



MEMORANDUM

To:	Legal Review Complete Memorandum	SWDO	Enon Sand 05-18 EnonSandGravelLLC_PermitShortTerm_ClarkCounty_05292018
From:	Michael A. Shapiro (Reviewer); Ohio EPA Legal Office		
Date	Monday, June 04, 2018 (2:46 PM)		

These files were reviewed to determine whether records contained herein are confidential or otherwise exempt from the disclosure obligations of Ohio Revised Code (ORC) 149.43.

All files are public.

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No records were removed or redacted based on this review.

The files are public, but files have been removed and/or redacted.

Records were removed and/or redacted for the reasons given below:

- Attorney- Client Privilege**, State ex rel. Leslie v. Ohio Hous. Fin. Agency, 105 Ohio St.3d 261, 265 (2005).
- Attorney Work Product**, Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp., 127 Ohio St.3d 161 (2010).
- Confidential Law Enforcement Investigatory Records**, ORC 149.43(A)(1)(h).
- Social Security Numbers**, State ex rel. Office of Montgomery County Pub. Defender v. Siroki, 108 Ohio St.3d 207 (2006).
- Release Otherwise Prohibited by Law**, (i.e. trade secret, infrastructure and security records, etc.), ORC 149.43(A)(1)(v). :
- Other Specified Reason_ Not Relevant to Request**

All files are confidential (relevant and public records files have been placed in the public record file)

Should you have any questions regarding this issue, please contact Ohio EPA’s Office of Legal Services.

(This memorandum is to remain visibly attached to this file.)

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John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

May 29, 2018

Mr. Cory Kiser
Enon Sand & Gravel, LLC
P.O. Box 158
Sabina, Ohio 45169

Re: Enon Sand & Gravel, LLC
Permit - Short Term
Application and Support
NPDES
Clark County
11J00141

Subject: NPDES permit application 11J00141 Supplemental Information

Dear Mr. Kiser:

The Ohio Environmental Protection Agency (Ohio EPA) is reviewing the National Pollutant Discharge Elimination System (NPDES) permit application for the proposed mining site located at 4100 Fairfield Pike in Clark County. The NPDES permit application indicates that the proposed discharge will consist of process wastewater, storm water and ground water. It is the understanding of Ohio EPA that the mining project is being proposed to take place in two (2) phases. Ohio EPA received several comments during the public notice period and the public hearing regarding the potential impact that the pumping of ground water may have on nearby wetlands. Ohio EPA verified the presence of four (4) wetlands in close proximity to the site in question. Ohio EPA is aware that Enon Sand and Gravel has completed a report using a hydrology model which estimated the anticipated cone of depression for the ground water table resulting from the proposed pumping activity. Based upon recent information submitted by Enon Sand and Gravel, LLC it is unclear how the reduction in the estimated discharge and pumping volumes will impact the hydrology model and the resulting anticipated cone of depression. Please provide a revised hydrology model which incorporates the most recent estimated pumping rates.

Phase one (1) of the proposed mining project has two (2) of the four (4) wetlands present within the anticipated cone of depression. The wetlands in question are on property adjacent to the proposed mining site and have been categorized by Ohio EPA as Category 3 wetlands. Ohio EPA requests that you determine whether or not the proposed pumping of ground water or the removal of overburden from the proposed mining site will have any impact upon the present wetland acreage or designated use. Ohio EPA is also requesting that you determine if the proposed pumping activity or the removal of overburden from the proposed mining site will impact Mud Run or the unnamed tributaries of Mud Run. Furthermore, Ohio EPA is requesting that you determine if the unnamed tributary will be impacted should both Phase one (1) and Phase two (2) of the mining project be completed as proposed.

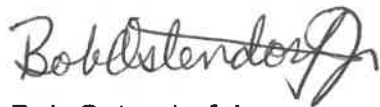
Mr. Cory Kiser
Enon Sand & Gravel, LLC
May 29, 2018
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Said determinations shall at a minimum determine if there is a hydrogeologic connection between the nearby wetlands, Mud Run or the unnamed tributaries of Mud Run and ground water. Please submit a proposed plan of action which outlines how Enon Sand and Gravel, LLC will make this determination. The written plan of action will need to be in sufficient detail to allow the agency to have a clear understanding of the methodology being proposed for use in making this determination. The proposed methodology should also take into consideration the potential presence of karst formations at or near the proposed site. Please provide the requested supplemental information within 90 days of the date of this letter. If additional time is needed to provide the requested supplemental information, please contact me so that a mutually agreeable timeframe can be established.

As Ohio EPA continues to review the NPDES permit application and the comments received regarding the NPDES permit application, it may become necessary to request additional information regarding the proposed discharge.

If you have any questions regarding this matter, please free to contact me by telephone at (937) 285-6107 or via email at Robert.Ostendorf@epa.ohio.gov.

Sincerely,



Bob Ostendorf Jr.
Environmental Specialist 2
Division of Surface Water

ec: Erin Sherer, DSW, CO

BO/bp