



3/30/2026

Ohio Basic Minerals Scioto Plant
Attn: C/O Christopher Jones
41 South High St.
Columbus, Ohio 43215

RE: Director's Final Findings & Orders
 NPDES
 Pike County
 01J00053

Ms. Ables:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

A handwritten signature in black ink that reads "Tyler Liston".

Tyler Liston, Manager
Permits Processing
Division of Surface Water

Enclosure

ec:

L. Reeder, DSW
R. DeMuth, DSW
J. Moseley, DSW
D. Turner, DSW
B. Fischbein, Legal
J. Witte, SEDO, DSW
Journal Room
File

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

| | | |
|-------------------------|---|----------------------------------|
| Ohio Basic Minerals LLC | : | <u>Director's Final Findings</u> |
| 1058 Ricubaugh Rd. | : | <u>and Orders</u> |
| Beaver, Ohio 45648, | : | |

Respondent.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ohio Basic Minerals LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent, or the ownership or operation of the Sites (as defined herein), shall in any way alter Respondent'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 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent owned and operated a sand mining operation know as the Scioto Plant, located at 1058 Ricubaugh Road, Beaver, Ohio in Pike County, Ohio ("the Scioto Plant Site").

2. Respondents held a National Pollutant Discharge Elimination System ("NPDES") permit number OIJ00053*CD that was issued on May 13, 2016, authorizing the Scioto Plant Site to discharge from its sediment control pond to and storm water from industrial activity to an unnamed tributary to Carrs Run. The unnamed tributary and Carrs Run are considered "waters of the state" as defined by ORC Section 6111.01. The permit expired on May 31, 2021 and has not been renewed.
3. The Scioto Plant sand mine is currently closed and unreclaimed.
4. In the Biological and Water Quality Study of the Lower Scioto River and Selected Tributaries, 2011, the Scioto Plant Site has been a continuing documented source of Total Suspended Solids ("TSS") and a contributor of sediment load to Carrs Run due to the unreclaimed and exposed sand. Impairment of Carrs Run was the result of heavy sedimentation and sand bedload from the Scioto Plant Site.
5. The Scioto Plant Site is also regulated by the Ohio Division of Natural Resources as a nonmetallic mineral mine. ODNR held a mining bond of \$17,900 for the Scioto Plant Site, which has been forfeited to ODNR's Division of Mineral Resources Management on May 6, 2025 which will be used for future reclamation purposes at the Scioto Plant Site.
6. On December 28, 2018, Ohio EPA issued a Notice of Violation letter ("NOV") to Respondent, citing Respondent's failure to submit Discharge Monitoring Reports ("DMRs") for April 2017 through October 2018 as required by the NPDES permit.
7. On May 13, 2019 and May 29, 2019, Ohio EPA issued a second NOV to Respondent for failing to submit the aforementioned DMRs.
8. Pursuant to ORC 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.
9. Pursuant to ORC 6111.07(A), no person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.
10. Pursuant to ORC § 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.

11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of R.C. Chapter 6111.

V. ORDERS

1. Within sixty (60) days from the effective date of these Orders, Respondent shall commence stabilization activities as the Scioto Plant Site in accordance with the terms and conditions set forth in Attachment A to these Orders titled "Scope of Work, Stabilization Design and Implementation, Former Scioto Mine 1058 Ricubaugh Road, Beaver, Ohio 45648" dated February 13, 2026, and which is hereby incorporated by reference as if set forth in full to these Orders.
2. Respondent shall complete all erosion control and stabilization activities set forth in Attachment A no later than six (6) months from the effective date of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the Sites.

VIII. 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 Respondents.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

Unless otherwise specified, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency,
Southeast District Office
2195 Front St. W.
Logan, Ohio 43138
Division of Surface Water
Attn: Enforcement Supervisor

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, through the date of these Orders, Respondent consents to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent

shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency**

E-SIGNED by John Logue
on 2026-03-30 17:06:13 GMT

John Logue
Director

Date

**IT IS SO AGREED:
Ohio Basic Minerals LLC**



By

03/16/2026

Date

Steven H. Rosen
Printed or Typed Name

Manager

Title

Scope of Work
Stabilization Design and Implementation
Former Scioto Mine
1058 Ricubaugh Road
Beaver, Ohio, 45648
February 13, 2026

OBJECTIVE

August Mack Environmental, Inc. (August Mack), on behalf of Ohio Basic Minerals (OBM), is proposing erosion control and stabilization activities at the Former Scioto Mine in Beaver, OH (Site). This design and implementation will be completed for the former surface aggregate mine to help control erosion and sediment discharge into the local Hay Hollow Reservoir. Additional information regarding the proposed design and implementation is provided below.

SCOPE OF WORK

Due to observed sediment erosion in Remediation Area L-5 (**Attachment A**) and discharge into Hay Hollow Reservoir, a simplified erosion control/stabilization design will be developed for L-5. The design will be submitted to the Ohio Environmental Protection Agency (EPA) Division of Surface Water (DSW) for review and approval prior to implementation. Based on discussions with Ohio EPA DSW during a November 12, 2025 Site walk, the simplified design will include the following activities:

- Although this plan is not intended to be an engineered specification design document, August Mack will utilize a Professional Engineer certified in the State of Ohio to ensure conformance with standard erosion control practices and/or stabilization techniques.
- Conduct a professional topographic survey of portions of Remediation Area L-5.
- Using information gathered during the topographic survey, August Mack will develop a simplified erosion control/stabilization measures design. The preliminary elements of the design and Site photographs are presented in **Attachment A**. The design is anticipated to include:
 - Utilizing available aggregate imported from area L-3 for:
 - Grading/leveling and drainage swale construction in the southern portion of L-5.
 - Filling an identified low spot on the haul road near L-5 to mitigate sediment erosion.

- Culvert construction to minimize further sediment erosion and to direct surface water to the natural discharge channel identified at area L-5.
- Post-construction observation scheduled following a rain event.

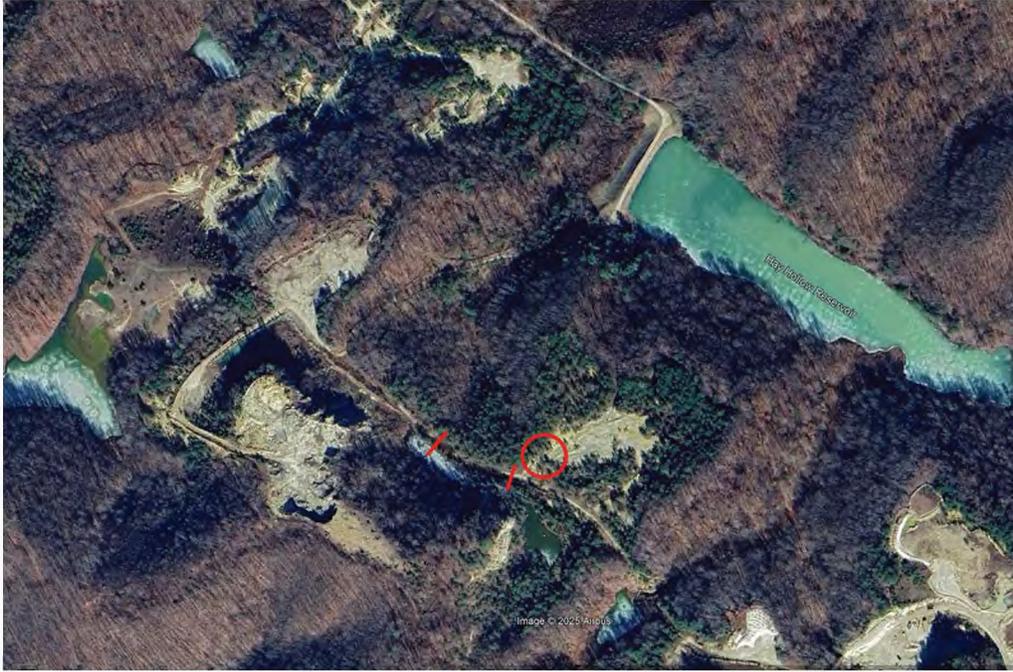
At this juncture, August Mack is seeking Ohio EPA concurrence to begin initial implementation of the overall scope for the OBM Site. Following completion of the professional survey, August Mack will finalize the specific plan, including detailed construction plans and drawings of erosion control/stabilization measures and culverting.

Following Ohio EPA concurrence, August Mack will proceed with construction and implementation of erosion control/stabilization measures. The construction schedule will depend upon favorable ground and weather conditions (e.g., no active precipitation or snow cover present). Ohio EPA DSW will be notified in advance of the anticipated schedule for construction activities. August Mack will provide a written summary report following the completion of all construction and implementation activities.

ATTACHMENT A

Photo Log with Preliminary Design

Areas for Erosion Control and Stabilization



Example areas between red lines, to be filled/graded with aggregate imported from L-3.





L-5 Area :

Looking into L-5 from the haul road. Grading/filling is anticipated in this area will to stabilize the surface and mitigate erosion.



Further into L-5 from Haul Road. Drainage turns toward bluff near pine tree/bush in midpoint of photo. The area for proposed culvert construction is represented by the blue line on photo, which is an area of active erosion.



Discharge Channel in L-5 over bluff to Reservoir. This area will be regraded and connected to the culvert.



Within L-5 looking back towards drainage channel and haul road. Anticipated grading and stabilization measures will take place in the background portion of this photo.



Attachment A

