded.

(25) Identify the species and list the amounts of grasses, legumes, and nurse crop that will be utilized for revegetation of the affected area per the intended future use:

(a) Grasses (specify species)	Pounds Per Acre
<u>Orchard</u>	<u>10</u>
<u>Fescue</u>	<u>10</u>
(b) Legumes (specify species)	Pounds Per Acre
<u>Alfalfa</u>	<u>12</u>
<u>Red Clover</u>	<u>10</u>
(c) Nurse Crop (fast growing annual grass or grain)	Bushels/Pounds Per Acre
<u>Oats</u>	<u>25</u>

(26) Will trees or shrubs be planted? ☐ Yes ☐ No If "Yes," specify species and spacing.

Species	Spacing	Acreage of Area Planted
Maples	8' by 8'	1 acre
White Pine	8' by 8'	1 acre
Locust	8' by 8'	1 acre
Sycamore	8' by 8'	1 acre

(27) Will other agricultural crops be planted on the permit area? ☐ Yes ☒ No
If "Yes," specify species and amounts to be planted.

ALL INFORMATION AND DATA PROVIDED ON THIS APPLICATION, EXHIBITS,
AND ATTACHMENTS THERETO ARE TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE. [Note: Signature required below must be an individual listed in the
response to Question (3) of this application.]

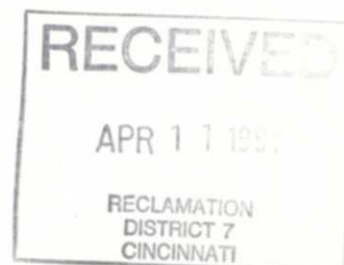
Signed this 8th day of April, 19 97

Signed

Printed Name Daniel E. Demmy

Title President

ORIGINAL



ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID DN
DEMMY-1

DATE (MM/DD/YY)

04/08/97

PRODUCER

O'Leary-Kientz, Inc.
2133 Luray Ave.
Cincinnati OH 45206

Phone No. 513-872-5700 Fax No. 513-872-5712

INSURED

Demmy Construction, Inc.
4324 Fairfield Pike
Springfield OH 45502

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY
A CNA Insurance Companies

COMPANY
B

COMPANY
C

COMPANY
D

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS		
A	GENERAL LIABILITY	C12706433	10/29/96	10/29/97	GENERAL AGGREGATE	\$ 2,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR OWNER'S & CONTRACTOR'S PROT				PRODUCTS - COMP/OP AGG	\$ 2,000,000	
					PERSONAL & ADV INJURY	\$ 1,000,000	
					EACH OCCURRENCE	\$ 1,000,000	
					FIRE DAMAGE (Any one fire)	\$ 50,000	
					MED EXP (Any one person)	\$ 5,000	
					AUTOMOBILE LIABILITY	C122706416	10/29/96
<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	BODILY INJURY (Per person)	\$					
	BODILY INJURY (Per accident)	\$					
	PROPERTY DAMAGE	\$					
	GARAGE LIABILITY			AUTO ONLY - EA ACCIDENT	\$		
<input type="checkbox"/> ANY AUTO	OTHER THAN AUTO ONLY:						
	EACH ACCIDENT			\$			
	AGGREGATE			\$			
EXCESS LIABILITY				EACH OCCURRENCE	\$		
<input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE	\$		
					\$		
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS	OTH-ER		
THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT	\$		
				EL DISEASE - POLICY LIMIT	\$		
				EL DISEASE - EA EMPLOYEE	\$		
OTHER					ORIGINAL		

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

STATE OF

State of Ohio
Department of Natural Resource
Div of Mines & Reclamation Ind
1855 Fountain Square Ct, H-2
Columbus OH 43224

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (1/95)

© ACORD CORPORATION 1988

CAM PROD002760

LEASE/DEED AFFIDAVIT

RECEIVED

Applicant/Operator Demmy Construction, Inc.

APR 11 1997

Pursuant to 1514.02, O.R.C., I(we) Daniel E. Demmyas authorized representative(s) of Demmy Construction, Inc.
(company)RECLAMATION
DISTRICT 7
CINCINNATI
attest

to the fact that I(we) have consent to mine the following minerals on the following location by virtue of a lease or deed or other document that is available for submission to ODNR, if requested.

PROPERTY LOCATION:

COUNTY	TOWNSHIP	SECTION	LOT	T-, R-	ACRES
Clark	Mad River	23		T-4 R-8	21.8

Mineral Owners of Property:

Name: Daniel E. DemmyAddress: 4995 South Tecumseh RoadSpringfield, Ohio 45502

Surface Owners of Property:

Name: Same

Address: _____

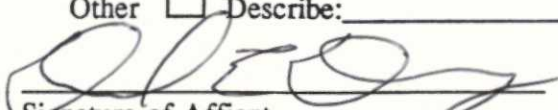
Minerals to be Mined:

Sand & Gravel, Limestone

Further Description of Property:

3905 Fairfield Pike, Springfield, OH 45502

Mining Rights Authorized by Virtue of:

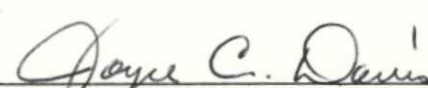
Lease ☒ Dated Oct. 23, 1990 for a period of 20 years beginning Oct. 23, 1990
and ending Oct. 23, 2010. Is lease assignable? Yes ☒ NoDeed ☐ Dated _____Other ☐ Describe: _____
Signature of Affiant Daniel E. DemmyPresident

Title

April 9, 1997

Date

Sworn to before me and subscribed in my presence this

9th day of April, 19 97.
Notary PublicJOYCE C. DAVIS
Notary Public, State of Ohio
My Commission Expires 1-1-98

50' CONSENT - PUBLIC ROAD

Applicant/Operator DEMMY CONSTRUCTION, INC.

Pursuant to Sections 1514.02(B) and 4153.11 of the Ohio Revised Code, surface mining may not occur within 50' of the right of way of a public road without consent of the authority charged by law with the maintenance of that public road.

The above named operator proposes to conduct the following activities:

- ☐ Surface mine within _____ feet of the right of way.
☒ Store overburden within 50 feet of the right of way.
☐ Remove road. 26' REC
☐ Relocate road.
☐ Other (specify) _____

Public Road:

Township Road No. _____
 County Road No. 322
 State Route No. _____
 Other (identify) _____

Authority charged with maintenance of this road:

_____ Board of Township Trustees for _____ Township
 _____ Board of County Commissioners for _____ County
 _____ ODOT, Deputy Director District _____
☒ Other (identify) CLARK COUNTY ENGINEER

We, the authority charged with maintenance of this road, hereby give consent to these activities:

Robert C. Gulef County Engineer 5/7/96
 Name Title Date

 Name Title Date

 Name Title Date

Attach: A) A photo copy of the surface mine permit map showing the road or portion thereof to which this consent applies. Highlight the area of the proposed activity.

B) A cross section (to scale) depicting the final land form which includes the edges of the pavement, the center line, the right of way line, and the limits of the consent.

This road permit is contingent upon ODNR approval and is valid only in conjunction with the Surface Mine Permit issued above. This consent form must bear original signatures or be a certified copy thereof. NOTE: Must be filed in triplicate.

FOR DIVISION USE ONLY

☒ Approved 8/12/96
☐ Disapproved

[Signature]
 Chief, Division of Reclamation

7/25/96
 Date

INSPECTOR





CROSS SECTION OF FINAL LAND FORM
Attachment to Form IM-19 Application
Ohio Dept. of Natural Resources

DEMMY CONSTRUCTION, INC.
4324 Fairfield Pike Springfield, Ohio 45502
Drawn by: ECN *em* Date: 06 May 1996
Scale: 1 in = 10 ft Permit No. IM-0340

50' CONSENT - PUBLIC ROAD

Applicant/Operator DEMMY CONSTRUCTION, INC.

Pursuant to Sections 1514.02(B) and 4153.11 of the Ohio Revised Code, surface mining may not occur within 50' of the right of way of a public road without consent of the authority charged by law with the maintenance of that public road.

The above named operator proposes to conduct the following activities:

☐ Surface mine within _____ feet of the right of way.☒ Store overburden within 50' feet of the right of way.☐ Remove road.☐ Relocate road.☐ Other (specify) 56' REC

Public Road:

Township Road No. _____

County Road No. 322

State Route No. _____

Other (identify) _____

Authority charged with maintenance of this road:

☐ Board of Township Trustees for _____ Township☐ Board of County Commissioners for _____ County☐ ODOT, Deputy Director District _____☒ Other (identify) CLARK COUNTY ENGINEER

We, the authority charged with maintenance of this road, hereby give consent to these activities:

Robert P. Gulef County Engineer 5/7/96
Name Title Date

Name Title Date

Name Title Date

Attach: A) A photo copy of the surface mine permit map showing the road or portion thereof to which this consent applies. Highlight the area of the proposed activity.

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This road permit is contingent upon ODNR approval and is valid only in conjunction with the Surface Mine Permit issued above. This consent form must bear original signatures or be a certified copy thereof. NOTE: Must be filed in triplicate.

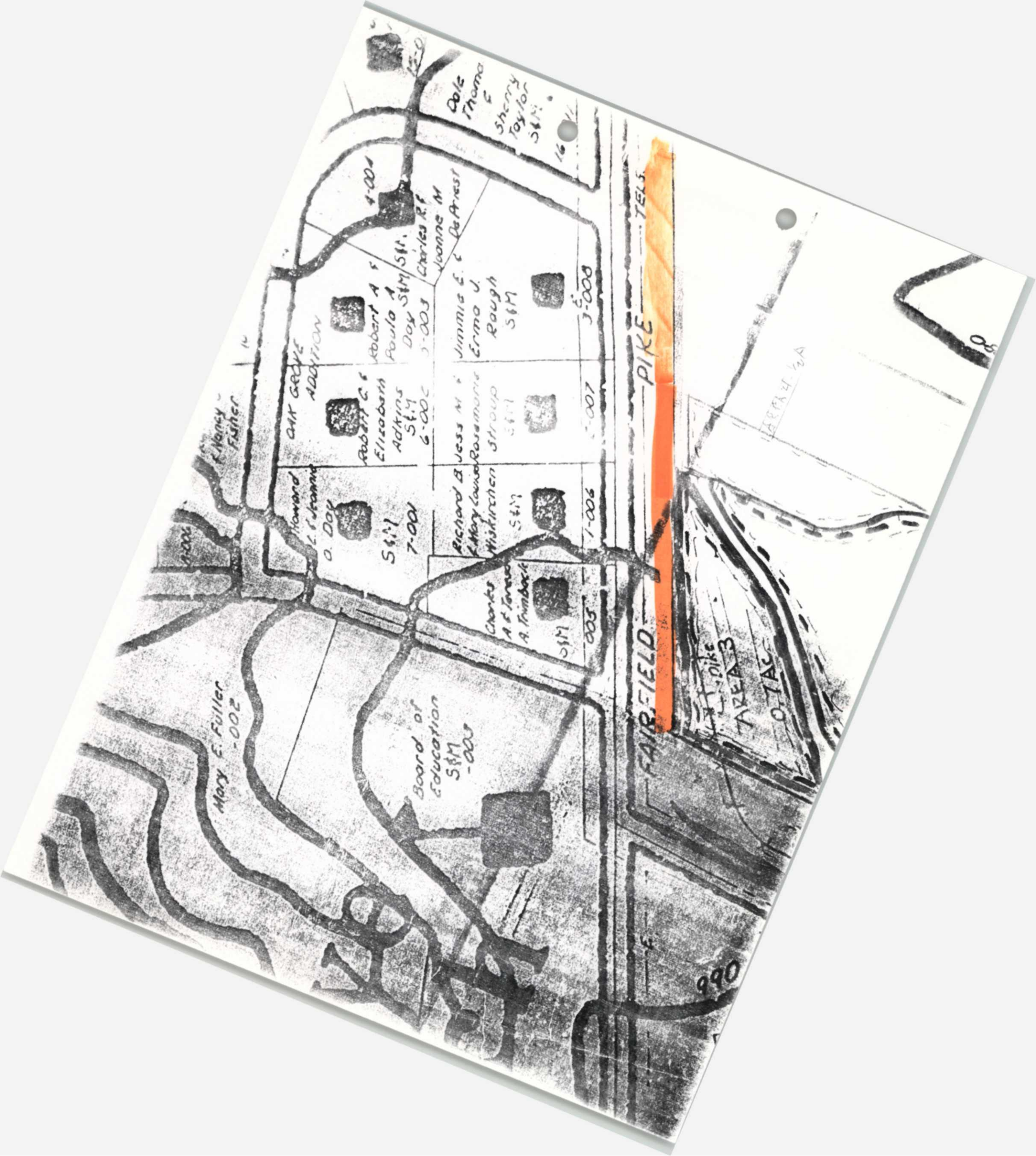
FOR DIVISION USE ONLY

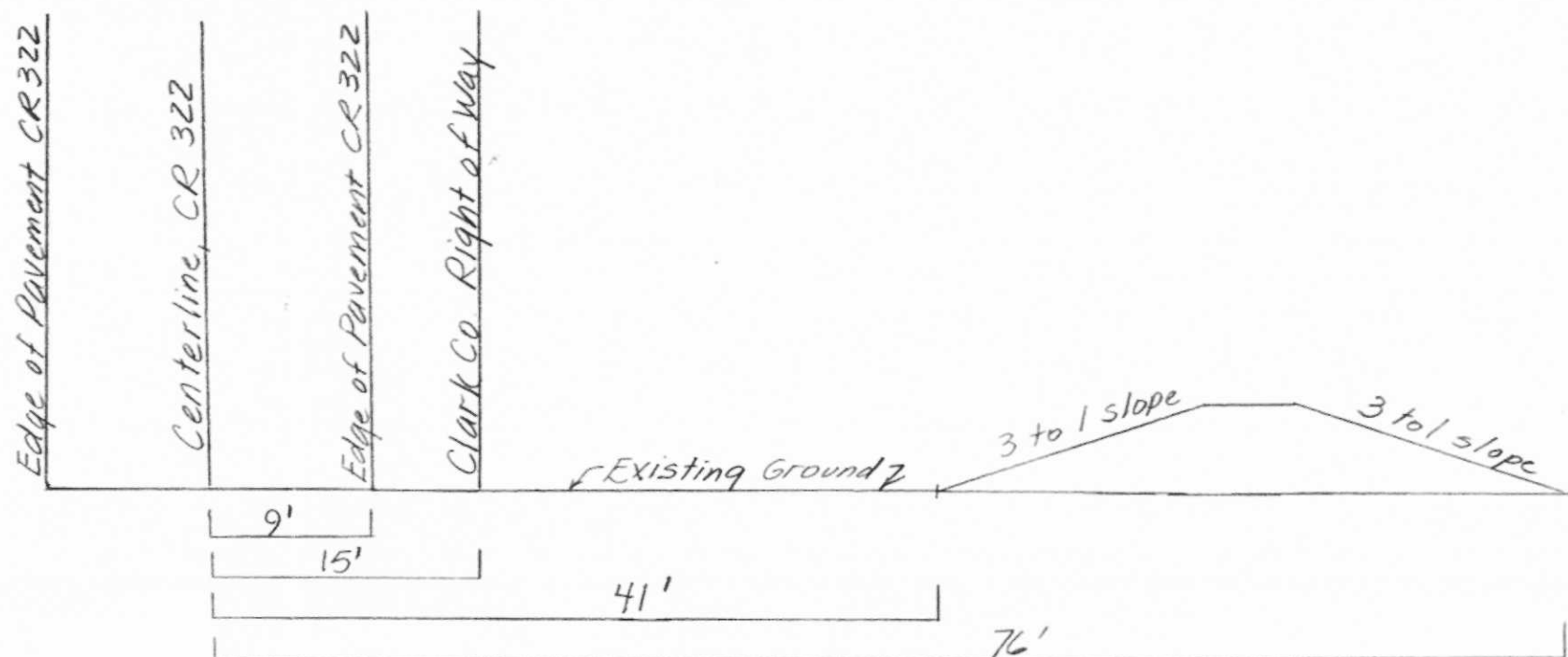
☒ Approved Scow
☐ Disapproved 7/12/96

Wesley J. Morris by [Signature]
Chief, Division of Reclamation

7/25/96
Date

COLUMBUS





CROSS SECTION OF FINAL LAND FORM
 Attachment to Form IM-19 Application
 Ohio Dept. of Natural Resources

DEMMY CONSTRUCTION, INC.
 4324 Fairfield Pike Springfield, Ohio 45502
 Drawn by: ECN *ec* Date: 06 May 1996
 Scale: 1 in = 10 ft Permit No. IM-0340

State of Ohio
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONPERMIT NO. 340**SURFACE MINE RENEWAL PERMIT**

The Chief of the Division of Reclamation in accordance with and subject to the provisions, conditions, and limitations of Chapter 1514. of the Revised Code and rules adopted pursuant thereto hereby orders and grants to William H. Young, 6961 Springfield-Xenia Rd., Yellow Springs, OH 45387

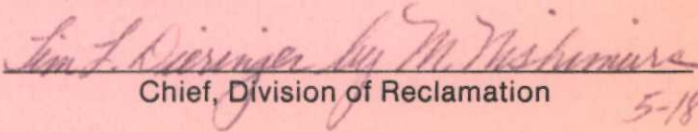
a permit to conduct a Surface Mine Operation in Ohio pursuant to Application No. R-340 in compliance with Chapter 1514. of the Revised Code and rules adopted pursuant thereto for a period of ten years beginning April 26, 1987 and ending April 25, 1997

at the following described location for an estimated 13.8 acres of land.

PERMIT AREA DESCRIPTION

Names of Landowners	Township and Range (T—, R—)	Section or Lot	Township	County
William H. Young	T-4, R-8	23	Mad River	Clark
Rita K. Young	T-4, R-8	23	Mad River	Clark

This Permit is conditioned upon the compliance of the Permittee with Chapter 1514. of the Revised Code and rules adopted pursuant thereto, and performance of the measures set forth in the Mining and Reclamation Plan in a timely manner, and upon the right of the Chief, division inspectors, or other authorized representatives of the Chief to enter upon the premises at reasonable times for the purposes of determining whether or not there is compliance with Chapter 1514. of the Revised Code.

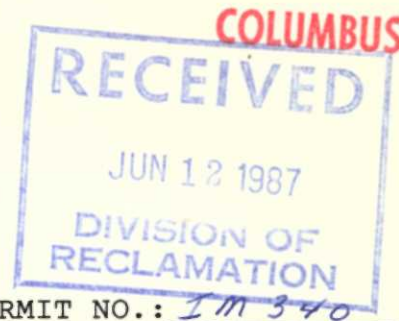
Date 4-15-88
Chief, Division of Reclamation 5-18-89

(This permit shall be available for examination by any authorized representative of the Division of Reclamation)

Distribution: White-Operator Green-Division of Mines Canary-Inspector Pink-Permit File Goldenrod-Geological Survey

RENEWAL
SURFACE MINING PERMIT
APPLICATION

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
(To Be Filed in Triplicate)



PART A: GENERAL INFORMATION

(1) NAME OF APPLICANT:

PERMIT NO.: IM 340

Business Name William H or Rita Young
Address 6961 Springfield-Xenia Road
City Yellow Springs State Ohio Zip Code 45387
Business Telephone (513) 325-9571

(2) BUSINESS STRUCTURE:

☐ Sole Proprietorship ☒ Partnership ☐ Corporation

(3) List the name of owners, partners, all corporate officers, directors, or other persons who have a right to control or in fact control the management of the applicant or the selection of officers, directors, or managers of the applicant.

Name <u>William H Young</u>	Name <u>Rita Young</u>
Title <u>Owner</u>	Title <u>Owner</u>
Address <u>6961 Sptld-Xenia Rd.</u>	Address <u>6961 Sptld-Xenia Rd.</u>
City <u>Yellow Springs</u> State <u>O</u> Zip <u>45387</u>	City <u>Yellow Springs</u> State <u>O</u> Zip <u>45387</u>
Name _____	Name _____
Title _____	Title _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____

(If additional persons are to be shown, list on separate sheet.)

FOR DIVISION USE ONLY

This application is hereby Approved by the Chief, Division of Reclamation.

Date 11-30-87 Signed Tim L. Duvings by Mr. Tashimura
Chief, Division of Reclamation



- (4) List the name and address of the owner(s) of surface rights in all the land upon which the applicant proposes to surface mine. If surface rights in the land are not owned by the applicant, submit a copy of the deed, lease, or other instrument which authorizes entry upon such land by the applicant or his agents.

Surface Owner(s)	Twp. & Range (T- , R-)	Sect. or Lot #	Township	County	Municipal Corp.
Name <u>WILLIAM H. YOUNG</u> Address <u>6961 Spfld-Xenia Rd.</u> City <u>Yellow Springs</u> State <u>Ohio</u> Zip <u>45387</u>	7-4R-8	Sect. 23	Mad River	Clark	
Name <u>RITA K. YOUNG</u> Address <u>6961 Spfld-Xenia Rd.</u> City <u>Yellow Springs</u> State <u>Ohio</u> Zip <u>45387</u>	7-4R-8	Sect. 23	Mad River	Clark	
Name _____ Address _____ City _____ State _____ Zip _____					
Name _____ Address _____ City _____ State _____ Zip _____					
Name _____ Address _____ City _____ State _____ Zip _____					

(5) ACREAGE INFORMATION

(a) Total acres included in the permit area: 13.8

(b) Number of separate and distinct mining areas in the permit area: 3 (Mining areas must be identified by name or number and be shown on the attached map.)

(c) Estimated Annual Production Rates

List Each Mineral and Coal to be Produced (One Mineral per Line)	Estimated Production Rate for each Mineral and Coal (in short tons)	Has this Mineral been Produced within the Last 2 Years? (Yes or No)
Gravel & Sand	1,000	Yes
Clay	200	Yes

(d) Mining Area Number	Present Maximum Height of Highwall	Estimated Final Height of Highwall
1	0	0
2	30	30
3	40	40

(6) Identify by the appropriate permit number each surface mining permit and strip mining permit now held by applicant in this state.

Im-340

(7) FORFEITURE

Has the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors or managers of the applicant ever had a surface mining permit or strip mining license issued by this or any other state suspended or revoked or ever forfeited a surface or strip mining bond, cash, or a security deposit in lieu of bond.

☒ No ☐ Yes (If "Yes", explain on attached sheet.)

PART B: MINING AND RECLAMATION PLAN

Any supplemental information that accompanies this form should be identified as "Mining and Reclamation Supplement", be submitted on 8 1/2" x 11" paper, and should identify the page number and question to which it pertains.

- (1) Explain in detail the intended future use of the permit area. Include a general description of any structures or facilities to be constructed as part of the future use. (If more than one future use is proposed, explain in detail for each mining area.)

A very small mining operation for the removal of gravel is being conducted. In 1986 & so far in 1987 very little has been done.

We intend to mine gravel in a small operation & then reclaim the entire permit area to provide hopefully a usable recreation area.

There will be no structures.

- (2) (a) Does a zoning plan or other comprehensive plan governing land uses or the construction of public improvements or utilities apply to the permit area:

☐ Yes ☒ No If "Yes", indicate the date such plan was adopted.

1964

(b) If "Yes", identify the governmental unit administering the zoning or comprehensive plan. List the sections of the plan which are applicable to the permit area and the uses designated by the zoning or comprehensive plan.

Clark County Zoning Board A-1

(c) Does the future intended use (or uses) of any part of the permit area conflict with the zoning or comprehensive plan for the same area? ☐ Yes ☒ No

If "Yes", explain how conflict will be resolved:

Area is to be used for fishing & recreation

- (3) List the acid forming strata, if any, to be affected in the permit area. Describe the specific practice(s) to be employed during mining, including any treatment procedures and facilities, to minimize acid water drainage and the accumulation of acid water, and to prevent damage to adjoining property resulting from such drainage or accumulation.

(a) Strata N/A

(b) Practice(s):

- (4) Will explosives be used during mining? ☐ Yes ☒ No

(a) If "Yes", list the following information for a typical blasting plan:

- (1) Type of explosives used: _____
- (2) Delay interval, in milliseconds, between detonations: _____
- (3) Number of holes detonated per delay: _____
- (4) Typical explosive weight per hole: _____
- (5) Total explosive weight per delay: _____
- (6) Total weight of explosives per blast: _____
- (7) Depth of stemming: _____

(b) Will the weight of explosives used be in compliance with the formula $W=(D/50)^2$ (W=explosive weight, D=distance, 50=scale distance constant)? ☐ Yes ☐ No
If "No", supply seismographic evidence which shows the peak particle velocity at the closest site to be protected.

- (5) (a) Identify by name or number and describe the dimensions and other specifications of sediment ponds constructed to control drainage. (Attach plan views or cross sections when needed as supplemental information.)

all of the permit area drains to the pond

(b) Describe the dimensions and other specifications of dikes constructed to control drainage. (Attach plan views or cross sections when needed as supplemental information.)

N/A

(6) What measures will be taken on the affected area or areas to control soil erosion and sedimentation?

☐ Temporary Vegetation:

Species

Pounds of Seed per Acre

Fescue

5

☐ Diversions (locate on map and describe by plan view or cross section)

(7) If augering is proposed, indicate practices to be employed to permanently seal remaining auger holes.

N/A

(8) Do deep mines exist within any proposed mining area? ☐ Yes ☒ No
If "Yes", indicate practices to be employed to permanently seal opened works, when they are intercepted by mining:

N/A

(9) Will highwalls be included in the final land form? ☐ Yes ☒ No If "Yes"

(a) State how highwalls are compatible with the intended future use of each mining area:

(b) State practices to be used to stabilize remaining highwalls:

(c) What provisions will be made to restrict access to highwalls?

- (10) Will permanent impoundments be included in the final land form? ☒ Yes ☐ No
If "Yes", identify by name or number and supply the following information for each impoundment.

(a) Indicate the estimated elevation of the high water mark for each impoundment 1 to 10 feet 954 feet above sea level

(b) Indicate the minimum depth of each impoundment 6'

(c) Indicate the estimated surface area of each impoundment in acres 1.9 acres

- (11) (a) What is the major contributing source of water for each impoundment described in Question 10?

☒ Ground Water

☐ Surface Water

(b) How will contamination of water in the impoundment be prevented?

no source of pollution other than small amounts of silt

- (12) (a) What provisions will be made to restrict access to any impoundment where access is not required by the intended future use?

Locked Gates at entrance to property as well as signs posted

(b) Will other measures be performed to insure public safety due to particular site conditions? ☒ Yes ☐ No If "Yes", describe: Banks will be

graded to 18° or less & haul road will remain in place

- (13) Describe any access areas to be constructed for recreational impoundments.

Access to impoundment will be from the haul road as now located

- (14) How will contamination of underground water supplies be prevented?

There is very little water run in & only silt would be involved. Agricultural land all drains away from pit & no mining contaminants will be introduced to ground water

(15) What materials will be used for resoiling?

☐ Topsoil

☐ Subsoil

☐ Substitute resoiling material - (Identify stratum or mixture to be utilized and include evidence that the substitute resoiling material will support vegetation capable of self-regeneration and plant succession.)

(16) To what minimum compacted depth will resoiling material be distributed?

6"

(17) What methods of soil conditioning will be used to prepare a seedbed for the areas of land to be planted?

Grading followed by disking & leveling & then seeding of grasses & legumes. Lime & Fertilizer will be added to specifications of standard soil tests

(18) Indicate for each mining area the date by which reclamation will begin and be completed on the area of land affected during the first year of the permit.

Mining Area Number	Reclamation Beginning Date	Reclamation Completion Date
1	later improved	now
2	not known	
3	within one year	within two years after reclamation startup

(19) List the approximate intervals following mining during which the reclamation of areas of land affected during the life of the permit will be completed.

As soon as an area is depleted it will be reclaimed within 3 years

(20) Include typical cross sections of the final land form for each mining area and identify the number of the mining area to which it applies.

(21) Identify the species and list the amounts of grasses, legumes, and nurse crop that will be utilized for revegetation of the affected area:

(a) Grasses (specify species)

Pounds per Acre

Orchard
Fescue

5
5

(b) Legumes (specify species)

Pounds per Acre

Alfalfa
clover

12
5

(c) Nurse Crop (fast growing annual grass or grain)

Bushels/Pounds per Acre

oats

2 bu.

(22) Will trees or shrubs be planted? ☒ Yes ☐ No If "Yes", specify species and spacing.

Species

Spacing

Acreage of Area Planted

White Pine
Sitka Pine

20ft
10ft

1

(23) Will other agricultural crops be planted on the permit area? ☒ Yes ☐ No If "Yes", specify species and amounts to be planted.

alfalfa hay - 6-7 acres

List of Required Attachments

- [] (1) A Tenth Annual/Renewal map, in triplicate, which shall be prepared in accordance with Section 1514.02(A) (11), 1514.021 and 1514.03 of the Revised Code.
- [] (2) One copy of a Certificate of Public Liability Insurance in accordance with Section 1514.02(A) (12), on a form prescribed by the Chief.

If Applicable:

- [] (3) One copy of deed, lease or other instrument for each surface owner listed on the application other than the applicant, which authorizes entry upon the land proposed to be mined.
- [] (4) Written consent to mine closer than fifty (50) feet to adjacent property, in triplicate, on a form prescribed by the Chief.
- [] (5) Written approval to affect land closer than fifty (50) feet to any part of a public road, in triplicate, on a form prescribed by the Chief.

All information and data provided on this application and attachments thereto are true and correct to the best of my knowledge.

Signed: William A. Young

Title: Owner

Date: 6-9-87