

# Prior to 2015

Mad River Township resident Dan Demmy purchased multiple land parcels in Mad River Township in the 1980's. Records available show deeds of some of these parcels were then transferred to Buddy Boy Farms and Edwin and Carolyn LLC in 2009. These properties were added to IM 0375 permit (issued 6/6/77) unbeknownst to the community.

In addition, in 2007 and 2009 ODNR approved blasting and dewatering modifications to the 21.8 acres owned by Demmy under permit IM 0340 (issued 4/25/77). These modifications resulted in the documented dewatering of three home wells.

## **FEBRUARY, 2008**

Surface mining permit [IM 0340](#) renewed (expires 4-2022).

## **JULY, 2015**

Enon Sand and Gravel (ES&G) purchased properties from Dan Demmy Construction.

## **DECEMBER, 2015**

Mining permits IM 0340 and IM 0375 transferred to ES&G.

## **OCTOBER 20, 2016**

DMRM approved the surface mining [amendment of permit IM 0340](#), increasing 21.8 acres to 420.6 acres and designating mining areas 2, 3 and 4.

# 2017

## **JANUARY 4**

ES&G submitted an [application](#) to DMRM to amend and modify existing permits IM0340 and IM0375 with request to increase mining depth and dewater. [Amended map.](#)

## **MARCH 2017**

Citizens Against Mining (CAM) formed.

## **MARCH 1, 8, 15 and 22**

[Public Notice](#) of ES&G's "significant proposed modification to allow pumping and discharging of water to facilitate mining and increase mining depth" was published in the Springfield News Sun.  
(Last page of document.)

## **MARCH 27**

[Informational meeting](#) at Greenon High School organized by the Township Trustees with 300+ community members in attendance.

[VIDEO](#) of meeting. (Scroll down and find parts 1-3)

## **APRIL 1**

Citizens Against Mining recognized by the State of Ohio as a non-profit Organization.

## **APRIL 3**

[Mad River Township Trustees' letter](#) sent to Chief Lanny Erdos strongly opposing ES&G proposed limestone mine and listing ten areas of concern.

## **APRIL 9**

Community letter writing campaign, Ice Cream Social at Youngs. Letters sent to: Lanny Erdos, DMRM; Bonnie Buthker, OEPA; Thomas Hale, Clark County Community Development Director; Mike DeWine, Attorney General and the Clark County Commissioners.

## **APRIL 18**

CAM sent petition opposing the proposed mining operation with 1,524 signatures to Dave Crow, Deputy Chief, DMRM.

**APRIL 19, 2017**

Mad River Township received letter from DMRM [extending comment period](#) until May 22, 2017.

Mad River Township received letter from DMRM with the [list of Division responses to township concerns](#).

**APRIL 30**

Certified letter from property owners, Carol Culbertson and Jon Vanderglas, was sent to lead DMRM staff, Lanny Erdos, Tyson Lamielle and David Crow informing the agency of the presence of a headwater stream and two fens along Garrison Road adjacent to the mining property.

**MAY 1**

[Letter from Allan Neimayer](#), Senior Planner of the office of Clark County Community and Economic Development, was sent to ES&G notifying the company of the need for a conditional use permit prior to any mining activity.

**MAY 10**

[Mad River Township letter sent to DMRM](#) with additional information including the Garrison fens, zoning questions and Clark County Karst investigation report.

**MAY 11**

C.Culbertson received a response letter regarding the fens from DMRM. Lanny Erdos states “review is limited to determining whether the modifications comply with Chapter 1514 of the Ohio Revised Code. If those standards are met, the Division is obligated to issue the permit.”

**MAY 15**

Brent Huntsman, Chief Hydrogeologist, Terran Corporation, hand delivered his [report](#) to Chief Lanny Erdos outlining the deficiencies and misrepresentations in the EAI hydrology model and report.

**MAY 22**

DMRM comment period ended.

## **JUNE 19, 2017**

Mad River Township Trustees [second letter from DMRM](#) acknowledging receipt of submitted information by Brent Huntsman. The groundwater drawdown, wetlands and zoning ordinances were topics covered in the letter. Tyson Lamielle stated “the Ohio EPA and the U. S. Army Corp of Engineers have authority over wetlands.”

Brent Huntsman, Terran Corporation received [responses from DMRM](#) regarding his 5/15/17 report.

## **JULY 13**

DMRM approved the [surface mine modifications](#) to ES&G’s permits IM 0340 and IM 0375 allowing dewatering and increased depth.

## **JULY 13**

Before the end of this day, ES&G filed a [federal lawsuit](#) against the Clark County Commissioners and Thomas Hale, “in his capacity as Clark County Zoning Administrator” contesting the need for the conditional use permit on mining properties and seeking damages in excess of \$25,000.

## **AUGUST 7**

CAM filed an appeal with the Reclamation Commission regarding the July 13, 2018 DMRM decision to grant mining permits to Enon Sand and Gravel.

## **MARCH - AUGUST**

Letters of opposition were sent to DMRM in response to ES&G’s application.

[State Representative Koehler](#)

[County Commissioner Lohnes](#)

[Mad River Township Trustees](#)

[Greenon Local School District](#)

[Village of Enon](#)

[Tecumseh Land Trust](#)

[Village of Yellow Springs](#)

[Craig Smith, OEPA](#)

## **MARCH - AUGUST 2017**

[Clark County Combined Health Department](#)

[Clark Soil and Water Conservation District](#)

[Miami Conservancy District](#)

[BW Greenway Community Land Trust](#)

Trout Unlimited, Madmen Chapter

## **OCTOBER 29**

ES&G submitted a National Pollutant Discharge Elimination System ([NPDES](#)) [permit application](#) to the Ohio EPA.

## **NOVEMBER 7**

Ohio EPA, Division of Surface Water published the

[Fact Sheet for ES&G Water Quality Standards and Antidegradation](#)

Initial contact via phone call with Heather Lauer, the Public Involvement Coordinator, Northwest and Southwest District Office of the Ohio EPA.

# 2018

## **FEBRUARY 1**

The Ohio EPA held Public Hearing at Greenon High School. CAM, community members and conservation leaders provided testimony with over 300 people in attendance.

## **FEBRUARY 1**

Testimony given at the Ohio EPA Public Hearing

[David Nolin](#), Former Conservation Director, Five Rivers Metro Parks, Retired 2015

[Tom Allen](#), Former Assistant Chief of Division of Drinking and Ground Water, Ohio EPA, Retired 2010

[Kyle Koehler](#), State Representative

[Krista Magaw](#), Executive Director of Tecumseh Land Trust

[Marilyn Baumer](#), Professional in Conservation.

**FEBRUARY 12, 2018**

[OEPA requested additional information](#) from ES&G concerning the NPDES permit due to incomplete and inaccurate data.

**APRIL 4, 5, 25, 26, MAY 9, 10, 23, 24, JUNE 6, 7**

Reclamation Commission Hearing is held over a three month period with members from DMRM, ES&G, CAM present.

**APRIL 24**

Ohio EPA conducted a field study at [Culbertson](#), [Vanderglas](#), [Partington SpringHouse](#) and mining properties. Geologist, fish and wetland specialists accompanied Robert Ostendorf to each site. Mike See, Environmental Specialist, confirmed two category 3 wetland fens, one category 2 wetland and one category 1 wetland on the mining property.

**MAY 19**

Ohio EPA met with the five community groups to update and answer questions. In attendance were members of CAM, Tecumseh Land Trust, BW Greenway Community Land Trust, Trout Unlimited and the Mad River Township Trustees.

**MAY 22**

[Appellants' Post-hearing Brief](#) for Reclamation Commission submitted.

**MAY 29**

[Ohio EPA sent letter to ES&G](#) requesting information for the NPDES permit concerning the hydrogeologic connection between the ground water, the wetlands and the Mud Run.

**JUNE 7**

A sustainable population of [redside dace](#), a cold water fish species, was found in the unnamed tributary of the Mud Run. This fish likes low turbidity and is a declining Ohio species.



**JULY 25, 2018**

[Findings, Conclusions and Order of the Reclamation Commission](#) were released. Judgment in favor of ODNR.

**AUGUST 2**

ES&G requested a [deadline extension](#) from the Ohio EPA in responding to the May 29, 2018 request.

**AUGUST 3**

CAM members met with Valoria Hoover, Section Chief, and Michael Murry, Deputy Director of Policy and Public Affairs, on behalf of Mike Dewine, Attorney General.

**AUGUST 23**

CAM'S Motion to Appeal the Reclamation Commission's decision was filed in Clark County Common Pleas Court.

**AUGUST 20**

[Ohio EPA granted an extension](#) to ES&G with information to be submitted by 10/1/18.

**OCTOBER 10**

CAM filed its [Reclamation Commission Appeal Reply Brief](#) in the Clark County Court of Common Pleas.

**OCTOBER 19**

In response to the Ohio EPA request of May 29, ES&G submitted the Ohio Reclamation Commission [testimony of geologist Stephen Champa from Eagon and Associates, Inc.](#)

In response to the Ohio EPA request of May 29, ES&G submitted the [Evaluation of Groundwater Impacts, Dewatering of Proposed Enon Quarry prepared](#) by Eagon and Associates, Inc.

**NOVEMBER 23, 2018**

[Ohio EPA requested additional information](#) from ES&G “Ohio EPA reviewed the information provided and while it provided certain information and answered some questions, it does not fulfill a number of fundamental information requests posed in the May 29th letter.”

**EPA**  
requests information from Enon Sand and Gravel

- 1.** Determine if the pumping of ground water, the removal of overburden or the removal of carbonate bedrock from the proposed mining site, will have any impact upon the present wetland acreage or designated use.
- 2.** Determine if the pumping of ground water, the removal of overburden or the removal of carbonate bedrock from the proposed mining site, will have any impact upon Mud Run or the unnamed tributaries of Mud Run.
- 3.** Determine if the unnamed tributary or Mud Run will be impacted should both Phase one (1) and Phase two (2) of the proposed mining project be completed as proposed.

\* "Please submit a proposed plan of action which outlines how Enon Sand & Gravel will make the above listed determinations... the requested plan of action would be provided within 60 days of the date of this letter (November 23, 2018)."

**December 21, 2018**

A [letter and an email](#) were sent by the Ohio EPA to all “interested parties” reporting the completion of their document, Response to Comments. This document addressed comments and concerns of citizens given at the February 1 Ohio EPA Public Hearing.

# 2019

**JANUARY 8**



CAM members met with Mary Mertz, newly appointed Director of ODNR, encompassing The Division of Mineral Resources Management.