

**State of Ohio
Department of Natural Resources
Division of Mineral Resources Management**

IM Inspection Report

Permit Information

Permit:	IM0340	Company:	ENON SAND AND GRAVEL LLC	Permit Issued:	4/25/1977
Status:	Active	County:	CLARK	Final Report:	
Wet/dry designation:	Wet and Dry	Operation Type:	IM	BFO Issued:	
Has Hydro Model:	<input type="checkbox"/>			Liability Insurance Expires:	11/01/2025

Acres

Permitted:	420.6	Affected:	41.0	Active:	39.1
		Grading Released (IM6)	1.9	Planting Released (IM7)	1.9

Inspector:	Rich Pennington	Weather Conditions:	Partly sunny, humid, low 70's, muddy
Inspection Date:	5/7/2025	Ground Conditions:	Muddy field conditions
Last Inspection:	12/4/2024	Reason for Inspection:	Annual
Type of Inspection:	Complete		

Performance Standards

1 - In Compliance	2 - Non Compliance	3 - Not Applicable	4 - Compliant with Exception
1 Permit Boundary	3 Acid / toxic materials	3 Erosion / sedimentation	
1 Limits of Affected Area	3 Drilled holes	1 Topsoil handling	
1 Liability Insurance	3 Use of explosives	1 Revegetation	
1 Bond / Fees	1 Overburden	1 Haul / access roads	
3 Drainage controls	1 Highwalls	3 Underground mining protection	
1 Ponds	3 Slides and other damage	3 Offsite impacts	
3 Effluent limits	1 Stability		
1 Stream buffer zones	1 Backfilling and grading		

Commentary:

-41.0 acres cumulative affected (including former IM-375 affected area). 1.9 acres totally released. 39.1 acres active and estimated to be affected next year (yr-48). Data is from the yr-45/renewal, yr-46 annual report (approved 5/26/23) and yr-47 annual report (approved 6/13/24). No map with yr-46 and yr-47 annual reports. - The yr-48 annual report is due by 5/27/25. No map will be needed with the yr-48 annual report.

- Year 45/Renewal received 4/26/22, approval recommended on 9/14/22, approved 10/6/22 and issued 10/21/22.

-420.6 acres currently permitted. Amendment A-340-1 added 398.8 acres to the existing 21.8 acres for a new total of 420.6 acres. The 398.8 acres included former permit IM-375 (originally Demmy Sand & Gravel). The amendment was approved 2/13/17 and issued 7/13/17 by the chief.

-The IM-340 permit was transferred from Demmy Construction, Inc. to Enon Sand & Gravel, LLC. The transfer was approved 10/16/15 and issued 12/14/15 by the chief.

-I talked to Tyler Jordan by phone on 4/7/25 about upcoming annual reports and/or permit renewals coming due. I was notified by email from Cory Kiser on 4/8/25 that Tyler Jordan was leaving the company on 4/18/25. I notified Cory that permits would need to be modified to remove Tyler as authorized to sign and for those permits

Inspector: Electronically signed by Pennington, Richard on 06/11/2025 Personnel Contacted: Cory Kiser (5/5/25), Nathaniel Grudy (email 5/8/25)

Chapter 5749 of the Ohio Revised Code requires that severance taxes be paid on all minerals extracted.
Mailing Address = P.O. Box 158 Sabina , Oh 45169-0158

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- that Nathaniel Grundy was picking up and not already authorized to sign, to submit modifications for the appropriate permit. Cory confirmed on 5/5/25 that Tyler Jordan was no longer with the company.
- Modification (# 6) was approved 6/22/22 and issued 7/7/22 to add Tyler Jordan and Nathaniel Grundy as additional persons authorized to sign paperwork (question # 4).
 - Modification (#5) was approved 7/12/17 and issued 7/13/17 to update the blasting plan (question # 22) to the current blast plan form with new information. Modification (# 4) was approved 1/3/17 and issued 7/13/17 to update the mailing address to Sabina, Ohio office (question # 1), to allow pumping and discharging water to facilitate mining with groundwater modeling attachments (question # 25), and increase mining depth (question # 28) and update cross-sections. Modification (# 3) was approved and issued 7/30/09 to increase depth of permanent impoundment (question # 22) with the Bowser-Morner prepared hydrology model.
 - I heard earlier in the spring of 2022 from supervisor Matt Lieser, that the Clark County Court of Common Pleas has reviewed the appeal by Mad River Township and the landowner group, Citizens Against Mining (C.A.M.) and the court ruled that the Reclamation Commission's decision to reject the appeal of Mad River Township and the citizen's group regarding the approval of the above-listed permit modifications (# 5) were upheld by the court. I heard from Cory Kiser between 5/24/22 and 11/3/22 that the citizen's group had filed an appeal. Status of the appeal is not known at this time (5/7/25). I talked to Cory Kiser in the spring of 2024 and he told me the case(s) are still tied up in court.
 - Former inspector Mike Mitchell reported in past inspections, including on the 10/2/18, that Mad River Township and the Citizen Against Mining (landowner opposition group) filed an appeal with the ODNR Reclamation Commission. The Reclamation Commission ruled in favor of Enon Sand and Gravel, LLC and ODNR. Mad River Township and the Citizen Against Mining group then filed an appeal with Clark County Common Plea Court to overrule the Commission's finding according to Mike Mitchell. At the time of the 12/7/21 inspection, I confirmed with Cory Kiser in a phone call to him on 12/7/21 and on 4/21/21 that this appeal was still pending. Supervisor Matt Lieser also said on 12/7/21 in a phone conference and on 7/29/21 that case was still pending at that time but now the Reclamation Commission ruling has been upheld.
 - Enon Sand and Gravel had a suit against Clark County Zoning Commission also noted by Mike Mitchell and verified by Cory Kiser in a phone call with Cory on 6/26/19. Cory told me that there were several lawsuits regarding the permit site.
 - After the 6/25/19 inspection, I talked to Cory Kiser in 2019, and again on 1/2/20 and he notified me that Enon Sand & Gravel had settled their lawsuit against the Clark County Zoning Commission and/or the Clark County Commissioners but the citizen's group (C.A.M.) had filed suit against the Clark County Zoning Commission and/or the Clark County Commissioners over the terms of the settlement.
 - I was contacted in February 2020 by the Assistant Attorney General Brian Ball who notified me that the chief had been contacted for a deposition for case # 18CV0519, Michael E. Verbillion et al. verses Enon Sand & Gravel, LLC filed in Clark County Court of Common Pleas. Meeting held at Lebanon office with Attorney Paul Kavanagh with the law firm representing Verbillion, Brian Ball and Kelly Woods of the Attorney General's office, and Rich to answer questions regarding the IM-340 mining permit. A subpoena was received on 2/27/20 requiring me to testify on 3/17/20 for a trial scheduled to start on 3/16/20 in Clark County Court of Common Pleas. At the end of the day on 3/16/20, Paul Kavanagh contacted me and said that after one day of testimony, the trial had been continued until sometime in June 2020, due to the covid 19 virus.
 - I received a subpoena on 7/13/20 as the lawsuit Michale E. Verbillion et al. verses Enon Sand & Gravel, LLC (Clark County Court of Common Pleas case # 18CV0519) to appear on 7/27/20 to testify in the case as it resumed. I did testify in the case. I heard earlier in 2020 but verified with Cory Kiser on 4/21/21 that the judge did overturn zoning approval for a portion of the mining permit but that the operator had appealed the court ruling. I asked Cory on 12/7/21 if the Verbillion et al. case was over and some parcels, that are not grandfathered in, would need conditional use or variance from the county to mine those parcels. I learned between 5/24/22 and 11/3/22 from Cory Kiser that Jurgensen had appealed the zoning ruling. Status of that appeal is unknown at this time.

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- Former inspector Mike Mitchell retired at the end of April 2019. I was assigned this permit from Mike until a new inspector was hired. The new inspector, Jamilyn Moore, was hired and started on April 13, 2020, but I was requested to continue to inspect this permit and have since April 2019.
- On site for complete yr-48 pre-submittal annual inspection (12:55-1:35 pm). Gate locked to MA # 1 locked today (5/7/25) and during 2024 (12/4, 6/12, 3/14) and during 2023 (11/20, 9/13, 5/24) inspections. Outer and inner gate to MA # 3 and # 4 open today (5/7/25), and during 2024 inspections and on 9/13/23 and 5/24/23. Outer gate to MA # 3 and 4 locked on 11/20/23. Outer gate to MA # 3 and # 4 was locked 11/3/22, and on 5/24/22, 12/7/21 and 8/3/21. New gate was installed between 9/10/20 and 11/10/21 further to the north for MA # 3 & # 4.
- No one on site today (5/7/25), or on 12/4/24 and 6/12/24. I met with Tyler Jordan at Jurgensen's headquarters in Sharonville, Ohio on 6/6/24 to get the annual reports signed. Zach Henry, with Henry Enterprises landscaping firm leasing the site in MA # 3 not on site today (5/7/25) or on 12/4/24 and 6/12/24. I did meet with Zack and 3 workers on site on 3/14/24.
- Dozer with bucket loader parked in MA # 3 near the office today (5/7/25) by a several piles of fill dirt and by office/maintenance building on 12/4/24 and on 6/12/24. One Henry Enterprises dump truck parked by the maintenance building today (5/7/25) and 2 dump trucks were parked by maintenance building on 12/4/24 with 3 dump trucks and road grader on site by the maintenance building and trackhoe along the N-S haul road on 3/14/24.
- No one seen on site in any of the mining areas today (5/7/25), or on 12/4/24, 6/12/24, 11/20/23 or on 9/13/23. The building in MA # 3 is continuing to be used. One dump truck was parked by the office/garage and 4 personal vehicles parked on site on 11/20/23. Three dump trucks and one dozer with bucket loader were parked outside the building and tractor with bushhog attachment inside the building on 9/13/23. On 5/24/23, about 3 workers were on site doing trimming on the south side of the MA # 3 haul road while a tractor with bushhog attachment was mowing along MA # 3 and # 4 haul road. Talked to Joe (worker) and by phone with Joe's boss, Zach Henry on 5/24/23. No mining activity on site today (5/7/25), or during 2024 (12/4, 6/12, 3/14) and 2023 inspections.
- No one with Enon Sand & Gravel on site today (5/7/25), or during 2024, 2023, 2022, or 2021 inspections. On 9/10/20, I talked to Glen Coleman, who was supervising several workers from Prairie Creek Landscaping as they cleared brush and small trees below an electrical line down the east side of the HR ramp/farm lane to MA # 3 and # 4. Gates locked to MA # 1 and # 2 on 4/20/21, 11/10/20, and 9/10/20. Gates to MA # 1, # 2, # 3, and # 4 were locked on 5/11/20.
- Between 11/20/23 and 3/14/24, work had been done to fill in the eroded portion of the N-S haul road/farm lane eroded by flooding in the spring of 2023 along Mud Creek. Also at the same time, vegetation and brush was cleared along Mud Run Creek separating MA # 3 and # 4. Farm lane is repaired at this time (5/7/25).
- No new mining activity noted on site since the 12/4/24 inspection or since I took over the site in the spring of 2019 from former inspector Mike Mitchell. Zero production reported on yr-47 annual report. I talked to Cory Kiser by phone on 4/21/21 and he confirmed that operator had not mined any new area since the yr-43 annual approved. Tyler Jordan told me on 6/6/24 that there had been no mining activity in the past year either.
- There was clearing under the power line along the haul road on 9/10/20 and between 9/10/20 and 11/10/20 inspections. No map was needed with the yr-47, yr-46, yr-44, yr-43, and yr-42 annual reports since taking over for Mike Mitchell. Map was needed for yr-45/renewal (no new affectment). No map will be needed for yr-48 annual due by 5/27/25.
- I talked to Cory Kiser by phone on 6/26/19 and several minor revisions were made the yr-42 annual report including cumulative acres affected and relabel MA # 2 on the annual report forms to MA # 3 and to relabel MA # 3 to MA # 4. There is no affected area in the MA # 2 area as shown on the year 40/amendment map.
- No mining equipment from Enon Sand & Gravel on site today (5/7/25), or during 2024, 2023, 2022, 2021, and 11/10/20 inspections. No equipment was present during the 9/10/20 inspection in MA # 1, # 2, and # 4. There was a skid-steer loader working on clearing the brush along the haul road ramp on 9/10/20 in MA # 3.

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- MA # 1:** Gate locked at haul road entrance. This area is the original IM-340 permit area. There is 19.2 acres currently affected and active in MA # 1. The 1.9 acres previously released is in MA # 1. Cory Kiser said on 1/2/20 that there was no mining activity in this area or the other areas on site. No new affectment since 6/12/24.
- Shrubs and trees continue to grow up along the paved haul road ramp to the pit floor today (5/7/25) in the past years. There has been no clearing of the overgrowth so a vehicle could access the pit floor to either mine material or load out material.
- A new gate was installed at main entrance off S. Tecumseh Road. The gate is locked today (5/7/25), and during 2024 back to 2019 inspections when I took over this site.
- Ramp to the pit floor along the west side of MA # 1 was paved in the past. Trees, shrubs, and briars continue to grow up around the paved haul road. Fallen trees continue to block the haul road and road has not been cleared so one cannot drive to the bottom of the haul road today (5/7/25) or in recent years.
- Stockpiles of sand and pea gravel have continued to be stored on site between the north and S/SW lake. Some concrete rubble and asphalt grindings also stored in the old plant area today (5/7/25) and in the past.
- Water level in the two lakes is up today (5/7/25) above the level on 12/4/24. Water level was down on 12/4/24 from levels on 6/12/24 due to drought in summer and fall of 2024, up on 6/12/24 from 3/14/24 levels and during last half of 2023. On 3/14/24, water was coming up but was still down. Level down on 11/20/23 and 9/13/23. Water level higher on 5/24/23. Water level on 5/24/23 was up from levels on 11/3/22 but was beginning to drop, down on 11/3/22 from water level on 5/24/22 due to the dry spell in fall of 2022, up on 5/24/22 from levels on 12/7/22 due to above average rainfall in the spring and especially May 2022, down on 12/7/21 from the fall of 2021 dry spell, up some on 4/20/21 from 11/10/20 when water level was still down from July to November 2020 dry spell, still down on 11/10/21 from earlier 2020 inspections due to July to November 2020 dry spell. About 3 feet of limestone is visible today (5/7/25), about 4 feet visible on 12/4/24, 1.5 feet on 6/12/24, about 2 feet on 3/14/24 and 5/24/22, with about 3 feet visible on 11/20/23 and on 11/3/22. About 3-4 feet visible on 12/7/21 and 4/20/21. Water level on 9/10/20 was down from levels during the 5/11/20 inspection due to the dry spell in the past 4 months, up on 5/11/20 from levels on 12/23/19 due to above average rainfall since from late fall 2019 until around the end of June 2020. There was also a dry spell in last half of summer and first half of fall 2019, water level up on 6/25/19.
- Some overburden backfilled in the past on the south and east slopes as noted in past inspections. Inslopes were greater than 3 to 1 on backfilled area and on the north and west inslopes as noted in the past. Groundcover, trees, and shrubs continue to grow on the inslopes of MA # 1.
- The map shows there has been some reclamation release in the past on the north berm and some water release on the SW lake. The SW lake was partially frozen on 12/4/24 from cold weather at that time.
- No new affectment in MA # 1 or the other mining areas since taking over the permit in the spring of 2019.
- MA # 2:** There has been no affectment in MA # 2. The amendment A-340-1 map showed MA # 2 to the west of MA # 1 across S. Tecumseh Road and south of Fairfield Pike from MA # 3. Field not plowed/planted yet. Soybeans, grown during summer of 2024, soybeans in 2023, corn in 2022, soybeans in the summers of 2021 and 2020. MA # 2 field not planted in 2019. MA # 2 farmed in the past as reported by former inspector Mike Mitchell.
- There was affected area shown on the initial submittal of the yr-42 annual report submitted in 2019 as well as shown on the approved yr-40 and yr-41 annual reports. I talked to Cory Kiser in 2019 after the yr-42 reports were received and the yr-42 report was revised to remove affected acreage listed in MA # 2. This affected area is actually located in MA # 3. The yr-42 report was revised to show the affected area is in MA # 3. The yr-43 report was submitted with the mistake corrected from the yr-40 and yr-41 annual reports. Yr-44 report was correct and the yr-45 annual report was correct when approved.
- MA # 3:** New gate near base of the haul road was installed between 9/10/20 and 11/10/20 but appear to have been removed between 3/14/24 and 6/12/24. Gate is open today (5/7/25), and on 3/14/24, 9/13/23, 5/24/23, 4/20/21, and 9/10/20. Gate was locked on 11/20/23. The landscaping company continues to use the site.

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- Employees were on site on 3/14/24 and 5/24/23. Gate was locked on 11/3/22, 5/24/22, 12/7/21, 8/4/21, 11/10/20, and 5/11/20. Upper gate at top of haul road was open on 11/10/20 and on 5/11/20. The upper and lower gates were locked on 12/23/19 but were open on 6/25/19. I talked to Glen Coleman with Melvin Stone on 9/10/20.
- Landscaping company has a small pile of fill dirt, gravel, topsoil, and mulch on the pit floor today (5/7/25) and on 12/4/24.
 - Between 9/10/20 and 11/10/20, operator tore down the office to MA # 3 and buried the material in a pit. The maintenance shed/pole building is still present today (5/7/25).
 - No new affectment or reclamation in MA # 3 since the 12/4/24 inspection and since taking over from former inspector Mike Mitchell at the end of April 2019. Cory Kiser said on 4/21/21 that there was no mining activity in this or the other mining areas. This mining area is on the former Demmy Sand & Gravel IM-375 permit. No mining equipment from Enon Sand & Gravel LLC on site in the office area. Dozer with bucket loader parked south of the office building today (5/7/25), by the office building on 12/4/24 and 6/12/24. See equipment listed above on site today earlier in the report. Trackhoe was parked along the N-S haul road/farm lane on 3/14/24. Erosion caused by spring 2023 flooding has been repaired and work was on-going to clear vegetation along Mud Run Creek. Vegetation cleared between 3/14/24 and 6/12/24. See earlier reports for equipment on site. Some old concrete pipes are stored near the office. Some concrete rubble is stored on site on the east side of the dry cut area at base of the south highwall. Some wood mulch in pile near the office.
 - Small piles of sand and gravel on site in MA # 3. Two small piles of fill dirt dumped S/SE of pole building.
 - The inslopes on the east and west affected areas on this permit are greater than 3:1. Groundcover, trees, and shrubs are growing in this area. The floor of the east and west affected areas continue to revegetate. Tree and shrubs are growing on the hillsides of the east and west affected area. Old west haul road has grown over.
 - Field recently plowed and planted prior to this (5/7/25) inspection. Soybean, grown during the summer of 2024, harvested since 6/12/24. Soybeans grown in 2023 in the unaffected MA # 3 fields. Soybeans were grown in 2022 to the west of the N-S MA # 3 haul road and on the south portion of the pit east of the N-S haul road with corn growing further to the north, east of the haul road. Soybeans were grown west of the N-S haul road and east of the haul road/farm lane, north of the corn grown in the field during summer of 2021. Soybeans were grown in the unaffected areas of MA # 3 south of Mud Run Creek in summer 2020. No crops were planted in the low area south of Mud Run Creek in 2019.
 - Data for MA # 3 was shown as in MA # 4 on the initial yr-42 annual report (revised) and on the yr-40 and yr-41 annual reports. The mining acre was corrected on the approved yr-42 report after revision call with Cory Kiser back on 6/26/19.
 - MA # 4:** No new affectment or reclamation in this area since the last inspection (12/4/24) and in the past year. This mining area was not inspected on 12/23/19. Cory Kiser said on 4/20/21 that there has been no new mining activity on site since I took over in the spring of 2019.
 - Based on the yr-42 annual report, approved on 6/26/19, there was no new affectment from 5/25/18 to 5/25/19. There is no mining activity while on site today (5/7/25) or during 2024, 2023, 2022, 2021, 2020, and 2019 inspections. The area had been stripped in the past and limestone removed to the north and west.
 - Unprocessed limestone is stored at the base of the highwall today (5/7/25), and during 2024, and back to 2019. A little bit of material was used to fill in erosion on the farm lane/haul road between 11/20/23 and 3/14/24, and between 5/11/20 and 9/10/20. Concrete pipes are continuing to be stored on the pit floor today (5/7/25), during 2024 inspections and back to the spring of 2019. Plastic pipes were removed and/or used between 3/14/24 and 6/12/24.
 - Between 11/3/22 and 5/24/23 (most likely earlier in 2023), heavy rain and flooding on Mud Run Creek caused the N-S haul road/farm lane to be partially washed out. Damaged area was repaired by 3/14/24.
 - Between 12/7/21 and 5/24/22, there has been high water on Mud Run Creek such that it flowed out of the creek on the N-S portion and has again eroded a portion of the N-S portion of the MA # 3 and # 4 farm lane/haul road.

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- Eroded lane was repaired after 5/24/22 before being eroded again before 5/24/23. Some water was standing in low area on portion of MA # 3 on 5/24/23 and 11/3/22.
- Between 5/11/20 and 9/10/20, operator came in and repaired the erosion in the farm lane/haul road adjacent to Mud Run Creek to the point that the haul road can be driven. The 5/11/20 inspection revealed additional erosion north of Mud Run Creek caused by flooding earlier in 2020. The 6/25/19 inspection also revealed that flooding in creek prior to 6/25/19 had also caused the N-S farm lane/access road to be eroded north of the creek. Water level in Mudd Run creek is up a little today (5/7/25), about normal in the creek on 12/4/25, 6/12/24, and 3/14/24. Water level was down on 11/20/23, and on 9/13/23, 5/24/23 and 11/3/22. Water level in the creek was about normal to up on 5/24/22.
 - Soybeans, grown in unaffected portions of MA # 4 during summer 2024, harvested since 6/12/24. Soybeans were grown in 2023. Corn was grown north of the creek in 2022. Soybeans were grown north of the creek during summer of 2021 and 2020, with no crops planted in 2019. Cory Kiser told me on 1/2/20 that Amy Demmy was in charge of planting crops on site.
 - MA # 4 was not shown on the initial yr-42 annual report. As noted earlier, I discussed with Cory Kiser and data listed for MA # 3 was actually in MA # 4. The yr-42 annual report forms were corrected. The yr-40 and yr-41 annual reports were left showing the incorrect mining areas. A note was included on the yr-42 annual reports.
 - Cory Kiser told me on 6/25/19 that former owner Dan Demmy passed away in early 2019.
 - Photos taken of the permit.
 - No new mining activity or affected area on site since taking over the permit in the spring of 2019.
 - No map will be needed with the yr-48 annual report due by 5/25/25. Nathaniel Grundy was notified via email in the past few weeks that the annual is coming due.