



**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor  
**Laurie A. Stevenson**, Director

January 7, 2021

Mr. Bruce Baily  
Kurtz Bros, Central Ohio, LLC  
P.O. Box 207  
Westerville, Ohio 43086

**Re: Kurtz Bros Inc.  
Directors Authorization  
Approval  
Beneficial Use  
Franklin County  
BENU022847**

**Re: Kurtz Bros Inc.  
Non-permit Related Exemption  
Approval  
Beneficial Use  
Franklin County  
BENU022847**

**Subject:** Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter regarding Kurtz Bros, Central Ohio, LLC.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
30 E. Broad St., 4th Floor  
Columbus, Ohio 43215

If you have any questions, please contact Teri Finfrock at (614) 644-3037.

Sincerely,

*Jeri Main*

Jeri Main, Administrative Professional Unit  
Division of Materials & Waste Management

Enclosure

ec: Bruce McCoy/ Kelly Jeter, DMWM, CO  
Phil Cherosky/John Schierberl, DMWM, CO Phil  
Farnlacher/ Connie Livchak, DMWM, CDO  
Teri Finfrock, Legal

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Kurtz Bros. Central Ohio, LLC.	:	<u>Director's Final Findings</u>
PO Box 207	:	<u>and Orders</u>
Westerville, Ohio 43086	:	

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Kurtz Bros. Central Ohio, LLC ("KBCO"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Chapter 3745-27.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon KBCO, its contractors, agents, and successors in interest liable under Ohio law. No changes in ownership of KBCO or of the Property (as hereinafter defined) shall in any way alter KBCO's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

"Waters of the state" has the same meaning as in section 6111.01(H) of the Revised Code.

"Yard waste compost overs" and "compost overs" mean screened composted yard waste that contains no more than one percent foreign material by dry weight, meets appropriate product requirements, and was produced in accordance with Ohio EPA Class IV yard waste registration and processing requirements pursuant to OAC Rules 3745-560-400 through OAC 3745-560-435 at one of the following addresses:

- a. 6055 Westerville Road, Westerville, Ohio;
- b. 711 Frank Road, Columbus, Ohio;
- c. 6279 Houchard Road, Dublin, Ohio; or

- d. 2409 Johnstown-Alexandria Road, Alexandria, Ohio.

#### **IV. FINDINGS**

The Director of Ohio EPA (“Director”) has determined the following findings:

1. On May 4, 2020, KBCO submitted a request (“KBCO’s Request”) to Ohio EPA seeking authorization to permanently place up to 4,500 dry tons of compost overs on both sides of haul roads at Field 1 and Field 2, which are depicted in Attachment A (collectively, the “Property”). The Property, owned by Columbus Limestone Inc., (“Columbus Limestone”) is located at 3300 Jackson Pike in Grove City, Ohio.
2. Field 1 as depicted in Attachment A, located at Parcel ID 010-112294-00, is 4,152 feet in length and 30 feet wide on either side of the haul road and is approximately 5.7 acres.
3. Field 2 as depicted in Attachment A, located at Parcel ID 570-122550-00, is 3,891 feet in length and 30 feet wide on either side of the haul road and is approximately 5.4 acres.
4. KBCO’s Request indicates that KBCO is seeking this authorization to facilitate fulfillment of Columbus Limestone’s obligation to establish vegetative cover on the Property under Ohio Surface Mine Permit IM-185 (“Permit IM-185”), which requires all areas of the Property affected by surface mining activity be reclaimed to the standards identified in ORC Chapter 1514. Permit IM-185 is attached hereto as Attachment B.
5. ORC Section 3734.01(E) defines “solid wastes” in pertinent part to mean “...such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations[.]”
6. ORC Section 3734.01(F) defines “disposal” in pertinent part to mean “...the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes... into or on any land or ground or surface water or into the air[.]”
7. ORC Section 3734.01(N) defines “facility,” in pertinent part, to mean “any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes[.]”
8. The permanent placement of compost overs at the Property constitutes the disposal of solid waste at a facility pursuant to ORC Chapter 3734 and the rules promulgated thereunder.
9. ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2) and OAC Chapters 3745-27 and 3745-37 require that a permit and license be obtained prior to the establishment or modification and operation of a solid waste facility.

10. The permanent placement of up to 4,500 dry tons of compost overs at the Property constitutes the establishment or modification and operation of a solid waste facility prior to which a permit and license must be obtained.
11. OAC Rule 3745-27-05(A) specifies the methods of solid waste disposal that are authorized in Ohio, including sanitary landfilling, incineration, and composting. In addition, OAC Rule 3745-27-05(A)(4) states that solid wastes may be disposed as engineered fill or by land application, provided the Director determines that such alternative methods will not create a nuisance, are unlikely to adversely affect the public health or safety or the environment, and are capable of complying with other applicable laws.
12. The proposed disposal method, which is the permanent placement up to 4,500 dry tons of compost overs at the Property, is a method of disposal other than sanitary landfilling, incineration, or composting and, therefore, requires authorization from the Director pursuant to OAC Rule 3745-27-05(A)(4).
13. OAC Rule 3745-27-05(A)(4) sets forth the requirements for an alternative disposal method request. KBCO's Request included all of the required information.
14. The Director has determined that the disposal of solid waste in compliance with these Orders will not create a nuisance, is unlikely to adversely affect the public health or safety or the environment, and will not prevent compliance with other applicable laws provided it is performed in accordance with these Orders.
15. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
16. Pursuant to ORC Section 3734.57(A), the owner or operator of a solid waste disposal facility must collect and remit to the state a disposal fee for solid waste disposed at the facility.
17. The permanent placement of compost overs at the Property constitutes the disposal of solid waste at a facility pursuant to ORC Chapter 3734 and the rules promulgated thereunder, and does not fall within the exceptions in ORC 3734.57(D); therefore, absent an exemption the state solid waste disposal fee is applicable to the disposal of compost overs at the Property.
18. The Director has determined that, for the permanent placement of not more than 4,500 dry tons of compost overs at the Property, granting KBCO an exemption from the requirements of ORC Chapter 3734 and OAC Chapters 3745-27 and

3745-37 to obtain a permit and a license to establish or modify and operate a solid waste facility and to collect and remit the state solid waste disposal fee is unlikely to adversely affect the public health or safety or the environment, provided that KBCO performs the activities in accordance with these Orders.

## **V. ORDERS**

1. For compost overs that are disposed at the Property in accordance these Orders prior to the completion of reclamation in accordance with Permit IM-185, KBCO is hereby exempted from the requirements to collect and remit the state solid waste disposal fee set forth in ORC Section 3734.57(A) and from the requirements to obtain a permit and license before establishing a solid waste facility set forth in ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2) and OAC Chapters 3745-27 and 3745-37. These Orders do not relieve KBCO from the obligation to collect or remit any other solid waste disposal fee.

### **Disposal Requirements**

2. KBCO may dispose of compost overs at the Property only in accordance with all of the following:
  - a. The total volume of compost overs disposed at the Property shall not exceed 4,500 dry tons;
  - b. Compost overs shall not be disposed within 300 feet of occupied buildings, unless a reduction in this distance is approved, in writing, by the landowner and, if applicable, the resident of the occupied building;
  - c. Compost overs shall not be disposed within:
    - i. 300 feet of wells and surface waters used for drinking water or watering livestock; or
    - ii. 100 feet of wells and surface waters used for drinking water or watering livestock if the entire 100 feet is comprised of a grass buffer between the overs and the wells and surface waters;
  - d. Compost overs shall not be disposed within 33 feet of surface waters of the state as defined in ORC Section 6111.01(H) that are not referenced in Order 2.c;
  - e. Compost overs shall not be disposed during precipitation events;
  - f. Compost overs shall not be disposed onto frozen or snow-covered ground;
  - g. Disposal of compost overs shall not exceed a total of 400 dry tons per acre; and

- h. Compost overs shall be tilled into the soil to a minimum depth of six inches not later than 48 hours after being brought to the Property.
3. KBCO shall immediately cease disposal of compost overs on the Property pursuant to these Orders if a discharge to waters of the state is detected. KBCO may resume disposal of compost overs on the Property pursuant to these Orders only upon receipt of written notification from Ohio EPA.
4. KBCO shall establish vegetation at the Property where compost overs are disposed in a manner that is consistent with Permit IM-185 and the standards identified in ORC Chapter 1514.
5. KBCO may dispose of compost overs pursuant to these Orders only within the boundaries of the Property, as depicted in Attachment A.
6. KBCO shall notify Ohio EPA's Beneficial Use Unit at least 24 hours before the first disposal of compost overs on the Property.
7. To the extent that any provision of these Orders conflicts with a provision in KBCO's Request, or in any attachment to KBCO's Request, KBCO shall comply with these Orders and these Orders shall supersede any inconsistent provision in KBCO's Request, in any attachment to KBCO's Request, or any document submitted pursuant to these Orders.
8. KBCO shall obtain and comply with all authorizations required by ORC Chapter 3704 and shall dispose of the compost overs at the Property in such a manner that:
  - a. noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard; and
  - b. attraction, breeding, and emergence of insects, birds, rodents, and other vectors are controlled so as not to cause a nuisance or a health hazard.
9. KBCO shall obtain and comply with all authorizations required by ORC Chapter 6111, including but not limited to a National Pollutant Discharge Elimination System (NPDES) permit for the control of storm water and the discharge of wastewater, and shall dispose of the compost overs at the Property in such manner as to control storm water run-on and run-off and protect waters of the state as defined in ORC Section 6111.01. KBCO shall report any unauthorized discharge to waters of the state to Ohio EPA (Call 1-800-282-9378) within 24 hours of discovery.
10. KBCO shall ensure that the disposal of the compost overs does not create a nuisance or adversely affect the public health or safety or the environment.



11. The Director reserves the right to revoke this Order at any time for any lawful reason. Immediately upon the effective date of any such revocation, KBCO shall cease disposing the compost overs at the Property.
12. KBCO shall not store compost overs at the Property.
13. KBCO shall annually sample the compost overs intended for disposal at the Property and analyze those samples in accordance with this Order. If there is a substantial change in the generation process or the raw materials used to create the compost overs, KBCO shall collect additional representative samples of the compost overs and analyze them in accordance with this Order. For the purposes of these Orders, a substantial change in the raw materials is a change that may result in higher concentrations of the constituents in Table 1 or constituents added pursuant to Order Number 15. When collecting and analyzing samples pursuant to these Orders KBCO shall implement the following requirements:
  - a. The samples collected shall be representative of the compost overs to be disposed at the Property;
  - b. KBCO shall have the sample(s) analyzed for percent foreign material;
  - c. KBCO shall have the sample(s) analyzed for the constituents listed in Table 1 and constituents added pursuant to Order Number 15;
  - d. The reported detection limit for the analysis shall be below the limit specified for each constituent in Table 1 or set for constituents added pursuant to Order Number 15; and
  - e. KBCO shall employ analytical methods that generate reliable constituent results in units consistent with the units in Table 1 and the units of the limits set in accordance with Order Number 14.
14. KBCO shall not dispose at the Property any compost overs that exceed any constituent limit specified in Table 1 or set for constituents added pursuant to Order Number 15.

**Table 1: Constituent Concentration Limits**

<b>Constituents <sup>1,2</sup></b>	<b>Totals Analysis<sup>3</sup> Constituent Concentration Limits (mg/kg)*</b>
Arsenic (As)	41
Boron (Bo)	16,000

<sup>1</sup> As, Cd, Cu, Pb, Hg, Mo, Ni, Se, Zn: US EPA 40 CFR Part 503 Pollutant Concentrations.

<sup>2</sup>Bo: US EPA Regional Screening Levels, Residential Soil.

<sup>3</sup> EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846).



Cadmium (Cd)	39
Copper (Cu)	1,500
Lead (Pb)	300
Mercury (Hg)	17
Molybdenum (Mo)	75
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2,800

\* - dry weight basis

15. Ohio EPA reserves the right to add constituents to Table 1 and set limits for those newly added constituents as it deems necessary to protect public health or safety or the environment, without modifying these Orders, by providing 30-days written notice to KBCO.
16. KBCO shall maintain a daily activity log that, for each day compost overs are brought to the Property or are placed at the Property pursuant to these Orders, includes all of the following information:
  - a. The date;
  - b. The amount of compost overs brought on to the Property that day, in dry tons;
  - c. The amount of compost overs placed on the Property that day, in dry tons;
  - d. The locations where compost overs were placed and areas where compost overs were tilled that day, each depicted using GPS coordinates or illustrations on a topographic map; and
  - e. Actions taken to comply with the setbacks and other requirements set forth in Order Number 2.
17. The Director, or the Director's authorized representative(s), may enter upon the Property and any of the properties where compost overs are generated or disposed, at any reasonable time, for the following purposes:
  - a. To inspect and copy records that must be kept under the terms and conditions these Orders.
  - b. To collect samples; perform monitoring; take photographs; perform measurements, surveys, and other tests; and inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required pursuant to these Orders.

- c. For all other purposes for which the Director or an authorized representative of Ohio EPA has rights of access or inspection authority under applicable law.
- 18. This authorization shall expire five years after its effective date unless revoked by Ohio EPA or otherwise superseded through enactment or promulgation of laws or rules.

### **Recordkeeping and Reporting Requirements**

- 19. KBCO shall maintain all of the following records and reports for a minimum of 5 years after the disposal of compost overs pursuant to these Orders, and shall make them available to Ohio EPA upon request:
  - a. Daily activity log records required pursuant to Order Number 16;
  - b. All laboratory reports of all sampling results and analyses;
  - c. All other records and reports required by these Orders.
- 20. Not later than April 1st of each calendar year, KBCO shall submit to Ohio EPA an Annual Report for the previous calendar year that includes, at a minimum, the following:
  - a. Total amount, in dry tons, of compost overs disposed at the Property in the previous calendar year.
  - b. An estimate, in dry tons, of the amount of compost overs expected to be disposed at the Property the following calendar year;
  - c. Analytical results for all analyses performed the previous calendar year; and
  - d. A notarized statement from KBCO that, to the best of the knowledge of KBCO, the information contained in the Annual Report is true and accurate.
- 21. Unless otherwise directed by Ohio EPA in writing, KBCO shall submit the annual report via the Division of Materials and Waste Management's virtual dropbox:  
[https://fileshare.epa.ohio.gov/filedrop/co\\_dmwm\\_submittals](https://fileshare.epa.ohio.gov/filedrop/co_dmwm_submittals)

### **VI. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to KBCO.

## **VII. RESERVATION OF RIGHTS**

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary for noncompliance with these Orders, including seeking penalties against KBCO for noncompliance with these Orders.

Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release KBCO from responsibility under ORC Chapters 3704, 3734, or 6111; under the Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

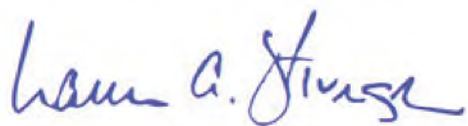
Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require KBCO to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of KBCO to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of KBCO.

## **VIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

### **IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**



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Laurie A. Stevenson, Director

## Attachment A



**Figure 1:** The yellow lines depict Field 1 and Field 2 (collectively the “Property”) located at 3300 Jackson Pike, in Grove City, Ohio.





**Figure 2: The black outline depicts a detailed view of Field 1 which runs approximately 4,152 feet in length and 30 feet wide on either side of the haul road.**



**Figure 3: The black outline depicts a detailed view of Field 2 which runs approximately 3,891 feet in length and 30 feet wide on either side of the haul road.**





## SURFACE MINE RENEWAL PERMIT

THORNVILLE OFFICE  
MAY 23 2007

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-185.

**Issued To:** COLUMBUS LIMESTONE INC  
PO Box 266  
Thornville, OH 43076

**Permit Number:** IM-185

**Application Number:** IMR-0185-3

**Acreage:** 995.90

**Effective:** 10/12/2006

**Expires:** 10/11/2021

**Telephone:** (740) 246-1154

**Type of Operation:** Surface

**Mineral Types:** Gravel, Sand, Limestone

## LOCATION OF PERMIT AREA

NAME OF LANDOWNERS	T	R	SECTION	LOTS	TOWNSHIP	COUNTY
Columbus Limestone, Inc.			20, VMS: 4312			FRANKLIN
			17, VMS: 426			FRANKLIN
			16, VMS: 424			FRANKLIN

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:** David M. Crow for Scott Kelly, Chief **Date:** 05/17/2007  
Chief, Mineral Resources Management

OPERATOR



Ohio Department of Natural Resources  
Division of Mineral Resources Management  
**Surface Mining Permit Application**  
(To be completed in Triplicate)

FOR DIVISION USE ONLY

Date Received 10-2-06  
Application No. IMR-0185-3  
District West  
Permit No. IM-185

**APPLICANT Information**

1. Name of Applicant: COLUMBUS LIMESTONE, INC.

Mailing Address: P. O. BOX 266

City: THORNVILLE State: OHIO Zip Code: 43076

Business Telephone: 740.246.1154 Fax Number: 740.246.3154 Email: swilson@shellyco.com

**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:

Name: DANIEL J. MONTGOMERY

Title: PRESIDENT

Address: 80 PARK DRIVE

City: THORNVILLE State: OHIO Zip: 43076

Name: DOUGLAS RADABAUGH

Title: CFO

Address: 80 PARK DRIVE

City: THORNVILLE State: OHIO Zip: 43076

Name: JOHN J. POWERS

Title: VICE PRESIDENT

Address: 80 PARK DRIVE

City: THORNVILLE State: OHIO Zip: 43076

Name:

Title:

Address:

City: State: Zip:

If additional persons are to be shown, please list on a separate sheet

This application is hereby Approved by the Chief, Division of Mineral Resources Management

Date: MAY 17, 2007

Signed: Daniel M. Crow for Scott Kell, Chief  
Chief, Division of Mineral Resources Management

**OPERATOR**

4. List below any additional persons duly authorized to sign for the applicant with regard to administrative paperwork required by the Division of Mineral Resources Management during the permitting process. (Consultants and others assisting the applicant)

SCOTT WILSON, PROPERTY MANAGER

RAYMOND J. BEACH, GEOLOGIST

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

Name: PAUL RICE, ATTORNEY

Telephone: 740.246.6315

Mailing Address: P. O. BOX 266

City: THORNVILLE

State: OHIO

Zip Code: 43076

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. For in-stream mining permits, please include any permits issued by the Corps of Engineers under Section 10 of the Rivers & Harbors Appropriation Act of 1899:

☐

If applicant holds no other mining or Section 10 Corps permits, check here.

Permit Number	County	Permit Number	County
IM-32	MEIGS	IM-208	UNION
IM-221	SCIOTO	IM-236	UNION
IM-250	MARION	IM-430	MERCER
IM-261	FRANKLIN	IM-264	MUSKINGUM
IM-443	HARDIN	IM-494	LOGAN
IM-293	COSHOCTOR	IM-297	MUSKINGUM
IM-574	LOGAN	IM-82	MEIGS
IM-317	MUSKINGUM	IM-358	CLARK
IM-156	STARK	IM-185	FRANKLIN
IM-616	CHAMPAIGN		& CITY OF COLUMBUS
IM-183	FRANKLIN	IM-217	LICKING
IM-848	FAIRFIELD	IM-1098	ROSS

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 mining permit, an in-stream 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 security deposit in lieu of bond? ATTACH a separate sheet providing details surrounding any suspension, revocation or bond forfeiture.

☐

YES

☒

NO

<b>Permit Number</b>	<b>County</b>	<b>Permit Number</b>	<b>County</b>
IM-1213	LICKING	IM-1315	WASHINGTON
IM-1326	MEIGS	IM-1331	FAIRFIELD
IM-262	DELAWARE		

## 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. Be sure to include owners for ALL areas that will either be mined or areas upon which premises, facilities, and equipment used in the process of removing minerals by surface mining are located. (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 or his/her agents. (Form IM-15))**

Surface Owners	T/R	Section/Lot VMS	Township	County	Municipal Corporation
NAME: COLUMBUS LIMESTONE, INC.		SEC: 16,17&20			
ADDRESS: P. O. BOX 266		LOT:	-----	FRANKLIN	COLUMBUS
CITY: THORNVILLE		VMS: 424 426 &4312			
STATE, ZIP: OHIO 43076					
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? If yes, describe how and when you intend to reestablish such monuments.**

☐

YES

☒

X

NO



# Lease/Deed Affidavit

Applicant/Operator COLUMBUS LIMESTONE, INC.

Pursuant to 1514.02, OR.C., I/(we) Dan Montgomery - President  
as authorized representative(s) of COLUMBUS LIMESTONE, INC. attest  
(company)  
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	CITY	VMS	SECTION	T-, R-	ACRES
FRANKLIN	COLUMBUS	424, 426 & 4312	16, 17 & 20	T-4N, R-22W	1133.80

**Mineral Owners of Property:**

Name: COLUMBUS LIMESTONE, INC.  
Address: P. O. BOX 266  
THORNVILLE, OHIO 43076

**Surface Owners of Property:**

Name: COLUMBUS LIMESTONE, INC.  
Address: P. O. BOX 266  
THORNVILLE, OHIO 43076

**Minerals to be Mined:****Further Description of Property:** NONE**Mining Rights Authorized by Virtue of-**

Lease ☐ Dated \_\_\_\_\_ for a period of \_\_\_\_\_ years beginning \_\_\_\_\_  
and ending \_\_\_\_\_ Is lease assignable? \_\_\_\_\_ yes \_\_\_\_\_ no  
Deed ☒ Dated 5/29/2002  
Other ☐ Describe: \_\_\_\_\_



**WESLEY S. WILSON**  
Notary Public, State of Ohio  
My Commission Expires: May 10, 2009

Sworn to before me &amp; subscribed in my presence this

15th day of September 2006Wesley S. Wilson  
Notary Public

Dan Montgomery  
Signature of Affiant

PRESIDENT  
Title

Date

## PERMIT & GEOLOGIC INFORMATION

10. 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 Short Tons)	Estimated Total Production
LIMESTONE	2,000,000	30,000,000
SAND & GRAVEL	1,000,000	15,000,000

11. Section 1514.02(A)(9) requires an applicant to provide a report of the result of test borings that the operator has conducted on the proposed permit area. Provide test boring and geological data on FORM IM-2, 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.* SEE HYDROLOGIC INVESTIGATION PREPARED BY BURGESS & NIPLE IN SEPTEMBER OF 2005 & CROSS-SECTIONS A-A', B-B', C-C' & D-D' THEREIN.

YES NO

12. Are there any underground or deep mines within or under any of the proposed permit areas?

	X
--	---

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)*

NA

13. Provide estimates for first year acres to be affected as well as the TOTAL number of acres you anticipate affecting as a result of this surface mining operation.

Total acres included in the permit application area.	1133.80
Total number of separate and distinct mining areas in the proposed permit area. (mining areas <i>MUST</i> be identified by name or number and shown on the application map)	1
TOTAL acres proposed to be affected during the FIRST YEAR of operation.	NA (30TH YR.)
TOTAL acres estimated to be affected during life of the mine?	1133.80

## LAND USE/ZONING/PUBLIC NOTICE REQUIREMENTS

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? If yes, include the required copy of the applicable sections of the zoning ordinance in effect for the permit area.

	NO	YES	If yes, indicate date & year such plan was adopted
County Zoning Plan			
Township Zoning Plan			
Municipal Zoning Plan		X	1959

15. If there is a zoning resolution or ordinance that will affect the proposed surface mining permit area, explain in detail HOW you intend to comply with any applicable provisions. Also identify the respective governmental unit/agency that is responsible for administering the zoning resolution or ordinance, including a phone number:

ANY AND ALL ZONING RULES AND REGULATIONS WILL BE STRICTLY FOLLOWED. THE DEPARTMENT OF DEVELOPMENT, DIVISION OF ZONING, CITY OF COLUMBUS IS THE GOVERNMENTAL AGENCY IN CHARGE OF ADMINISTERING THE ZONING RESOLUTION/ORDINANCE. CONTACT PHONE #(614)645-7314.



<u>Public Notice Requirements</u>	if "YES" the following public notice requirements apply:	if "NO", the following public notice requirements apply:
1) Does the plan of zoning allow mining at the location where the proposed operation is located? YES	<i>No further public notice is required. Applicants MUST provide a copy of the respective ordinance allowing mining.</i> NA	<i>Proceed to question #2 below.</i> NA
2) Are/were you required to obtain a variance or conditional use certificate? Was public notice and comment provided as part of the zoning variance process Win 365 days of application? YES & NO	<i>No further public notice is required. However, you MUST provide verification that such notice took place.</i> NA	<i>Attach a document listing the name and address of the newspaper and provide the text of the advertisement you are required to have published in a newspaper of general circulation in the proposed permit area. See IM-40</i> NA

16. If no zoning resolution or ordinance will affect the proposed surface mining permit area, attach a draft copy of the advertisement (Form IM-40) that you will publish once a week for a period of four weeks after the application is deemed administratively complete by the Division. List the name and address of the newspaper where the advertisement will be published. (*Advertisement must be published in a newspaper with the widest general circulation in the locality of the proposed surface mining permit area*).

NA

17. Provide, as an attachment to this application, a notarized, sworn statement, signed by the applicant that, during the term of any permit issued under this chapter or of any renewal of such a permit, that the applicant will comply with all applicable zoning resolutions or ordinances that are in effect at the time the application is filed unless the resolutions or ordinances subsequently become invalid during the term of the permit or renewal.

SEE "SWORN ZONING STATEMENT" INCLUDED HEREIN.

18. Provide, as an attachment to this application, a statement (by the applicant), certifying that the applicant has communicated with the county engineer in which the proposed surface mining operation will be located regarding any streets and roads under the county engineer's jurisdiction that will be used by vehicles entering or leaving the proposed surface mining operation. This statement should identify when the required communication occurred. If your communication was in the form of a letter, include a copy of the correspondence.

SEE "SWORN PUBLIC ROAD STATEMENT" INCLUDED HEREIN.

I, DANIEL J. MONTGOMERY, PRESIDENT

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

"RENEWAL SURFACE MINING PERMIT #IM-185".

*Daniel J. Montgomery*  
Signature of Affiant

PRESIDENT

Title

9-15-06  
Date

SWORN TO BEFORE ME AND SUBSCRIBED

IN MY PRESENCE THIS 15th DAY OF

September 2006

*Wesley S. Wilson*  
Notary Public



**WESLEY S. WILSON**  
Notary Public, State of Ohio  
My Commission Expires: May 10, 2009

1, DANIEL J. MONTGOMERY, 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 MINING PERMIT #IM-<sup>185</sup>~~192~~" THAT WILL BE USED BY  
OUR VEHICLES ENTERING & LEAVING OUR MINING SITE; AND ALL RULES & REGULATIONS  
IN EFFECT WILL BE COMPLIED WITH COMPLETELY.

Daniel J. Montgomery  
Signature

PRESIDENT

Title

9-15-06  
Date

SWORN TO BEFORE ME AND SUBSCRIBED IN MY  
PRESENCE THIS 15<sup>th</sup> DAY OF

September

2006

Wesley S. Wilson  
Notary Public



**WESLEY S. WILSON**  
Notary Public, State of Ohio  
My Commission Expires: May 10, 2008

## WATERWAY INFORMATION:

Chapter 1514 of the Ohio Revised Code restricts mineral excavation and all other mining activities along designated wild, scenic & recreational rivers and all other streams with drainage areas of more than 25 square miles. Restrictions are as follow:

Designated wild, scenic & recreational rivers	No EXCAVATION Win 120' of high water mark
	No MINING ACTIVITIES Win 75' of high water mark
Rivers with total drainage >100 sq miles	No EXCAVATION Win 75' of high water mark
	No MINING ACTIVITIES Win 75' of high water mark
Rivers with drainage between 25 & 100 sq miles	No EXCAVATION Win 50' of high water mark
	No MINING ACTIVITIES Win 50' of high water mark

19. Is the proposed mining operation adjacent to or near a river or stream?

YES: X NO        *If YES, provide the following information:*

a. Name of Waterway: SCIOTO RIVER

b. Proximity of the waterway to your final proposed permit boundary: 75 (feet)

c. Describe all activities associated with your proposed operations that will be occurring nearest to the waterway (river or stream):

MINING & RECLAMATION

d. Describe all measures that will be taken to prevent mining related erosion and/or introduction of sediment from the mine site into the adjacent waterway?

ALL WATERS OCCURRING WITHIN OR ENTERING THE PERMIT AREA WILL BE CONTAINED ON SITE, THEN DIRECTED TO SEDIMENT POND(S) WHERE THE WATERS WILL BE ALLOWED TO SETTLE BEFORE DISCHARGING OFF SITE. ALL BERMS OR TOPSOIL STORAGE AREAS WILL BE CONSTRUCTED AND PLACED WITH SLOPES OF 3:1 OR LESS (AND SEEDED WITH FAST GROWING ANNUAL GRAINS/GRASSES) SO THAT EROSION, SEDIMENTATION AND CONTAMINATION WILL BE CONTROLLED.

## MINING PLAN INFORMATION

20. Indicate the proposed mining method that will be used:

**METHOD OF MINING:** Identify all methods of mining that will be employed in each mining area. Dry equates to mining above existing water level ... wet equates to mining below existing water levels. *Check all that apply to each mining area.*

Mine Area		Open Pit			Quarry			OTHER	
#1	DRY		WET		DRY	X	WET	X	
to Area 546	DRY		WET		DRY		WET		

21. For each mining area, describe the sequence of mining in detail. Include information on topsoil removal and storage, as required in 1514.02(A)(10)(1) and the typical sequence of events that will be undertaken to extract minerals.

ESSENTIALLY ALL OF THE PERMIT AREA HAS ALREADY BEEN "AFFECTED" BY MINING WITH ALL OF THE TOP AND SUBSOIL ALREADY REMOVED AND STORED IN THE FORM OF BERMS ALONG THE PERIMETER OF THE PERMIT. MINING HAS BEEN GOING ON FOR SEVERAL YEARS ON THIS PERMIT AND IT CONSISTS OF PUMPING AND DISCHARGING WATER FROM THE PIT IN ORDER TO UNCOVER THE LIMESTONE, THEN BLASTING THE ROCK, PROCESSING SAME AND MARKETING IT. DEEP MINING OF THE ROCK HAS BEGUN AND WILL CONTINUE IN THE FUTURE.

22. Identify and describe the equipment that will be used during the proposed mining activity. Be specific and include an additional sheet if more space is needed:

### EQUIPMENT TO BE USED

EQUIPMENT	Make & Model	CAPACITY	
Dragline		Max Depth	
Power Shovel		Yards <sup>3</sup>	
Bulldozer	PLEASE SEE ATTACHED SHEET		
Front End Loader		Yards <sup>3</sup>	
Dredge: Type		Max Depth	
		Tons/Hr	
Pump Size		Gallons/Min	
Other:			

*List and describe on an additional sheet any other equipment that will be routinely used during the course of mining.*

# IM-185 COLUMBUS LIMESTONE EQUIPMENT LIST

Equipment	Quantity	Make & Model	Capacity
Loader	1	Komatsu WA700	12yd
	1	Cat 988F	9yd
	3	Cat 980H	7yd
	1	Komatsu WA600	9yd
	1	Cat 992G	15yd
	2	Komatsu WA500	7yd
	1	Komatsu WA180	3yd
	1	Cat 775	70 ton
Rock Truck	5	Komatsu 605	70 ton
Rock Breaker	1	Haitachi EX400	N/A



22. Identify and describe the equipment that will be used during the proposed mining activity. Be specific and include an additional sheet if more space is needed:

### EQUIPMENT TO BE USED

EQUIPMENT	Make & Model	CAPACITY	
Dragline		Max Depth	
Power Shovel			
Bulldozer			
Front End Loader			
Dredge: Type		Max Depth	
		Tons/Hr	
Pump Size		Gallons/Min	
Other:			

List and describe on an additional sheet any other equipment that will be routinely used during the course of mining.

23. 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	X	SEDIMENT POND(S) ARE NOW IN USE ON THIS OPERATION FOR PREVENTION OF SEDIMENTATION UPON DISCHARGE OF WATER FROM THE PIT OFF SITE.
Diversions	X	DIVERSION DITCHES WILL BE INSTALLED WHERE DETERMINED IN ORDER TO PREVENT SLIDES, FLOODING, EROSION AND SEDIMENTATION.
Vegetative Cover	X	ANNUAL RYE/WHEAT WILL BE USED FOR TEMPORARY SEEDINGS OF TOP & SUBSOIL PILES AND GRADED AREAS.
Dikes	NONE	
Other	NONE	

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

X	Berm Construction
X	Warning Signs
X	Screen Plantings
X	Guardrails

X	Fencing
X	Traffic Control
X	Blast Warning Signals & Signs & "Blasting Area" Signs
NONE	Other:

Other (describe): NONE

25. Will explosives be used to facilitate the mining and reclamation process? YES X NO        if yes, respond to all of the items listed below.

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

X	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.
X	Overburden blasts in rock materials above the production blasts, with design criteria similar to the production blasts described above.
X	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.
X	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 delay periods between holes.
	Other: Describe below.

**b. Place an "X" on 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.**

☒

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 Us Burea 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 8-millisecond period) will comply with the scaled distance equation,  $W=(D90)^2$  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

☐

In applying the USBM limits to the nearest dwelling or building, the lower plateau for (plaster-on-lath) at 0.50 inches per second tips) 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 a waiver, in the form of a written consent, 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.

**c. 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 b, above, such as oil/gas wells, oil/gas transmission and distribution lines, high-voltage steel transmission towers, public water lings, dams, silos, and unoccupied barns and pole buildings (outside the permit area, and not owned by the applicant or proposed operator.**

☒

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,  $W=(D40)^2$  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 "X" 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 "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.

- d. 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.)*

NONE

## RECLAMATION PLAN & SCHEDULE

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29. Include as an attachment to your permit application, typical cross sections of existing and final landforms for each mining area and identify each mining area by name or number. If you have any other significant dissimilar final land configurations, include cross sections for them as well.

SEE THE HYDROGEOLOGIC INVESTIGATION PREPARED BY BURGESS & NIPLE IN SEPTEMBER OF 2005 FOR THE COLUMBUS LIMESTONE QUARRY AND CROSS-SECTIONS A-A', B-B', C-C' & D-D' THEREIN.

30. For each mining area, specifically identify the future intended land use and fully describe the sequence of steps, mining through the reclamation, 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.

RESIDENTIAL LAKE SIDE DEVELOPMENT, LIGHT INDUSTRIAL OR COMMERCIAL IS THE PROPOSED FUTURE INTENDED USE. AS STATED IN ITEM 21 ABOVE, THE TOP & SUBSOIL HAS ALREADY BEEN REMOVED & STORED IN THE FORM OF BERMS ALONG THE PERIMETER OF THE PERMIT. THIS MATERIAL WILL BE USED FOR RECLAMATION WHICH INCLUDES GRADING AND SEEDING ON ALL AREAS ABOVE THE HIGHWALLS. ALSO, OVERBURDEN WILL BE GRADED AT 3:1 RATIO DOWN TO TOP OF ROCK. THE HIGHWALLS WILL BE LEFT. ONCE MINING IS COMPLETE, A PRIVATE PERMANENT WATER IMPOUNDMENT WILL BE CONSTRUCTED/LEFT.

31. All land areas included in the permit affected by surface mining activity must be reclaimed to the standards identified in Section 1514 of the Revised Code. Identify and describe the anticipated time frame between the completion of mining in the permit area and the completion of all grading and planting. Also describe the time frame between the completion of grading, resoiling, planting and the establishment of the permanent vegetative cover on the permit area.

GRADING WILL BEGIN DURING MINING IF POSSIBLE OR IMMEDIATELY UPON COMPLETION OF MINING IN AN AREA. RESOILING WILL BE DONE AS SOON AS POSSIBLE AFTER GRADING IF WEATHER PERMITS. PLANTING WILL BE DONE IMMEDIATELY AFTER RESOILING UNLESS WEATHER PROHIBITS. THE ESTIMATED TIME FRAME FOR THE FOREGOING IS NINE (9) TO TWELVE (12) MONTHS.

ESTABLISHMENT OF PERMANENT VEGETATIVE COVER ON ANY MINING AREA WILL BE COMPLETED WITHIN TWO (2) YEARS AFTER THE COMPLETION OF GRADING AND PLANTING.

**32. Will permanent impoundments be left following mining and reclamation? YES X 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	682'	682'	
Estimated Surface Area	60 ACRES	54 ACRES	
Estimated Average Depth	35'	35'	
Estimated Maximum Depth	70'	70'	
Is the Impoundment Designed to Discharge'	NO	NO	
Primary Water Source Ground or Surface Water	GROUNDWATER	GROUNDWATER	

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

SURFACE WATER RESULTING FROM MINING WHICH CONTAINS SUBSTANCES IN AMOUNTS OR CONCENTRATIONS THAT ARE HARMFUL TO PERSONS, AQUATIC LIFE, ETC., WILL BE PREVENTED FROM FLOWING INTO THE IMPOUNDMENTS. FREQUENT INSPECTIONS OF ON-SITE EQUIPMENT OR FUEL TANKS WILL BE MADE SO THAT LEAKS OR ACCIDENTAL SPILLS WILL BE PREVENTED.

' For EACH impoundment designed to discharge water into a stream or other drainage area, the applicant MUST complete form **IM-21 Discharge Data Sheet for Permanent Impoundments**. 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.



34. 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? What measures will be taken to provide for safe and adequate egress from the impoundment?

LOCKED GATES WILL BE MAINTAINED AT ALL ENTRANCES TO THE AREA. "DANGER/NO TRESPASSING" SIGNS WILL BE POSTED AT FREQUENT INTERVALS COMPLETELY AROUND THE PROPOSED IMPOUNDMENTS. PLANTINGS AND FENCING WILL BE INSTALLED WHERE DETERMINED NECESSARY. THE EXISTING HAUL ROAD(S) WILL BE MAINTAINED TO PROVIDE EGRESS FROM THE IMPOUNDMENTS.....AND INGRESS.

35. Will HIGHWALLS be included in the final landform? YES   X   NO

If YES, applicants must provide the following information:

- a. Present Maximum Height of highwall (in feet):   150'
- b. Estimated proposed height of final highwall (in feet):   370'
- c. 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?

0-10 FEET

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

IT IS ANTICIPATED THAT NO HIGHWALLS WILL BE EXPOSED ONCE MINING IS COMPLETED AND PUMPING IS CEASED. HOWEVER, IF HIGHWALLS ARE EXPOSED, SPLIT SHOTS WILL BE DONE TO STABILIZE THE FINAL HIGHWALLS AND THE LOOSE ROCK WILL BE REMOVED FROM THE FACES OF SAME.

- e. 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?

EARTHEN BARRIERS WILL BE CONSTRUCTED ABOVE THE FINAL HIGHWALLS AND PLANTED WITH BRIARS AND LOCUST TREES, AND FENCING WILL BE INSTALLED WHERE DETERMINED NECESSARY TO PROVIDE FOR THE PUBLIC'S SAFETY AND FOR RESTRICTION OF ACCESS TO THE HIGHWALLS AS APPROACHED FROM ABOVE. THE EXISTING HAUL ROAD INTO THE PIT WILL BE MAINTAINED IN ORDER TO PROVIDE EGRESS FROM THE PIT.



**RESOILING/REPLANTING PLAN:**

36. What material(s) will be used for resoiling the permanent seedbed upon completion of mining?

Check All That Will Be Used	Material	Average Depth on Permit Area	Depth to be Redistributed for Reclamation
X	TOPSOIL	ONE (1) FOOT	COMBINATION OF SIX (6) INCHES TOP & SUBSOIL.
X	SUBSOIL	TWO (2) FEET	COMBINATION OF SIX (6) INCHES TOP & SUBSOIL.
NA	SUBSTITUTE* <i>Specify below</i>	NA	NA

- a. \*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)*

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

38. Describe the plan for removal, storage and redistribution of topsoil in the mining or access area. Be specific.

AS STATED IN ITEM 21 ABOVE, ESSENTIALLY ALL OF THE TOP AND SUBSOIL HAS ALREADY BEEN REMOVED AND STORED IN THE FORM OF BERMS ALONG THE PERIMETER OF THE PERMIT. REDISTRIBUTION OF THE SOILS WILL BE ACCOMPLISHED WITH THE PROPER MACHINERY TO THE REQUIRED SIX (6) INCH THICKNESS.

**39. Describe how the seedbed will be prepared, planted and protected from such things as flooding, etc. Include equipment and materials such as mulch that will be used for moisture retention and erosion control methods, etc.**

THE SOILS WILL BE DISCED OR HARROWED IF NECESSARY. LIME AND FERTILIZER WILL BE ADDED IN AMOUNTS AS DETERMINED BY SOIL TESTS. DIVERSION DITCHES/MULCHING WILL BE INSTALLED/APPLIED IF NECESSARY FOR EROSION CONTROL AND MOISTURE RETENTION PURPOSES. THE PREPARED SOILS WILL BE HYDROSEEDDED.

**40. 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**

<b>GRASSES (specify species)</b>	<b>Pounds Per Acre to be Planted</b>
PERENNIAL RYE	5 #/AC.
KENTUCKY 31 FESCUE	45 #/AC.
<b>LEGUMES (list species)</b>	<b>Pounds Per Acre to be Planted</b>
BIRDSFOOT TREFOIL	10 #/AC.
SWEET CLOVER	10 #/AC.
<b>NURSE CROPS (fast-growing species to establish quick cover)</b>	<b>Pounds Per Acre to be Planted</b>
ANNUAL RYE/WHEAT	10 #/AC.
<b>TREES (list species)</b>	<b>Seedlings Per Acre to be Planted</b>
BLACK LOCUST	6' X 6' SPACING ON BERMS ABOVE HIGHWALL(S)

- 41. Describe any other plantings that are planned for area affected by the surface mining operation. For example, will agricultural crops or wildflowers be planted on the permit area? If yes, specify the species or crop to be planted and the acreage that will be planted.**

NONE

## *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. (Note: Signature below is required and must be an individual listed in the response to Question 3. of this application.)**

Signed on this 15<sup>th</sup> day of April, 2007

Signed: Daniel J. Montgomery, JR.

Printed Name and Title DANIEL J. MONTGOMERY, PRESIDENT

**Submit three copies of the surface mining permit application with at least one containing all necessary original signatures to:**

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

***Applications forwarded directly by the applicant to the DMRM District Office(s) will result in a delay in the review and processing of the application.***



DIVISION OF RECLAMATION

## GEOLOGICAL DATA REPORT

(Confidential Information, submit only one copy)

Application No. 185  
 Permit No. IMR-185-3

A geological data report shall be submitted on a separate form for each mining area. For those operations located in coal bearing regions, each stratum with the exception of topsoil, subsoil, limestone, and strata to be produced, shall be designated as either acid producing (A) or non-acid producing (N). Designate each mineral or coal stratum to be produced with the capital letter "P".

Mining Area No. 1

Test Hole No. C-1-64

Surface Elevation 690 feet

Strata	Thickness (feet)	PK	P	N	A
TOP + SUBSOIL	11	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SAND + GRAVEL	68	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
COLUMBUS LS.	45	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
COLUMBUS DOL.	21	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RAISIN RIVER FOR.	14 +	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Test Hole No. C-4-67

Surface Elevation 691 feet

Strata	Thickness (feet)	PK	P	N	A
TOP + SUBSOIL	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SAND + GRAVEL	13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CLAY	17	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SAND + GRAVEL	26	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
COLUMBUS LS.	48	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
COLUMBUS DOL.	22	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RAISIN RIVER FOR.	5+	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

This report is true and correct to the best of my knowledge.

#185

**OPERATOR**

Information Source

- ☒ drill log  
☐ exposed face

Applicant AMERICAN AGGREGATES CORP.  
 Signature [Signature]  
 Title Geologist  
 Date 6-17-76

**CONFIDENTIAL**

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

COLUMBUS LIMESTONE INC.  
80 PARK DRIVE  
PO BOX 266  
THORNVILLE, OH 43076

NAME AND  
ADDRESS  
OF INSURED

**Liberty Mutual.**

is, at the issue date of this certificate, insured by the Company under the policy(ies) listed below. The insurance afforded by the listed policy(ies) is subject to all their terms, exclusions and Conditions and is not altered by any requirement, term or condition of any contract or other document with respect to which this certificate may be issued.

TYPE OF POLICY	EXP DATE <input type="checkbox"/> CONTINUOUS <input type="checkbox"/> EXTENDED <input checked="" type="checkbox"/> POLICY TERM	POLICY NUMBER	LIMIT OF LIABILITY								
WORKERS COMPENSATION	9/1/2007	WA7-C8D-004095-026 WC7-C85-004095-016	<div>COVERAGE AFFORDED UNDER WC LAW OF THE FOLLOWING STATES: ALL STATES EXCLUDING MONOPOLISTICS STATES and NY</div> <div>OR, WI</div> <div> <table border="1"> <tr> <th colspan="2">EMPLOYERS LIABILITY</th> </tr> <tr> <td>Bodily Injury by Accident</td> <td>\$1,000,000 Each Accident</td> </tr> <tr> <td>Bodily Injury By Disease</td> <td>\$1,000,000 Policy Limit</td> </tr> <tr> <td>Bodily Injury By Disease</td> <td>\$1,000,000 Each Person</td> </tr> </table> </div>	EMPLOYERS LIABILITY		Bodily Injury by Accident	\$1,000,000 Each Accident	Bodily Injury By Disease	\$1,000,000 Policy Limit	Bodily Injury By Disease	\$1,000,000 Each Person
EMPLOYERS LIABILITY											
Bodily Injury by Accident	\$1,000,000 Each Accident										
Bodily Injury By Disease	\$1,000,000 Policy Limit										
Bodily Injury By Disease	\$1,000,000 Each Person										
GENERAL LIABILITY <input checked="" type="checkbox"/> OCCURRENCE <input type="checkbox"/> CLAIMS MADE	9/1/2007  <div>RETRO DATE</div>	TB2-C85-004095-116	General Aggregate—Other than Products / Completed Operations \$2,000,000 Products / Completed Operations Aggregate \$2,000,000 Bodily Injury and Property Damage Liability \$2,000,000 Per Occurrence Personal Injury Included* Per Person / Organization Other Included in BI/PD Liability Other FIRE DAMAGE \$100,000; PER PROJECT AGGREGATE \$2,000,000 Each Accident—Single Limit B.I. And P.D. Combined Each Person Each Accident or Occurrence Each Accident or Occurrence								
AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> OWNED <input checked="" type="checkbox"/> NON-OWNED <input checked="" type="checkbox"/> HIRED	9/1/2007	AS2-C85-004095-126	\$2,000,000 Each Person Each Accident or Occurrence Each Accident or Occurrence								
OTHER	09/01/07	EW7-68N-004095-346 SIR 250,000 EXCESS WC STATUTORY EL\$750,000 PER OCC	Auto: Comp Ded \$10,000 / Coll Ded \$10,000								
EXCESS WORKERS' COMPENSATION & EMPLOYERS' LIABILITY ADDITIONAL COMMENTS PROJECT: ANY & ALL											

\* If the certificate expiration date is continuous or extended term, you will be notified if coverage is terminated or reduced before the certificate expiration date.

**SPECIAL NOTICE-ORIG: ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD.**

**IMPORTANT NOTICE TO FLORIDA POLICYHOLDERS AND CERTIFICATE HOLDERS:** IN THE EVENT YOU HAVE ANY QUESTIONS OR NEED INFORMATION ABOUT THIS CERTIFICATE FOR ANY REASON, PLEASE CONTACT YOUR LOCAL SALES PRODUCER WHOSE NAME AND TELEPHONE NUMBER APPEARS IN THE LOWER RIGHT HAND CORNER OF THIS CERTIFICATE. THE APPROPRIATE LOCAL SALES OFFICE MAILING ADDRESS MAY ALSO BE OBTAINED BY CALLING THIS NUMBER.

NOTICE OF CANCELLATION: (NOT APPLICABLE UNLESS A NUMBER OF DAYS IS ENTERED BELOW.)  
BEFORE THE STATED EXPIRATION DATE THE COMPANY WILL NOT CANCEL OR REDUCE THE  
INSURANCE AFFORDED UNDER THE ABOVE POLICIES UNTIL AT LEAST 30 DAYS NOTICE  
OF SUCH CANCELLATION HAS BEEN MAILED TO:

**Liberty Mutual  
Insurance Group**

**Certificate  
Holder**

DIV OF MINERAL RESOURCES MGT  
2045 MORSE ROAD BLDG H2  
COLUMBUS, OH 43229-6605

*Q. Balantis*

Judith Balazentis

Pittsburgh / 0387			AUTHORIZED REPRESENTATIVE	
12 Federal Street, Ste. 310				
Pittsburgh	PA 15212-5706	412-231-1331	9/1/06	
OFFICE		PHONE	DATE ISSUED	

This certificate is executed by LIBERTY MUTUAL INSURANCE GROUP as respects such insurance as is afforded by those Companies

NM 772



## SURFACE MINE PERMIT MODIFICATION

THORNVILLE OFFICE  
OCT 27 2006

Under the authority of Chapter 1514 of the Revised Code, the Chief of the Division of Mineral Resources Management hereby orders and grants a modification to Ohio Surface Mine Permit IM-185.

**Issued To:** COLUMBUS LIMESTONE INC  
PO Box 266  
Thornville, OH 43076

**Permit Number:** IM-185  
**Application Number:** IMM-0185-3

**Telephone:** (740) 246-6315

**Effective:** 10/23/2006  
**Expires:** 10/11/2006

**Reason for Modification:**  
Mine at a deeper elevation

### Conditions

The issuance of this modification 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 modification 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:** M. G. Spade, Jr. **Date:** 10/23/2006  
Chief, Mineral Resources Management

OPERATOR



RECEIVED

NOV 16 2005

RECEIVED

Department of Natural Resources  
Division of Mineral Resources Management  
1855 Fountain Square, Building H-3  
Columbus, Ohio 43224-1383

DIVISION

MINERAL

RESOURCES

OCT 11 2005

REQUEST TO MODIFY A MINING AND RECLAMATION PLAN  
DIVISION OF MINERAL  
RESOURCES MANAGEMENT

1. Operator's Name COLUMBUS LIMESTONE, INC. Phone (740) 246-6315
2. Address P. O. BOX 266  
City THORNVILLE State OHIO Zip Code 43076
3. Permit No. IM-185
4. Section of plan and mining year for which modification is requested:  
1.) FORM IM-1, PAGE 8, ITEM (22) (b), MAXIMUM DEPTH OF IMPOUNDMENTS.  
2.) FORM IM-1, PAGE 9, ITEM (23) (b), ESTIMATED HEIGHT OF FINAL HIGHWALL.
5. Description of proposed modification:  
1.) MINING TO PROCEED TO A MAXIMUM DEPTH ELEVATION OF 310' ABOVE MEAN SEA LEVEL OR A MAXIMUM DEPTH OF APPROXIMATELY 372'. (USING 682' ESTIMATED ELEVATION OF HIGH WATER MARK FOR THE IMPOUNDMENTS).  
2.) FINAL APPROXIMATE MAXIMUM HIGHWALL HEIGHT WILL BE 315'.
6. Reason for requesting modification:  
1.) MARKETABLE LIMESTONE AND DOLOMITE AVAILABLE TO A DEPTH ELEVATION OF 310' ABOVE MEAN SEA LEVEL.  
2.) (SAME AS NO. 1 ABOVE).

Signature Ted Lannon (RLB) Title VICE-PRESIDENT Date 9/29/05

FOR DIVISION USE ONLY

This request is hereby Approved

Signed: Michael L. Spradley  
Chief, Division of Mineral Resources Management

Date October 23, 2006

OPERATOR

## GROUNDWATER PROTECTION:

26. Do acid-forming strata exist within the proposed permit area?

Yes

☐

No

X

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

<b>ACID FORMING STRATA:</b> <b>List in detail any and all potentially acid forming strata found on the proposed permit area</b>	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

27. As required in 1514.02(A)(10)(h), describe the specific measures that you will employ to prevent contamination of surface and/or groundwater supplies. Include details about procedures that will be implemented to prevent accidental spills and/or discharge of fuels and/or other potential contaminants on the ground or in surface waters.

IT IS ANTICIPATED THAT NO CONTAMINANTS WILL BE ENCOUNTERED, INTERCEPTED OR INTRODUCED DURING THIS MINING & RECLAMATION PROJECT. PREVENTION OF CONTAMINATION & PROCEDURES TO PREVENT ACCIDENTAL SPILLS &/OR DISCHARGE OF FUELS &/OR OTHER POTENTIAL CONTAMINANTS OF THE SURFACE &/OR GROUNDWATER SUPPLIES WILL BE ACCOMPLISHED BY FREQUENT INSPECTIONS OF THE ON-SITE EQUIPMENT & FUEL STORAGE TANKS. SHOULD AN ACCIDENTAL SPILL OR DISCHARGE OF FUEL OCCUR, IMMEDIATE REMEDIAL PROCEDURES WILL BEGIN PER OHIO STATE & FEDERAL E.P.A. RECOMMENDATIONS & REGULATIONS.



## GROUNDWATER MODELING INFORMATION

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28. Will you be pumping and discharging groundwater to facilitate mining? If YES, 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.

YES:   x        NO:           

***Applicants proposing to dewater MUST include a hydrology attachment that includes ALL of the following required information:*** GROUND WATER MODEL SUBMITTED.

A complete inventory of all groundwater resources surrounding your proposed operation to a distance of four miles.

WELL LOGS for ALL identified water wells to a distance of four miles from the proposed mining operation. *Variances from this requirement will be made in instances where the number of wells is excessively high.*

Surface elevation for EACH identified well to a distance of four miles from the proposed mining operation.

A 7 1/2 minute topographic map identifying and showing the location of ALL wells for which WELL LOGS have been provided.

Proposed dewatering/pumping rates (in gallons/day) of your proposed operation.

Final bottom elevation of the proposed sump in your operation.

***In addition to the above listed REQUIRED information, the following recommended (though not mandatory) information will help to expedite our consideration of your application:***

Aquifer pump test data characterizing the aquifers, lithology, transmissivity, storativity and drawdown response. *(This data is available for pumping and observation wells maintained by the ODNR-Division of Water).*

Geologic maps and cross-sections describing hydrostratigraphic units for the potable aquifers and thickness out to a distance of four miles from the proposed mining area.

**OHIO DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF MINERAL RESOURCES MANAGEMENT**  
2045 Morse Road, Bldg. H-3  
Columbus, OH 43229-6693

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**REQUEST TO DELETE ACREAGE FROM A PERMIT**

1. Operator's Name Shelly Materials, Inc.

Phone 740.246.6315

2. Address 80 Park Dr.-P.O. Box 266

City Thornville

State OH

Zip Code 43076

3. Permit IM-185

4. Attach a copy of a map, prepared pursuant to Section 1514.02 (D) and rules adopted pursuant thereto, showing the change of acreage regarding this modification.

5. Section of plan and mining year for which modification is requested:

Question 13: Acreage information

- The requested change to occur in mining year 30

6. Description of proposed modification:

- Deleting acreage from permit

Current permit acreage 1,082.1

Acreage to be deleted 86.2

New permit acreage 995.9

7. Reason for requesting modification:

**Delete areas within 75' setback for streams draining >100 sq miles).**

Signature

*John P. ...*

Title

*President*

Date

05-08-07

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**FOR DIVISION USE ONLY**

This request is hereby ☐ approved ☐ disapproved.

Date \_\_\_\_\_ Signed \_\_\_\_\_

Chief, Division of Mineral Resources Management